

## SIXTY SEVENTH LEGISLATURE - REGULAR SESSION

## FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 8, 2022

The House was called to order at 10:00 a.m. by the Speaker (Representative Bronoske presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance.

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 eighth order of business.

**MOTION**

There being no objection, the Committee on Rules was relieved of the following bill and the bill was placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5651

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

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

March 4, 2022

Mme. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, with the following amendment(s):

On page 2, line 22, after "and" strike "at least"

On page 2, line 26, after "and" strike "at least"

On page 2, line 31, after "and" strike "at least"

On page 2, line 35, after "and" strike "at least"

On page 4, line 6, after "(1)" strike "~~(Every)~~ At least every" and insert "Every"

On page 6, at the beginning of line 1, strike "~~(Every)~~ At least every" and insert "Every"

On page 7, line 10, after "(1)" strike "~~(Every)~~ At least every" and insert "Every"

On page 4, beginning on line 10, after "must" strike all material through "publication" on line 13 and insert "submit a report"

On page 6, beginning on line 3, after "must" strike all material through "publication" on line 5 and insert "report"

On page 7, beginning on line 14, after "must" strike all material through "publication" on line 16 and insert "submit a report"

and the same are herewith transmitted.

Sarah Bannister, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to and asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

March 4, 2022

Mme. SPEAKER:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1736, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** (1) The legislature finds that college students continue to borrow in order to fund their higher education, despite an increase in access to state financial aid. In Washington state, estimates for the number of borrowers carrying student loan debt are around 800,000 with an average balance around \$33,500, resulting in a total outstanding balance of \$29,400,000,000. Student loan debt outpaces other sources of consumer debt, such as credit card and vehicle debt.

While research shows that earning a postsecondary credential positively impacts a person's earning potential, high student loan debt erodes much of this benefit.

(2) The legislature recognizes that people with student loan debt are less likely to get married and start a family, establish small businesses, and buy homes. High student loan debt negatively impacts a person's credit score and their debt-to-income ratio, which impacts their ability to qualify for a mortgage. However, student loan debt does not impact all borrowers the same.

(3) Student loan borrowers who struggle the most are typically lower income, first generation, and students of color. Data from the national center for education statistics of a 12-year longitudinal study based on students who began their education in the 2003-04 academic year found the following for students who defaulted: Almost 90 percent had received a Pell grant at one point; 70 percent were first generation college students; 40 percent were in the bottom quarter of income distribution; and 30 percent were African American.

(4) The legislature recognizes though that student loans are beneficial for students who have no other way to pay for college or have expenses beyond tuition and fees. Student loans can open up postsecondary education opportunities for many and help boost the state's economy by increasing the number of qualified graduates to fulfill workforce shortages. However, the legislature finds that high interest rates that accumulate while the student is in college negatively impact the student's ability to prosper financially and contribute to the state's economy after graduation. The legislature also recognizes that there is very little financial aid available to assist students pursuing graduate studies, despite the state's high demand for qualified professionals in fields with workforce shortages such as behavioral health, nursing, software development, teaching, and more. Therefore, the legislature intends to support students pursuing higher education by establishing a state student loan program that is more affordable than direct federal student loans and private loans. The legislature intends to offer student loans to state residents with financial need who are pursuing undergraduate and

high-demand graduate studies at a subsidized, one percent interest rate. The legislature intends for the Washington state student loan program to align with the Washington college grant program, recognizing that student loans are secondary forms of financial aid that often cover expenses beyond tuition.

**NEW SECTION. Sec. 2.** (1) The Washington student achievement council, in consultation with the office of the state treasurer and the state investment board shall design a student loan program to assist students who need additional financial support to obtain postsecondary education.

(2) At a minimum, the program design must make recommendations about the following features for a state student loan program and implementation plan:

(a) A low interest rate that is below current federal subsidized student loan interest rates, with one option being a one percent interest rate;

(b) The distribution of loans between graduate students and undergraduate students;

(c) The terms of the loans, including:

(i) Loan limits;

(ii) Grace periods; and

(iii) Minimum postsecondary enrollment standards;

(d) The terms and administration of a repayment program, including:

(i) Repayment options such as standard loan repayment contracts and the length of the repayment contracts;

(ii) Income-based repayment plans; and

(iii) Terms of loan forgiveness;

(e) The types and characteristics of borrowers permitted to participate in the program including family income, degree and credential types, and other borrower characteristics. The program must prioritize low-income borrowers; and

(f) The design and administration of an appeals process.

(3) In the design of the program, the office may recommend contracting with one or more state-based financial institutions regulated by either chapter 31.12 or 30A.04 RCW to provide loan origination and may contract with a third-party entity to provide loan

servicing for the program. A third-party entity providing loan servicing shall comply with all of the requirements for student education loan servicers under chapter 31.04 RCW.

(4) The student achievement council, in consultation with the office of the treasurer and the state investment board shall include an analysis on the sustainability of the program design.

(5) The student achievement council shall provide a report on the design and implementation plan for the state student loan program to the governor and the higher education committees of the legislature by December 1, 2022, in accordance with RCW 43.01.036.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act constitute a new chapter in Title 28B RCW."

On page 1, at the beginning of line 2 of the title, strike the remainder of the title and insert "and adding a new chapter to Title 28B RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1876 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the people have reserved for themselves the power to enact or reject legislation through the initiative and referendum process, as provided in Article II, section 1 of the state Constitution. The legislature finds that when exercising this right, the people are entitled to know the fiscal impact that their vote will have on public investments at the time they cast their ballots. The legislature further finds that when a ballot measure

will affect funding for public investments, a neutral, nonprejudicial disclosure of the public investments affected will provide greater transparency and necessary information for voters.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.72 RCW to read as follows:

(1) The attorney general must prepare a public investment impact disclosure for any ballot measure that:

(a) Repeals, levies, or modifies any tax or fee, including changing the scope or application of an existing tax or fee; and

(b) Has a fiscal impact statement, as provided by RCW 29A.72.025, that shows that adoption of the measure would cause a net change in state revenue.

(2) The public investment impact disclosure must include a description of the investments that will be affected if the measure is adopted. The description must be sufficiently broad to reflect the subject of the investments that will be impacted by the change in revenue that will result from adoption of the measure, but also sufficiently precise to give notice of the subject matter of the investments that will be impacted by the change in revenue that will result from adoption of the measure. The description may not exceed 10 words, unless the fiscal impact is primarily to the state general fund, in which case the description must list the top three categories of state services funded by the general fund in the current state budget and may not exceed 15 words. The attorney general may consult with the office of financial management or any other state or local agencies as necessary to procure accurate information to draft the description.

(3) The format of the public investment impact disclosure, as it appears on the ballot, is:

"This measure would (increase or decrease) funding for (description of services)."

(4) In drafting the public investment impact disclosure, the attorney general must use neutral language that cannot reasonably be expected to create prejudice for or against the measure.

(5) The attorney general must file the public investment impact disclosure with

the secretary of state no later than July 31st.

(6) The secretary of state must certify the public investment impact disclosure and timely transmit it to each county auditor for its inclusion on the ballot.

(7) Public investment impact disclosures are considered part of the ballot title under this chapter and are subject to the legal requirements for ballot titles.

**Sec. 3.** RCW 29A.72.050 and 2003 c 111 s 1806 are each amended to read as follows:

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure.

(2) If a public investment impact disclosure is required under section 2 of this act, the disclosure must appear in the middle of the ballot title, after the concise description and before the question. The disclosure is not, however, considered part of the ballot title and is not subject to any of the legal requirements for ballot titles under this chapter.

(3) For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). (Public investment impact disclosure, if applicable). Should this measure be enacted into law?

Yes

No

~~((4))~~ (4) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . .B concern (statement of subject).

Initiative Measure No. . . . would (concise description). (Public investment impact disclosure, if applicable).

As an alternative, the legislature has proposed Initiative Measure No. . . .B, which would (concise description). (Public investment impact disclosure, if applicable).

1. Should either of these measures be enacted into law?

Yes

No

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No.

or

Measure No.

~~((4))~~ (5) For a referendum bill submitted to the people by the legislature, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature has passed . . . . Bill No. . . . concerning (statement of subject). This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

Approved

Rejected

~~((5))~~ (6) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature passed . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient

referendum petition on this bill. This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

Approved

Rejected

~~((6))~~ (7) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

**Sec. 4.** RCW 29A.72.290 and 2013 c 11 s 76 are each amended to read as follows:

The county auditor of each county shall print on the official ballots for the election at which initiative and referendum measures and measures for an advisory vote of the people are to be submitted to the people for their approval or rejection, the serial numbers ~~((and))~~, ballot titles, and public investment impact disclosures certified by the secretary of state and the serial numbers and short descriptions of measures for an advisory vote of the people. They must appear under separate headings in the order of the serial numbers as follows:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature;
- (5) Initiatives to the legislature and legislative alternatives;
- (6) Advisory votes;
- (7) Proposed constitutional amendments.

**Sec. 5.** RCW 29A.72.025 and 2009 c 415 s 7 are each amended to read as follows:

The office of financial management, in consultation with the secretary of state, the attorney general, and any other appropriate state or local agency, shall prepare a fiscal impact statement for each of the following state ballot measures: (1) An initiative to the people that is certified to the ballot; (2) an initiative to the legislature that will appear on the ballot; (3) an alternative measure appearing on the ballot that the legislature proposes to an initiative to the legislature; (4) a referendum bill referred to voters by the legislature; and (5) a referendum measure appearing on the ballot. Fiscal impact statements must be written in clear and concise language, avoid legal and technical terms when possible, and be filed with the secretary of state no later than ~~((the tenth day of August))~~ July 31st. Fiscal impact statements may include easily understood graphics.

A fiscal impact statement must describe any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments will experience if the ballot measure were approved by state voters. Where appropriate, a fiscal impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. A fiscal impact statement must include both a summary of not to exceed one hundred words and a more detailed statement that includes the assumptions that were made to develop the fiscal impacts.

Fiscal impact statements must be available online from the secretary of state's website and included in the state voters' pamphlet. Additional information may be posted on the website of the office of financial management."

On page 1, line 4 of the title, after "revenue;" strike the remainder of the title and insert "amending RCW 29A.72.050, 29A.72.290, and 29A.72.025; adding a new section to chapter 29A.72 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate Amendment to SUBSTITUTE HOUSE BILL NO. 1876 and asked the Senate for a conference thereon. The Speaker (Representative Bronoske presiding) appointed Representatives Gregerson, Valdez and Volz as conferees.

#### MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION.     **Sec. 1.**     (1) The legislature finds that:

(a) It is the policy of the state to welcome and encourage the presence of diverse cultures and the use of diverse languages and modalities of communication in business, government, and private affairs in this state. To this end, the state has developed interpreter credentialing programs for court, medical, and social service settings.

(b) According to a report from the United States department of education, 50 years of research has shown that family engagement has beneficial impacts on student grades, test scores, drop-out rates, students' sense of competence, and beliefs about the importance of education. In Washington, many students' family members have language access barriers because they prefer to communicate in a language other than English or require communication assistance services. Washington public schools' ability to effectively communicate with students and their family members who have language access barriers plays a vital role in reducing educational opportunity gaps. Failure to provide language access hinders communication between schools and families, which leads to long-term economic costs when a substantial fraction of the students in Washington are not able to realize their full potential.

(c) Effective two way communication between school staff and student's families in educational settings outside the classroom is not taking place for a variety of reasons, including: (i) Some

school districts do not consistently assess the language needs of their communities or consistently evaluate the effectiveness of their language access services; (ii) resources, including time and money, are often not prioritized to engage families with language access barriers; and even when language access is a priority, some districts do not know the best practices for engaging families with language access barriers; (iii) school staff are often not trained on how to engage families with language access barriers, how to engage and use interpreters in educational settings outside the classroom, or when to provide translated documents; and (iv) there are not enough interpreters qualified to work in educational settings outside the classroom.

(d) Providing meaningful, equitable language access to students and their family members who have language access barriers is not only a civil right, but will help students meet the state's basic education goals under RCW 28A.150.210 resulting in a decrease in the educational opportunity gap between learners with language access barriers and other students, because student outcomes improve when families are engaged in their student's education.

(2) Therefore, the legislature intends to require public schools to implement a language access plan and program for culturally responsive, systemic family engagement developed through meaningful stakeholder engagement. The legislature intends to provide training, tools, and other technical assistance to public schools to support the development, implementation, and evaluation of their language access plans and programs. In addition, the legislature intends to direct the development and implementation of credentialing for spoken and sign language interpreters for students' families in educational settings outside the classroom, with the goal of creating a professional interpreter workforce guided by a code of ethics and standards of practice. Finally, the legislature intends to establish an ongoing advisory committee to guide, monitor, and report on the implementation of these new policies.

NEW SECTION.     **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Interpreter" means a spoken language or sign language interpreter working in a public school, as defined in RCW 28A.150.010, to interpret for students' families, students, and communities in educational settings outside the classroom.

(2) "Qualified interpreter" means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively using any necessary specialized vocabulary until the office of the superintendent of public instruction and the Washington professional educator standards board establish a different definition in rule making.

(3) "2020 and 2021 reports of the language access work group" means the reports of the language access work group created by section 2, chapter 256, Laws of 2019, and reconvened and expanded by section 501(3)(g), chapter 334, Laws of 2021.

NEW SECTION. **Sec. 3.** The principles of an effective language access program for culturally responsive, systemic family engagement are as follows:

(1) Accessibility and equity. Schools provide access to all; two-way communication is a priority and is woven into the design of all programs and services;

(2) Accountability and transparency. The language access program and decision-making processes at all levels are: Open, accessible, and useable to families; proactive, not reactive; continuously improved based on ongoing feedback from families and staff; and regulated by a clear and just complaint process;

(3) Responsive culture. Schools are safe, compassionate places where each family's opinions are heard, needs are met, and contributions are valued. School staff are humble and empathetic towards families; and

(4) Focus on relationships. Schools seek to relate to families on an individual level, building trust through respectful relationships that recognize the unique strengths that each family and student possesses.

NEW SECTION. **Sec. 4.** (1) The center for the improvement of student learning established in RCW 28A.300.130 must implement a language access technical

assistance program for culturally responsive, systemic family engagement that meets the requirements of this section.

(2) Subject to the availability of amounts appropriated for this specific purpose, the language access technical assistance program must:

(a) Adhere to the principles of an effective language access program for culturally responsive, systemic family engagement established in section 3 of this act;

(b) Provide training and technical assistance to support the implementation of language access programs for culturally responsive, systemic family engagement required under sections 5 and 8 of this act;

(c) Develop and maintain training modules for interpreters on interpreting for students' families and students in educational settings outside the classroom;

(d) Develop, periodically update, and publish a language access toolkit that includes the following resources:

(i) A self-assessment for evaluating the provision of language access services;

(ii) A guide for the development, implementation, and evaluation of a language access policy, procedures, and plan that meets the specific needs of families and the community;

(iii) Best practices for using interpreter services provided by dual role staff and contract interpreters, for using remote interpretation, and for translating documents;

(iv) Language access service evaluation templates for spoken and sign languages;

(v) Information for students' families about their language access rights, translated into English, Spanish, and at least the next nine languages most commonly used by students and their families; and

(vi) Sample job description of school district language access coordinators and building points of contact for language access services;

(e) Develop, periodically update, and publish bilingual glossaries of education terminology;

(f) Analyze and publish language access and language access service information submitted as required under section 6 of this act. In addition to disaggregation by the student race and ethnicity categories and subcategories described in RCW 28A.300.042 (1) and (3), the published information must be disaggregated, to the extent possible, by language, school district and school, type of meeting, and other demographics or categories; and

(g) Provide staff support for the language access advisory committee established in section 10 of this act.

(3) The activities of and resources provided by the language access technical assistance program must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

**NEW SECTION. Sec. 5.** (1) Each school district must designate a language access liaison to facilitate district compliance with state and federal laws related to family engagement, including the requirements under this section and section 6 of this act. If a school district has a language access coordinator with duties as described in subsection (4)(c) of this section, the language access coordinator may also be the language access liaison.

(2) By October 1, 2022, each school district must adopt a language access policy and procedures that adheres to the principles of an effective language access program for culturally responsive, systemic family engagement established in section 3 of this act and incorporates the model policy and procedures described in section 9 of this act.

(3) Beginning with the 2023-24 school year, each school district must implement a language access program for culturally responsive, systemic family engagement. Implementation of a language access program requires that a school district, at a minimum, complete the following activities:

(a) Adopt a language access plan that outlines how the school district identifies language access needs, allocates resources, establishes standards for providing language access services, and monitors the effectiveness of the language access program;

(b) Administer the self-assessment for evaluating the provision of language access services, which is part of the toolkit described in section 4 of this act;

(c) Use the guide for the development, implementation, and evaluation of a language access policy, procedures, and plan, which is part of the toolkit described in section 4 of this act. The processes for developing and evaluating the language access policy, procedures, and plan must engage staff, students' families, and other community members in ways likely to result in timely and meaningful feedback, for example partnering with community based organizations and providing translation and interpretation in common languages understood by students' families;

(d) Review, periodically, the language access policy and procedures adopted as required under subsection (2) of this section to incorporate updates made to the model policy and procedures described in section 9 of this act;

(e) Collaborate with community-based organizations on how to work effectively with interpreters; and

(f) Review, update, and publish, at least annually, information about the school district's language access plan, policy and procedures, and language access services, including the need for, and spending on, language access services. The information must include notice to families about their right to free language access services and the contact information for any school district language access coordinator and any building points of contact for language access services. The information must be translated into common languages understood by students' families.

(4)(a) Except as required under (b) of this subsection, school districts are encouraged to have a language access coordinator with the duties described in (c) of this subsection.

(b) Beginning with the 2023-24 school year, school districts with at least 50 percent English learner enrollment or greater than 75 languages used by students or families must either: (i) Have a full-time language access coordinator with the duties described in (c) of this subsection; or (ii) annually report to the office of the superintendent of public instruction the



total number of hours school district staff spent performing the language access coordinator duties described in (c) of this subsection and other information as required by the office of the superintendent of public instruction.

(c) The duties of the school district language access coordinator are to: (i) Serve as the primary contact for families, community members, school district staff responsible for monitoring compliance with chapter 28A.642 RCW, the office of the superintendent of public instruction, and the office of the education ombuds on issues related to language access needs and language access services; (ii) collaborate with any building points of contact for language access services; (iii) receive training and technical assistance provided under section 4 of this act; and (iv) deliver language access training and support to school district staff.

(5) The requirements in this section do not apply to school districts with both fewer than 1,000 enrolled students and less than 10 percent English learner enrollment.

**NEW SECTION. Sec. 6.** (1) School districts must annually collect the following language access and language access service information for use by the school district:

(a) The language in which each student and student's family prefers to communicate;

(b) Whether a qualified interpreter for the student's family was requested for and provided at meetings reported in the longitudinal student data system established under RCW 28A.300.500; and

(c) Other data on provision of language access services.

(2) School districts must submit the information collected under subsection (1) of this section at the time and in the manner required by the office of the superintendent of public instruction.

(3) Beginning in the 2023-24 school year, school districts must provide an opportunity for participants in each interpreted meeting to provide feedback on the effectiveness of the interpretation and the provision of language access services.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.710 RCW to read as follows:

Sections 5 and 6 of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

**NEW SECTION. Sec. 8.** A new section is added to chapter 72.40 RCW to read as follows:

The center for deaf and hard of hearing youth and the state school for the blind must comply with the requirements in sections 5 and 6 of this act.

**NEW SECTION. Sec. 9.** (1) By August 1, 2022, and periodically thereafter, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction to update a model policy and procedures for implementing a language access program for culturally responsive, systemic family engagement.

(a) When updating the model policy and procedures, the Washington state school directors' association must perform a racial equity impact analysis that involves the community.

(b) The model policy and procedure must include procedures for the school district board of directors to annually review the spending on and the need for language access services.

(c) The model policy and procedure must address procedures for effective communication with students' families who are deaf, deaf and blind, blind, hard of hearing, or need other communication assistance.

(d) The elements of the model policy and procedures must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

(2) The office of the superintendent of public instruction and the Washington state school directors' association must maintain the model policy and procedures on each agency's website, at no cost to school districts.

**NEW SECTION. Sec. 10.** (1) The office of the superintendent of public instruction shall establish the language access advisory committee to guide and monitor the implementation of this act and to recommend changes to requirements, policies, and procedures related to

language access and language access services for students' families, students, and communities in educational settings outside the classroom.

(2) At a minimum, the advisory committee must guide, monitor, and make recommendations on the following topics:

(a) The effectiveness of language access policies, procedures, and programs;

(b) Family and community engagement, with a focus on multicultural families, families whose students have multiple barriers to student achievement, and families least engaged with their schools;

(c) The definition of "qualified interpreter";

(d) Supply of and demand for interpreters;

(e) Training for interpreters;

(f) Credentialing requirements for interpreters, including a code of professional conduct;

(g) Grants to cover nonstate controlled interpreter credentialing requirement costs;

(h) Language access and language access service data collection and analysis; and

(i) Evidence-based practices regarding language access, including best practice for using state and federal funding to provide language access services.

(3)(a) The members of the advisory committee must include representatives from spoken and sign language services users, community organizations that provide direct services to non-English speaking families, interpreters for students' families, interpreter preparation programs, advocacy organizations, schools, and school districts.

(b) Members of the advisory committee must be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Subject to available funding and as determined by the office of the superintendent of public instruction, members of the advisory committee who do not receive compensation from their employer or contractor for attendance, either in person or virtually, at a meeting of the advisory committee are eligible for a stipend.

(4) Staff support for the advisory committee must be provided by the language access technical assistance program described in section 4 of this act, except with respect to credentialing requirements for interpreters, for which staff support must also be provided by the Washington professional educator standards board.

(5) The advisory committee must collaborate with the Washington professional educator standards board, the Washington state office of equity established in RCW 43.06D.020, the educational opportunity gap oversight and accountability committee created in RCW 28A.300.136, and other office of the superintendent of public instruction committees that focus on ensuring equity in access to opportunities for all students.

(6) By November 1, 2024, and periodically thereafter, the advisory committee must submit, in compliance with RCW 43.01.036, a report on implementation of this chapter to the office of the superintendent of public instruction, the Washington professional educator standards board, the governor, and the appropriate committees of the legislature.

**NEW SECTION. Sec. 11.** (1) The office of the superintendent of public instruction and the Washington professional educator standards board shall collaborate to establish credentialing requirements for interpreters as described in this section.

(2) Prior to establishing new credentialing requirements for interpreters, the office of the superintendent of public instruction and the Washington professional educator standards board must consult with the language access advisory committee established in section 10 of this act.

(3) The credentialing requirements for interpreters must take into consideration the recommendations in the 2020 and 2021 reports of the language access work group.

(4) Credentialing requirements for interpreters, which must include minimum employment requirements, may be phased in as training and testing options become available and may be tiered based on the structure and significance of the interaction between school staff and the student's family.

(5) The office of the superintendent of public instruction and the Washington professional educator standards board must establish, and periodically update, a definition of "qualified interpreter" for purposes of this chapter and for other purposes.

(6) Once a code of professional conduct for interpreters is established, the superintendent of public instruction has the power to issue, suspend, and revoke interpreter credentials to which the code applies and to take other disciplinary actions against interpreters to which the code applies.

(7) Any activities provided by the office of the superintendent of public instruction or the professional educator standards board that are required to meet credentialing requirements, including training, testing, and applications, must be made available at no cost to people who want to be interpreters.

(8) The electronic educator certification process must be adapted to include interpreter credentials.

**NEW SECTION. Sec. 12.** The office of the superintendent of public instruction and the Washington professional educator standards board may adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter.

**NEW SECTION. Sec. 13.** RCW 28A.155.230 (Student language) and 2019 c 256 s 3 are each repealed.

**NEW SECTION. Sec. 14.** Sections 2 through 6 and 9 through 12 of this act constitute a new chapter in Title 28A RCW.

**NEW SECTION. Sec. 15.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 28A.710 RCW; adding a new section to chapter 72.40 RCW; adding a new chapter to Title 28A RCW; creating new sections; and repealing RCW 28A.155.230."

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. 1153 and advanced the bill, as amended by the Senate, to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1153, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1153, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Dye, Klippert, Kraft, McCaslin, McEntire, Orcutt, Schmick, Sutherland, Walsh and Young.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1153, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1389 with the following amendment:

On page 3, line 37, after "than" insert "two times"

and the same is herewith transmitted.

Sarah Bannister, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1389 and advanced the bill, as amended by the Senate, to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Corry and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1389, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1389, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

SUBSTITUTE HOUSE BILL NO. 1389, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.155.160 and 2021 c 332 s 7040 are each amended to read as follows:

(1) The board, in collaboration with the office, shall establish a competitive grant and loan program to award funding to eligible applicants in order to promote the expansion of access to broadband service in unserved areas of the state.

(2) (a) Grants and loans may be awarded under this section to assist in funding acquisition, installation, and construction of middle mile and last mile infrastructure that supports broadband services and to assist in funding strategic planning for deploying broadband service in unserved areas.

(b) The board may choose to fund all or part of an application for funding, provided that the application meets the requirements of subsection ~~((4))~~ (11) of this section.

(3) Eligible applicants for grants and loans awarded under this section include:

- (a) Local governments;
- (b) Tribes;
- (c) Nonprofit organizations;
- (d) Cooperative associations;
- (e) Multiparty entities comprised of public entity members;
- (f) Limited liability corporations organized for the purpose of expanding broadband access; and
- (g) Incorporated businesses or partnerships.

(4) (a) The board shall develop administrative procedures governing the ~~((application))~~ preapplication and award process. The board shall act as fiscal agent for the program and is responsible for receiving and reviewing applications and awarding funds under this section.

(b) At least sixty days prior to the first day ~~((applications))~~ preapplications may be submitted each fiscal year, the board must publish on its website the specific criteria and any quantitative weighting scheme or scoring system that the board will use to evaluate or rank applications and award funding.

(c) The board may maintain separate accounting in the statewide broadband account created in RCW 43.155.165 as the board deems necessary to carry out the purposes of this section.

(d) The board must provide a method for the allocation of loans, grants, provision of technical assistance, and interest rates under this section.

(5) An applicant for a grant or loan under this section must provide the following information on the ~~((application))~~ preapplication:

(a) The location and description of the project;

(b) Evidence regarding the unserved nature of the community in which the project is to be located;

(c) Evidence that proposed infrastructure will be capable of scaling to greater download and upload speeds;

(d) The number of households passed that will gain access to broadband service as a result of the project or whose broadband service will be upgraded as a result of the project;

(e) ~~((The estimated cost of retail services to end users facilitated by a project;~~

~~(f) The proposed actual download and upload speeds experienced by end users;~~

~~(g) Evidence of significant community institutions that will benefit from the proposed project;~~

~~(h) Anticipated economic, educational, health care, or public safety benefits created by the project;~~

~~(i) Evidence of community support for the project;~~

~~(j) If available, a description of the applicant's user adoption assistance program and efforts to promote the use of newly available broadband services created by the project;~~

~~(k) The estimated total cost of the project;~~

~~(l) Other sources of funding for the project that will supplement any grant or loan award;~~

~~(m) A demonstration of the project's long-term sustainability, including the applicant's financial soundness, organizational capacity, and technical expertise;~~

~~(n) A strategic plan to maintain long-term operation of the infrastructure;~~

~~(o)) Evidence that ((no later than six weeks)) before submission of the application, the applicant contacted, in~~

writing, all entities providing broadband service near the proposed project area to ask each broadband service provider's plan to upgrade broadband service in the project area to speeds that meet or exceed the state's definition for broadband service as defined in RCW 43.330.530, within the time frame specified in the proposed grant or loan activities;

~~((p))~~ (f) If applicable, the broadband service providers' written responses to the inquiry made under ~~((o))~~ (e) of this subsection; ~~((and~~

~~(q))~~ (g) The proposed geographic broadband service area and the proposed broadband speeds in the form and manner prescribed by the board;

(h) Evidence of community support for the project; and

(i) Any additional information requested by the board.

(6) An applicant for a grant or loan under this section must provide the following information on the application:

(a) ~~((Within thirty days of the close of the grant and loan application process, the))~~ The final location and description of the project;

(b) Evidence that the proposed infrastructure will be capable of scaling to greater download and upload speeds;

(c) The number of households passed that will gain access to broadband service as a result of the project or whose broadband service will be upgraded as a result of the project;

(d) The estimated cost of retail services to end users facilitated by a project;

(e) The proposed actual download and upload speeds experienced by end users;

(f) Evidence of significant community institutions that will benefit from the proposed project;

(g) Anticipated economic, educational, health care, or public safety benefits created by the project;

(h) If available, a description of the applicant's user adoption assistance program and efforts to promote the use of newly available broadband services created by the project;

(i) The estimated total cost of the project;

(j) Other sources of funding for the project that will supplement any grant or loan award;

(k) A demonstration of the project's long-term sustainability, including the applicant's financial soundness, organizational capacity, and technical expertise;

(l) A strategic plan to maintain long-term operation of the infrastructure;

(m) If applicable, documentation describing the outcome of the broadband service providers' written responses to the inquiry made prior to or during the preapplication phase; and

(n) Any additional information requested by the board.

(7) (a) The board shall publish on its website for at least 30 days the proposed geographic broadband service area and the proposed broadband speeds for each ((application)) proposed broadband project submitted in the preapplication period.

(b) The board shall, within three business days following the close of the preapplication cycle, publish on its website preapplications as described in subsection (5) of this section.

(c) The board shall set an objection period of at least 30 days.

((b)) (8) (a) Any existing broadband service provider near the proposed project area may ((, within thirty days of publication of the information under (a) of this subsection,)) submit in writing to the board an objection to ((an application)) a proposed broadband project. An objection must contain information demonstrating that:

(i) The project would result in overbuild, meaning that the objecting provider currently provides, or has begun construction to provide, broadband service to end users in the proposed project area at speeds equal to or greater than ((the state speed goals contained in RCW 43.330.536)) the speeds contained in the definition of broadband in RCW 43.330.530(2); or

(ii) The objecting provider commits to complete construction of broadband infrastructure and provide broadband service to end users in the proposed project area at speeds equal to or

greater than ((the state speed goals contained in RCW 43.330.536)) the speeds contained in the definition of broadband in RCW 43.330.530(2), no later than twenty-four months after the date awards are made under this section for the grant and loan cycle under which the ((application)) preapplication was submitted.

((c)) (b) Objections submitted to the board under this subsection must be certified by affidavit.

((d)) (c) The board may evaluate the information submitted under this section by the objecting provider and must consider it in making a determination on the ((application)) proposed broadband project objected to. The board may request clarification or additional information. The board may choose to not fund a project if the board determines that the objecting provider's commitment to provide broadband service that meets the requirements of ((b)) (a) of this subsection in the proposed project area is credible. In assessing the commitment, the board may consider whether the objecting provider has or will provide a bond, letter of credit, or other indicia of financial commitment guaranteeing the project's completion.

((e)) (d) If the board denies funding to an applicant as a result of a broadband service provider's objection made under this section, and the broadband service provider does not fulfill its commitment to provide broadband service in the project area, then for the following two grant and loan cycles, the board is prohibited from denying funding to an applicant on the basis of a challenge by the same broadband service provider, unless the board determines that the broadband service provider's failure to fulfill the provider's commitment was the result of factors beyond the broadband service provider's control. The board is not prohibited from denying funding to an applicant for reasons other than an objection by the same broadband service provider.

((f)) (e) An applicant or broadband service provider that objected to the application may request a debriefing conference regarding the board's decision on the application. Requests for debriefing must be coordinated by the office and must be submitted in writing in accordance with procedures specified by the office.

~~((7))~~ (f) Confidential business and financial information submitted by an objecting provider under this subsection is exempt from disclosure under chapter 42.56 RCW.

~~((7))~~ (9)(a) In evaluating applications and awarding funds, the board shall give priority to applications that are constructed in areas identified as unserved.

(b) In evaluating applications and awarding funds, the board may give priority to applications that:

(i) Provide assistance to public-private partnerships deploying broadband infrastructure from areas currently served with broadband service to areas currently lacking access to broadband services;

(ii) Demonstrate project readiness to proceed;

(iii) Construct infrastructure that is open access, meaning that during the useful life of the infrastructure, service providers may use network services and facilities at rates, terms, and conditions that are not discriminatory or preferential between providers, and employing accountable interconnection arrangements published and available publicly;

(iv) Are submitted by tribal governments whose reservations are in rural and remote areas where reliable and efficient broadband services are unavailable to many or most residents;

(v) Bring broadband service to tribal lands, particularly to rural and remote tribal lands or areas servicing rural and remote tribal entities;

(vi) Are submitted by tribal governments in rural and remote areas that have spent significant amounts of tribal funds to address the problem but cannot provide necessary broadband services without either additional state support, additional federal support, or both;

(vii) Serve economically distressed areas of the state as the term "distressed area" is defined in RCW 43.168.020;

(viii) Offer new or substantially upgraded broadband service to important community anchor institutions including, but not limited to, libraries,

educational institutions, public safety facilities, and health care facilities;

(ix) Facilitate the use of telemedicine and electronic health records, especially in deliverance of behavioral health services and services to veterans;

(x) Provide technical support and train residents, businesses, and institutions in the community served by the project to utilize broadband service;

(xi) Include a component to actively promote the adoption of newly available broadband services in the community;

(xii) Provide evidence of strong support for the project from citizens, government, businesses, and community institutions;

(xiii) Provide access to broadband service to a greater number of unserved households and businesses, including farms;

(xiv) Utilize equipment and technology demonstrating greater longevity of service;

(xv) Seek the lowest amount of state investment per new location served and leverage greater amounts of funding for the project from other private and public sources;

(xvi) Include evidence of a customer service plan;

(xvii) Consider leveraging existing broadband infrastructure and other unique solutions;

(xviii) Benefit public safety and fire preparedness; or

(xix) Demonstrate other priorities as the board, in collaboration with the office, may prescribe by rule.

(c) The board shall endeavor to award funds under this section to qualified applicants in all regions of the state.

(d) The board shall consider affordability and quality of service to end users in making a determination on any application.

(e) The board, in collaboration with the office, may develop additional rules for eligibility, project preapplications, project applications, the associated objection process, and funding priority, as provided under this subsection and subsections (3), (5),

~~((and))~~ (6), (7), and (8) of this section.

(f) The board, in collaboration with the office, may adopt rules for a voluntary nonbinding mediation between incumbent providers and applicants to the grant and loan program created in this section.

~~((8))~~ (10) To ensure a grant or loan to a private entity under this section primarily serves the public interest and benefits the public, any such grant or loan must be conditioned on a guarantee that the asset or infrastructure to be developed will be maintained for public use for a period of at least fifteen years.

~~((9))~~ (11)(a) No funds awarded under this section may fund more than fifty percent of the total cost of the project, except as provided in (b) of this subsection.

(b) The board may choose to fund up to ninety percent of the total cost of a project in financially distressed areas as the term "distressed area" is defined in RCW 43.168.020, and in areas identified as Indian country as the term "Indian country" is defined in WAC 458-20-192.

(c) Funds awarded to a single project under this section must not exceed two million dollars, except that the board may choose to fund projects qualifying for the exception in (b) of this subsection up to, but not to exceed, five million dollars.

~~((10) Except for during the 2021-2023 fiscal biennium, prior to awarding funds under this section, the board must consult with the Washington utilities and transportation commission. The commission must provide to the board an assessment of the technical feasibility of a proposed application. The board must consider the commission's assessment as part of its evaluation of a proposed application.~~

~~((11))~~ (12) The board shall have such rights of recovery in the event of default in payment or other breach of financing agreement as may be provided in the agreement or otherwise by law.

~~((12))~~ (13) The community economic revitalization board shall facilitate the timely transmission of information and documents from its broadband program

to the board in order to effectuate an orderly transition.

~~((13))~~ (14)(a) Subject to rules promulgated by the board, the board may make low-interest or interest-free loans or grants to eligible applicants for emergency public works broadband projects. While developing rules, the board shall consider prioritizing broadband infrastructure projects that replace existing infrastructure impacted by an emergency, as described in (b) of this subsection.

(b) Emergency public works broadband projects include construction, repair, reconstruction, replacement, rehabilitation, or improvement to critical broadband infrastructure that has been made necessary by a natural disaster or damaged by unforeseen events. To ensure limited resources are provided as efficiently as possible, the board shall grant priority to emergency public works projects that replace existing infrastructure of the provider whose facilities were damaged by the unforeseen event and shall not provide funds to a new provider to overbuild the existing provider. The loans or grants may be used to help fund all or part of an emergency public works broadband infrastructure project less any reimbursement from any of the following sources: (i) Federal disaster or emergency funds, including funds from the federal emergency management agency; (ii) state disaster or emergency funds; (iii) insurance settlements; and (iv) litigation.

(c) Eligible applicants for grants and loans awarded under this subsection are the same as those described in subsection (3) of this section.

(15) The definitions in RCW 43.330.530 apply throughout this section unless the context clearly requires otherwise.

(16) For purposes of this section, a "proposed broadband project" means a project that has been submitted as a preapplication to the public works board.

**Sec. 2.** RCW 42.56.270 and 2021 c 308 s 4 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request



for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW and RCW 43.155.160, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) (a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), marijuana producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed marijuana business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12) (a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8);

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.31.625 (3)(b) and (4);

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70A.500 RCW to implement chapter 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) Market share data submitted by a manufacturer under RCW 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board

pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell marijuana as allowed under chapter 69.50 RCW;

(25) Marijuana transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access, submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of marijuana product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for marijuana research licenses under RCW 69.50.372, or in reports submitted by marijuana research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed marijuana business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW 70A.515.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "and amending RCW 43.155.160 and 42.56.270."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Ryu and Boehnke spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1673, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1673, as amended by

the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Corry and Dufault.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1673, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 1, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1785 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.380 and 2018 c 140 s 1 are each amended to read as follows:

(1) (a) The minimum monthly salary paid to state patrol troopers and sergeants must be competitive with law enforcement agencies within the boundaries of the state of Washington, guided by the results of a survey undertaken in the collective bargaining process during each biennium. (The salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department.) Compensation must be calculated using base salary, premium pay (a pay received by more than a majority of employees), education pay, and longevity pay. The compensation comparison data is based on the Washington state patrol and the law enforcement agencies listed in this section. Increases ((~~in~~)) for sergeants will be extended to the salary levels for

captains and lieutenants ((~~that are collectively bargained must be proportionate to the~~)) through the collective bargaining process to ensure proportionality of increases ((~~in salaries for troopers and sergeants as a result of the survey described in this section~~)).

(b) (i) Until July 1, 2028, the comparisons for determining competitiveness with other law enforcement agency salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department.

(ii) Beginning July 1, 2028, the comparisons for determining competitiveness with other law enforcement agency salary levels must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department, unless the office of financial management determines that one or more agencies should be replaced in this comparison with another law enforcement agency pursuant to the periodic evaluation process specified in (b) (iii) of this subsection.

(iii) By January 1, 2028, and each decade thereafter, the office of financial management must conduct an evaluation of the six agencies that are relevant for comparison to ensure state patrol troopers and sergeant salary levels are competitive with other law enforcement agencies within the boundaries of the state of Washington. If the office of financial management determines that one or more agencies specified in (b) (ii) of this subsection should be replaced in this comparison with a different law enforcement agency that is more relevant to ensure salary competitiveness, the office of financial management may utilize that revised compensation comparison data in the survey undertaken in the collective bargaining process during each biennium.

(2) By December 1, 2024, as part of the salary survey required in this section, the office of financial management must report to the governor

and transportation committees of the legislature on the efficacy of Washington state patrol recruitment and retention efforts. Using the results of the 2016 salary survey as the baseline data, the report must include an analysis of voluntary resignations of state patrol troopers and sergeants and a comparison of state patrol academy class sizes and trooper graduations.

~~((3) This section expires June 30, 2025--))~~

**Sec. 2.** RCW 41.56.475 and 2008 c 149 s 1 are each amended to read as follows:

In addition to the classes of employees listed in RCW 41.56.030 ~~((7))~~ (14), the provisions of RCW 41.56.430 through 41.56.452 and 41.56.470, 41.56.480, and 41.56.490 also apply to Washington state patrol officers appointed under RCW 43.43.020 as provided in this section, subject to the following:

(1) Within ~~((ten))~~ 10 working days after the first Monday in September of every odd-numbered year, the state's bargaining representative and the bargaining representative for the appropriate bargaining unit shall attempt to agree on an interest arbitration panel consisting of three members to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. Each party shall name one person to serve as its arbitrator on the arbitration panel. The two members so appointed shall meet within seven days following the appointment of the later appointed member to attempt to choose a third member to act as the neutral chair of the arbitration panel. Upon the failure of the arbitrators to select a neutral chair within seven days, the two appointed members shall use one of the two following options in the appointment of the third member, who shall act as chair of the panel: (a) By mutual consent, the two appointed members may jointly request the commission to, and the commission shall, appoint a third member within two days of such a request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the commission; or (b) either party may apply to the commission, the federal mediation and conciliation service, or the American arbitration association to provide a list of five qualified arbitrators from which the

neutral chair shall be chosen. Each party shall pay the fees and expenses of its arbitrator, and the fees and expenses of the neutral chair shall be shared equally between the parties. Immediately upon selecting an interest arbitration panel, the parties shall cooperate to reserve dates with the arbitration panel for potential arbitration between August 1st and September 15th of the following even-numbered year. The parties shall also prepare a schedule of at least five negotiation dates for the following year, absent an agreement to the contrary. The parties shall execute a written agreement before November 1st of each odd-numbered year setting forth the names of the members of the arbitration panel and the dates reserved for bargaining and arbitration. This subsection imposes minimum obligations only and is not intended to define or limit a party's full, good faith bargaining obligation under other sections of this chapter.

(2) The mediator or arbitration panel may consider only matters that are subject to bargaining under RCW 41.56.473.

(3) The decision of an arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to wages and wage-related matters of an arbitrated collective bargaining agreement, is not binding on the state or the Washington state patrol.

(4) In making its determination, the arbitration panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

(c) Comparison of the hours and conditions of employment of personnel involved in the proceedings with the hours and conditions of employment of ~~((like personnel of))~~ like employers of similar size ~~((on the west coast of the United States))~~ identified in RCW 43.43.380;

(d) Changes in any of the foregoing circumstances during the pendency of the proceedings; and

(e) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under RCW 41.56.473."

On page 1, line 2 of the title, after "sergeants;" strike the remainder of the title and insert "and amending RCW 43.43.380 and 41.56.475."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1785 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Fey and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1785, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1785, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

HOUSE BILL NO. 1785, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 1, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Birth doula" means a person that is a nonmedical birth coach or support person trained to provide physical, emotional, and informational support to birthing persons during pregnancy, antepartum, labor, birth, and the postpartum period. Birth doulas advocate for and support birthing people and families to self-advocate by helping them to know their rights and make informed decisions. Birth doulas do not provide medical care.

(3) "Postpartum period" means the 12-month period beginning on the last day of the pregnancy.

(4) "Secretary" means the secretary of health.

**NEW SECTION. Sec. 2.** (1) A birth doula may voluntarily apply for certification from the department under this section.

(2) The department shall issue a certification to any applicant who has met the following requirements:

(a) Submitted a completed application as required by the department;

(b) Satisfactorily completed competencies that meet the requirements established by the secretary;

(c) Has not engaged in unprofessional conduct as defined in RCW 18.130.180;

(d) Is not currently subject to any disciplinary proceedings; and

(e) Paid a certification fee established by the secretary in rule.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certifications and the discipline of certified birth doulas under this chapter.

NEW SECTION. **Sec. 3.** (1) The secretary shall:

(a) In collaboration with community partners who advance equitable access to improve perinatal outcomes and care through holistic services for black and brown communities, adopt rules establishing the competency-based requirements that a birth doula must meet to obtain certification. The rules must establish processes that allow for applicants to meet the competency-based requirements through the following pathways:

(i) Successful completion of training and education programs approved by the secretary; and

(ii) Submission of proof of successful completion of culturally congruent ancestral practices, training, and education that the secretary must review and determine whether the training and education meet the competency-based requirements;

(b) Establish certification and renewal fees, administrative procedures, continuing education, administrative requirements, and forms necessary to implement this chapter in accordance with RCW 43.70.250 and 43.70.280;

(c) Maintain a record of all applicants and certifications under this chapter; and

(d) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter.

(2) All fees collected under this chapter must be credited to the health professions account as required under RCW 43.70.320.

NEW SECTION. **Sec. 4.** (1) Nothing in this chapter prohibits a person from practicing as a birth doula without obtaining certification under this chapter.

(2) No person may use the title "state-certified birth doula" in connection with the person's name to indicate or imply, directly or indirectly, that the person is a state-certified birth doula without being certified in accordance with this chapter as a birth doula.

**Sec. 5.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the

professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Midwives licensed under chapter 18.50 RCW;

(iii) Ocularists licensed under chapter 18.55 RCW;

(iv) Massage therapists and businesses licensed under chapter 18.108 RCW;

(v) Dental hygienists licensed under chapter 18.29 RCW;

(vi) Acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW;

(vii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(viii) Respiratory care practitioners licensed under chapter 18.89 RCW;

(ix) Hypnotherapists and agency affiliated counselors registered and advisors and counselors certified under chapter 18.19 RCW;

(x) Persons licensed as mental health counselors, mental health counselor associates, marriage and family therapists, marriage and family therapist associates, social workers, social work associates—advanced, and social work associates—independent clinical under chapter 18.225 RCW;

(xi) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xii) Nursing assistants registered or certified or medication assistants endorsed under chapter 18.88A RCW;

(xiii) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xiv) Substance use disorder professionals, substance use disorder professional trainees, or co-occurring disorder specialists certified under chapter 18.205 RCW;

(xv) Sex offender treatment providers and certified affiliate sex offender

treatment providers certified under chapter 18.155 RCW;

(xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xvii) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xviii) Surgical technologists registered under chapter 18.215 RCW;

(xix) Recreational therapists under chapter 18.230 RCW;

(xx) Animal massage therapists certified under chapter 18.240 RCW;

(xxi) Athletic trainers licensed under chapter 18.250 RCW;

(xxii) Home care aides certified under chapter 18.88B RCW;

(xxiii) Genetic counselors licensed under chapter 18.290 RCW;

(xxiv) Reflexologists certified under chapter 18.108 RCW;

(xxv) Medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; (~~and~~)

(xxvi) Behavior analysts, assistant behavior analysts, and behavior technicians under chapter 18.380 RCW; and

(xxvii) Birth doulas certified under chapter 18.--- RCW (the new chapter created in section 7 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW, licenses and registrations issued under chapter 18.260 RCW, and certifications issued under chapter 18.350 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The Washington medical commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW;

(xiv) The veterinary board of governors as established in chapter 18.92 RCW;

(xv) The board of naturopathy established in chapter 18.36A RCW, governing licenses and certifications issued under that chapter; and

(xvi) The board of denturists established in chapter 18.30 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the uniform disciplinary act, among the disciplining authorities listed in subsection (2) of this section.



NEW SECTION. **Sec. 6.** The secretary may adopt any rules necessary to implement this chapter.

NEW SECTION. **Sec. 7.** Sections 1 through 4 and 6 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act take effect October 1, 2023."

On page 1, line 2 of the title, after "douglas;" strike the remainder of the title and insert "amending RCW 18.130.040; adding a new chapter to Title 18 RCW; 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 SUBSTITUTE HOUSE BILL NO. 1881 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Harris-Talley spoke in favor of the passage of the bill.

Representatives Chambers and Dye spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1881, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1881, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt,

Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1881, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 2, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 42.56 RCW to read as follows:

(1) The following information or records created or maintained by the department of corrections is exempt from public inspection and copying under this chapter:

(a) Body scanner images from any system designed to detect and visualize contraband hidden in body cavities or beneath clothing, including backscatter X-ray, millimeter wave, and transmission X-ray systems;

(b) The following information and records created or maintained pursuant to the federal prison rape elimination act, 34 U.S.C. Sec. 30301 et seq., and its regulations:

(i) Risk assessments, risk indicators, and monitoring plans;

(ii) Reports of sexual abuse or sexual harassment, as defined under 28 C.F.R. 115.6;

(iii) Records of open prison rape elimination act investigations; and

(iv) The identities of individuals other than department of corrections staff, contractors, and volunteers, in closed prison rape elimination act investigation reports and related investigative materials; however, the identity of an accused individual is not exempt if the allegation is determined to have been substantiated; and

(c) Health information in records other than an incarcerated individual's medical, mental health, or dental files.

(2) The exemption of information or records described under subsection (1)(b) and (c) of this section does not apply to requests by the incarcerated individual who is the subject of the information, a requestor with the written permission of the incarcerated individual who is the subject of the information, or a personal representative of an incarcerated individual who is the subject of the information. In response to such requests, the department of corrections may withhold information revealing the identity of other incarcerated individuals.

(3) An agency refusing, in whole or in part, inspection of a public record containing information listed in subsection (1)(c) of this section may cite to subsection (1)(c) of this section, without further explanation, when providing the brief explanation required by RCW 42.56.210(3), and shall also identify the number of pages withheld, if any pages are withheld in their entirety.

(4) For purposes of this section:

(a) "Health information" means any information that identifies or can readily be associated with the identity of an incarcerated individual and directly relates to the following: Medical, mental health, or dental diagnoses or conditions; medical, mental health, or dental services, treatments, or procedures, including requests for or complaints about such services, treatments, or procedures; transgender, intersex, nonbinary, or gender nonconforming status; sexual orientation; genital anatomy; or gender-affirming care or accommodations other than an incarcerated individual's preferred name, pronouns, and gender marker.

(b) The following information is not "health information" under this section: (i) Health care information subject to RCW 42.56.360(2) and chapter 70.02 RCW; and (ii) information related to injuries, other than injuries related to medical procedures or genital anatomy, contained in incident reports, infraction records, or use of force reports, prepared by department of corrections staff other than health care providers.

(c) "Incarcerated individual" has the same meaning as "inmate" under RCW

72.09.015 and includes currently or formerly incarcerated individuals.

**NEW SECTION. Sec. 2.** This act is remedial, curative, and retroactive, and the exemptions in section 1 of this act apply retroactively to any public records request made prior to the effective date of this section for which disclosure of records has not already occurred.

**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 3 of the title, after "safety;" strike the remainder of the title and insert "adding a new section to chapter 42.56 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956 and advanced the bill, as amended by the Senate, to final passage.

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

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

Representative Volz spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1956, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1956, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Ryu, Santos, Sells, Senn, Simmons, Slatter,

Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This chapter may be known and cited as the Washington equitable access to credit act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limitations in this section, a credit is allowed against the tax imposed under this chapter for contributions made by a person to the equitable access to credit program created in chapter 43.--- RCW (the new chapter created in section 6 of this act).

(2)(a) The person must make the contribution before claiming a credit authorized under this section. The credit may be used against any tax due under this chapter. The amount of the credit claimed for a reporting period may not exceed the tax otherwise due under this chapter for that reporting period. No person may claim more than \$1,000,000 of credit in any calendar year, including credit carried over from a previous calendar year. No refunds may be granted for any unused credits.

(b) Any amount of tax credit otherwise allowable under this section not claimed by the person in any calendar year may be carried forward and claimed against a person's tax liability for the next succeeding calendar year; and any credit

not used in that next succeeding calendar year may be carried forward and claimed against the person's tax liability for the second succeeding calendar year, but may not be carried over for any calendar year thereafter.

(3) Credits are available on a first-in-time basis. The department must disallow any credits, or portions thereof, that would cause the total amount of credits claimed under this section for any calendar year to exceed \$8,000,000. If this limitation is reached, the department must notify the department of commerce that the annual statewide limit has been met. In addition, the department must provide written notice to any person who has claimed tax credits in excess of the limitation in this subsection. The notice must indicate the amount of tax due and provide the tax be paid within 30 days from the date of the notice. The department may not assess penalties and interest as provided in chapter 82.32 RCW on the amount due in the initial notice if the amount due is paid by the due date specified in the notice, or any extension thereof.

(4) To claim a credit under this section, a person must electronically file with the department all returns, forms, and any other information required by the department, in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section.

(6) The equitable access to credit program must provide to the department, upon request, such information as may be needed to verify eligibility for credit under this section, including information regarding contributions received by the program.

(7) The maximum credit that may be earned for each calendar year under this section for a person is limited to the lesser of \$1,000,000 or an amount equal to 100 percent of the contributions made

by the person to the equitable access to credit program.

(8) No credit may be earned for contributions made on or after June 30, 2027. Credits may be claimed as provided in subsections (2) through (4) of this section; however, credits may not be claimed prior to January 1, 2023.

(9) For the purposes of this section, "equitable access to credit program" means a program established within the department of commerce pursuant to section 3 of this act.

(10) The provisions of chapter 82.32 RCW apply to the administration of this section.

(11) This section expires July 1, 2027.

**NEW SECTION. Sec. 3.** (1) Subject to appropriation, the department of commerce shall create and operate the equitable access to credit program. The purpose of the equitable access to credit program is to award grants to qualified lending institutions, using funds generated by business and occupation tax credits created in section 2 of this act, for the purpose of providing access to credit for historically underserved communities. The equitable access to credit program must be governed by the provisions of this chapter and by any guidelines developed and rules adopted by the department of commerce pursuant to this chapter.

(2) The following requirements apply to the operation of the equitable access to credit program:

(a) No more than 25 percent of all grants awarded in any calendar year may be awarded to the same grant recipient;

(b) Up to 20 percent of an individual grant award may be used by the grant recipient to fund a loan loss reserve, technical assistance, and/or small business training programs;

(c) At least 65 percent of the value of all grants awarded in any calendar year must be provided for native community development financial institution grantees or grantees to provide services or invest, or both, in rural counties as defined in RCW 82.14.370; and

(d) Beginning in fiscal year 2022, up to five percent of the program revenues may be used for all agencies' staffing

and other administrative costs related to the implementation of this act. In the event that the statewide limit in section 2(3) of this act is not reached, the percentage used for administration may be increased as necessary to maintain normal staffing operations, not to exceed 10 percent.

(3) In order to receive a grant award under the equitable access to credit program, a qualified lending institution must:

(a) Be recognized by the United States department of the treasury as:

(i) An emerging community development financial institution; or

(ii) A certified community development financial institution;

(b) Match any grant awarded by the equitable access to credit program on:

(i) At least a five percent basis, if the institution is recognized by the United States department of the treasury as an emerging community development financial institution;

(ii) At least a 10 percent basis, if the institution:

(A) Is recognized by the United States department of the treasury as a certified community development financial institution; and

(B) Has net assets of fewer than \$3,000,000 at the time of the grant application; or

(iii) At least a 25 percent basis, if the institution:

(A) Is recognized by the United States department of the treasury as a certified emerging community development financial institution; and

(B) Has net assets of \$3,000,000 or more at the time of the grant application;

(c) Be registered as a nonprofit organization exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of the effective date of this section; and

(d) Demonstrate a history of lending in Washington.

(4) The director must appoint members to an advisory board that will assist the department in ranking applications for

the grants. The department is encouraged to seek representation from members with relevant expertise, including those from the banking industry familiar with community development financial institutions, rural economic development professionals, local government representatives, and representatives from federally recognized Indian tribes. The department shall seek, to the greatest extent possible, a fair geographic balance.

(5) (a) The following criteria must be considered in ranking applications:

(i) The number and total value of loans and investments closed during the previous five-year period by the qualified lending institution in Washington and the percentage of those loans and investments that went to historically underserved communities;

(ii) Funds leveraged by the proposed grant award, which may be no less than 25 percent for certified community development financial institutions with net assets of \$3,000,000 or more at the time of the grant application;

(iii) Projected loan or investment production with the award over the performance period of the grant;

(iv) How the award supports the growth of the qualified lending institution;

(v) Past performance of loans and investments made by the qualified lending institution including, where applicable, past performance of loans and investments made using funds from the equitable access to credit program; and

(vi) Awards to a diversity of qualified lending institution awardees, including institutions of different sizes or with different target markets or products, access to historically underserved communities, or other differentiators that ensure a broad-base access to capital.

(b) The department may also include such additional criteria as it deems helpful in achieving the goal of ensuring access to credit to underserved communities across the state.

(6) Grants may be awarded from the equitable access to credit program beginning six months after the first tax credits are claimed pursuant to section 2 of this act. Grant awards must cease from the equitable access to credit

program upon the expiration of this chapter.

(7) No loan or investment made by a qualified lending institution using funds awarded from the equitable access to credit program may have an interest rate that exceeds 200 basis points above the Wall Street Journal prime rate when the loan or investment is made.

(8) Once a loan or investment made by a qualified lending institution using funds awarded from the equitable access to credit program has been repaid, the qualified lending institution must reloan the repaid funds consistent with the terms of this chapter.

(9) A qualified lending institution that receives funds from the equitable access to credit program must submit a report to the department of commerce by June 30th of each year that contains the following information:

(a) A list of loans and investments made using funds from the equitable access to credit program's grant and associated match, including, on a per-borrower or per-investee basis:

(i) The date the loan or investment was originated;

(ii) The amount of the loan or investment;

(iii) The total cost of the project, including owner equity and leverage;

(iv) The interest rate and interest type;

(v) The Wall Street Journal prime rate at the time the loan or investment is made;

(vi) The term;

(vii) The number of permanent full-time equivalent jobs projected to be created in the business due to this financing;

(viii) Whether the loan or investment utilized a guarantee program;

(ix) The North American industry classification system code;

(x) The entity structure;

(xi) Whether the investee or borrower is more than 50 percent owned or controlled by:

(A) One or more minorities;

(B) One or more women; or

(C) One or more low-income persons;

(xii) The race of the primary investee(s) or borrower(s);

(xiii) Whether the primary investee or borrower is Hispanic or Latino; and

(xiv) The location, by city and county, in which funds from the program will be invested;

(b) Certification that each loan or investment made using funds from the program was to a historically underserved community; and

(c) Other information as required by the department of commerce.

(10) No later than September 15th of each year, beginning in 2022, the department of commerce must submit a report to the appropriate committees of the legislature that contains the following information:

(a) The list of grant applicants, total value of grants requested, and the location of each applicant;

(b) The list of grant recipients, total amount of awards, and required match amounts; and

(c) On an aggregate basis, information on loans and investments as reported under subsection (9) of this section.

(11) The department may contract for all or part of the administration of this section.

(12) The department may adopt rules as necessary to implement this section.

**NEW SECTION. Sec. 4.** The equitable access to credit program account is created in the custody of the state treasurer. All receipts from contributions to the equitable access to credit program created by this chapter must be deposited in the account. Expenditures from the account may be used only for the award of grants to qualified lending institutions from the equitable access to credit program and administrative costs pursuant to section 3 of this act. Only the director of the department of commerce or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Any funds remaining in the account upon the expiration of this chapter must be transferred to the state general fund.

**NEW SECTION. Sec. 5.** (1) This section is the tax preference performance statement for the tax preference contained in section 2, chapter . . . , Laws of 2022 (section 2 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to create or retain jobs pursuant to RCW 82.32.808(2)(c), as well as encourage community and economic development within communities that have historically lacked access to capital.

(3) It is the legislature's specific public policy objective to create a program that encourages investment in small, underserved businesses to encourage community and economic development in Washington.

(4) The legislature intends to extend the expiration date of this tax preference if a review finds that the equitable access to credit program has had a net positive impact on investment in communities historically underserved by credit and on state and local tax revenues. In conducting its review under this section, the joint legislative audit and review committee should consider, among other data:

(a) The number and aggregate amount of loans and investments originated under the program, including with revolved dollars;

(b) Overall match, including project leverage, invested by grant recipients;

(c) The balance sheet growth of community development financial institutions that received grants from the program;

(d) Whether participants in the program achieved balance sheet growth during the time of their participation in the program;

(e) The percentage of community development financial institutions in Washington that received funding from the program; and

(f) The level of ongoing demand for funding from the program.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

(6) This section expires July 1, 2027.

NEW SECTION. **Sec. 6.** Sections 1, 3, and 4 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing expiration dates."

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. 1015 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Maycumber and Frame spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1015, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1015, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick,

Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington state has one of the strongest economies in the country. However, despite the strong economy, our state has entered an affordable housing crisis where low-income and middle-income households have the fewest number of housing options. Furthermore, it is estimated that Washington state's housing gap is among the most severe in the nation, with only 29 affordable and available rental homes for every 100 extremely low-income households.

(2) The legislature concludes that in the spirit of one Washington, the health of all Washingtonians will benefit from a larger stock in affordable housing. Therefore, it is the intent of the legislature to incentivize real property transfers to nonprofit housing providers, public housing authorities, or local governments to increase the availability of affordable housing for low-income Washingtonians.

NEW SECTION. **Sec. 2.** (1) This section is the tax preference performance statement for the tax preferences in sections 3 and 4, chapter . . . , Laws of 2022 (sections 3 and 4 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(3) It is the legislature's specific public policy objective to encourage sales or transfers of real property to nonprofit entities, housing authorities, or public corporations that intend to use the transferred property for housing for low-income persons.

(4) If a review finds that the number of sales or transfers of real property to qualified entities has not increased, then the legislature intends to repeal the expiration date of the tax preference.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any available data source, including the transfer or sale of properties reported by county records.

**Sec. 3.** RCW 82.45.010 and 2019 c 424 s 3, 2019 c 390 s 10, and 2019 c 385 s 2 are each reenacted and amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any thirty-six month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a thirty-six month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the

controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance



with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of

the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a thirty-six month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real

property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide

this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW.

(t)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not

subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(t) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of June 7, 2018, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(t) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

(u)(i) The sale by an affordable homeownership facilitator of self-help housing to a low-income household. (~~The definitions in section 2 of this act apply to this subsection.~~)

(ii) The definitions in this subsection (3)(u) apply to this subsection (3)(u) unless the context clearly requires otherwise.

(A) "Affordable homeownership facilitator" means a nonprofit community or neighborhood-based organization that is exempt from income tax under Title 26 U.S.C. Sec. 501(c) of the internal revenue code of 1986, as amended, as of October 1, 2019, and that is the developer of self-help housing.

(B) "Low-income" means household income as defined by the department, provided that the definition may not exceed eighty percent of median household income, adjusted for household size, for the county in which the dwelling is located.

(C) "Self-help housing" means dwelling residences provided for ownership by low-income individuals and families whose ownership requirement includes labor participation. "Self-help housing" does not include residential rental housing provided on a commercial basis to the general public.

(v)(i) A sale or transfer of real property to a qualifying grantee that uses the property for housing for low-income persons and receives or otherwise qualifies the property for an exemption from real and personal property taxes under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010. For purposes of this subsection (3)(v), "qualifying grantee" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation. A qualifying grantee that is a county or municipal corporation must record a covenant at the time of transfer that prohibits using the property for any purpose other than for low-income housing for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing. A qualifying grantee must comply with the requirements described in (v)(i)(A), (B), or (C) of this subsection and must also certify, by affidavit at the time of sale or transfer, that it intends to comply with those requirements.

(A) If the qualifying grantee intends to operate existing housing on the property, within one year of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(B) If the qualifying grantee intends to develop new housing on the site, within five years of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(C) If the qualifying grantee intends to substantially rehabilitate the premises as defined in RCW 59.18.200, within three years:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(ii) If the qualifying grantee fails to satisfy the requirements described in (v) (i) (A), (B), or (C) of this subsection, within the timelines described in (v) (i) (A), (B), or (C) of this subsection, the qualifying grantee must pay the tax that would have otherwise been due at the time of initial transfer, plus interest calculated from the date of initial transfer pursuant to RCW 82.32.050.

(iii) If a qualifying grantee transfers the property to a different qualifying grantee within the original timelines described in (v) (i) (A), (B), or (C) of this subsection, neither the original qualifying grantee nor the new qualifying grantee is required to pay the tax, so long as the new qualifying grantee satisfies the requirements as described in (v) (i) (A), (B), or (C) of this subsection within the exemption period of the initial transfer. If the new qualifying grantee fails to satisfy the requirements described in (v) (i) (A), (B), or (C) of this subsection, only the new qualifying grantee is liable for the payment of taxes required by (v) (ii) of this subsection. There is no limit on the number of transfers between qualifying grantees within the original timelines.

(iv) Each affidavit must be filed with the department upon completion of the sale or transfer of property, including transfers from a qualifying grantee to a different qualifying grantee. The qualifying grantee must provide proof to the department as required by the department once the requirements as described in (v) (i) (A), (B), or (C) of this subsection have been satisfied.

(v) For the purposes of this subsection (3) (v), "low-income" has the same meaning as in (u) of this subsection.

**Sec. 4.** RCW 82.45.010 and 2019 c 424 s 3 are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property,

including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2) (a) The term "sale" also includes the transfer or acquisition within any thirty-six month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a thirty-six month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely

independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer by transfer on death deed, to the extent that it is not in satisfaction of a contractual obligation of the decedent owed to the recipient of the property.

(c) A transfer of any leasehold interest other than of the type mentioned above.

(d) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(e) The partition of property by tenants in common by agreement or as the result of a court decree.

(f) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(g) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(h) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(i) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(j) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(k) A conveyance to the federal housing administration or veterans administration by an authorized

mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(l) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(m) The sale of any grave or lot in an established cemetery.

(n) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(o) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(p) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise

taxes become due and payable on the original transfer as otherwise provided by law.

(q)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (q)(i) of this subsection cannot be preceded or followed within a thirty-six month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (q)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(q)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(q)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(r) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

(s)(i) A transfer of a qualified low-income housing development or controlling interest in a qualified low-income housing development, unless, due to noncompliance with federal statutory requirements, the seller is subject to recapture, in whole or in part, of its allocated federal low-income housing tax credits within the four years prior to the date of transfer.

(ii) For purposes of this subsection (3)(s), "qualified low-income housing development" means real property and improvements in respect to which the seller or, in the case of a transfer of a controlling interest, the owner or beneficial owner, was allocated federal low-income housing tax credits authorized under 26 U.S.C. Sec. 42 or successor statute, by the Washington state housing finance commission or successor state-authorized tax credit allocating agency.

(iii) This subsection (3)(s) does not apply to transfers of a qualified low-income housing development or controlling interest in a qualified low-income housing development occurring on or after July 1, 2035.

(iv) The Washington state housing finance commission, in consultation with the department, must gather data on: (A) The fiscal savings, if any, accruing to transferees as a result of the exemption provided in this subsection (3)(s); (B) the extent to which transferors of qualified low-income housing developments receive consideration, including any assumption of debt, as part of a transfer subject to the exemption provided in this subsection (3)(s); and (C) the continued use of the property for low-income housing. The Washington state housing finance commission must provide this information to the joint legislative audit and review committee. The committee must conduct a review of the tax preference created under this subsection (3)(s) in calendar year 2033, as required under chapter 43.136 RCW.

(t)(i) A qualified transfer of residential property by a legal representative of a person with developmental disabilities to a qualified entity subject to the following conditions:

(A) The adult child with developmental disabilities of the transferor of the residential property must be allowed to reside in the residence or successor property so long as the placement is safe and appropriate as determined by the department of social and health services;

(B) The title to the residential property is conveyed without the receipt of consideration by the legal representative of a person with developmental disabilities to a qualified entity;

(C) The residential property must have no more than four living units located on it; and

(D) The residential property transferred must remain in continued use for fifty years by the qualified entity as supported living for persons with developmental disabilities by the qualified entity or successor entity. If the qualified entity sells or otherwise conveys ownership of the residential property the proceeds of the sale or conveyance must be used to acquire similar residential property and such similar residential property must be considered the successor for continued use. The property will not be considered in continued use if the department of social and health services finds that the property has failed, after a reasonable time to remedy, to meet any health and safety statutory or regulatory requirements. If the department of social and health services determines that the property fails to meet the requirements for continued use, the department of social and health services must notify the department and the real estate excise tax based on the value of the property at the time of the transfer into use as residential property for persons with developmental disabilities becomes immediately due and payable by the qualified entity. The tax due is not subject to penalties, fees, or interest under this title.

(ii) For the purposes of this subsection (3)(t) the definitions in RCW 71A.10.020 apply.

(iii) A "qualified entity" is:

(A) A nonprofit organization under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of June 7, 2018, or a subsidiary under the same taxpayer identification number that provides residential supported living for persons with developmental disabilities; or

(B) A nonprofit adult family home, as defined in RCW 70.128.010, that exclusively serves persons with developmental disabilities.

(iv) In order to receive an exemption under this subsection (3)(t) an affidavit must be submitted by the transferor of the residential property and must include a copy of the transfer agreement and any other documentation as required by the department.

(u)(i) A sale or transfer of real property to a qualifying grantee that uses the property for housing for low-income persons and receives or otherwise qualifies the property for an exemption from real and personal property taxes under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010. For purposes of this subsection (3)(u), "qualifying grantee" means a nonprofit entity as defined in RCW 84.36.560, a nonprofit entity or qualified cooperative association as defined in RCW 84.36.049, a housing authority created under RCW 35.82.030 or 35.82.300, a public corporation established under RCW 35.21.660 or 35.21.730, or a county or municipal corporation. A qualifying grantee that is a county or municipal corporation must record a covenant at the time of transfer that prohibits using the property for any purpose other than for low-income housing for a period of at least 10 years. At a minimum, the covenant must address price restrictions and household income limits for the low-income housing. A qualifying grantee must comply with the requirements described in (u)(i)(A), (B), or (C) of this subsection and must also certify, by affidavit at the time of sale or transfer, that it intends to comply with those requirements.

(A) If the qualifying grantee intends to operate existing housing on the property, within one year of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(B) If the qualifying grantee intends to develop new housing on the site, within five years of the sale or transfer:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(C) If the qualifying grantee intends to substantially rehabilitate the premises as defined in RCW 59.18.200, within three years:

(I) The qualifying grantee must receive or qualify the property for a tax exemption under RCW 84.36.560, 84.36.049, 35.82.210, 35.21.755, or 84.36.010; and

(II) The property must be used as housing for low-income persons.

(ii) If the qualifying grantee fails to satisfy the requirements described in (u) (i) (A), (B), or (C) of this subsection, within the timelines described in (u) (i) (A), (B), or (C) of this subsection, the qualifying grantee must pay the tax that would have otherwise been due at the time of initial transfer, plus interest calculated from the date of initial transfer pursuant to RCW 82.32.050.

(iii) If a qualifying grantee transfers the property to a different qualifying grantee within the original timelines described in (u) (i) (A), (B), or (C) of this subsection, neither the original qualifying grantee nor the new qualifying grantee is required to pay the tax, so long as the new qualifying grantee satisfies the requirements as described in (u) (i) (A), (B), or (C) of this subsection within the exemption period of the initial transfer. If the new qualifying grantee fails to satisfy the requirements described in (u) (i) (A), (B), or (C) of this subsection, only the new qualifying grantee is liable for the payment of taxes required by (u) (ii) of this subsection. There is no limit on the number of transfers between qualifying grantees within the original timelines.

(iv) Each affidavit must be filed with the department upon completion of the sale or transfer of property, including transfers from a qualifying grantee to a different qualifying grantee. The qualifying grantee must provide proof to the department as required by the department once the requirements as described in (u) (i) (A), (B), or (C) of this subsection have been satisfied.

(v) For the purposes of this subsection (3) (u), "low-income" means household income as defined by the department, provided that the definition may not exceed 80 percent of median household income, adjusted for household size, for the county in which the dwelling is located.

NEW SECTION. Sec. 5. The expiration date provisions of RCW 82.32.805(1) (a) do not apply to the tax preferences in

sections 3 and 4, chapter . . ., Laws of 2022 (sections 3 and 4 of this act).

NEW SECTION. Sec. 6. Section 3 of this act takes effect January 1, 2023.

NEW SECTION. Sec. 7. Section 3 of this act expires January 1, 2030.

NEW SECTION. Sec. 8. Section 4 of this act takes effect January 1, 2030."

On page 1, line 4 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.45.010; reenacting and amending RCW 82.45.010; creating new sections; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Hackney and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1643, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1643, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick,



Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1643, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1859 with the following amendment:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The purpose of this act is to create an interagency coordination team responsible for the program that establishes and maintains quality standards for laboratories conducting analysis of recreational and medicinal cannabis with THC levels greater than 0.3 percent. The interagency team includes the department of agriculture, the liquor and cannabis board, and the department of health. The standards must be adopted by rule by the department of agriculture, and changes to standards may require reference in liquor and cannabis board and department of health rules. This authority to establish these rules transfers from the liquor and cannabis board to the department of agriculture. This act implements the recommendations of the cannabis science task force established in RCW 43.21A.735.

According to the task force's recommendations: "Laboratory quality standards are the elements used in the evaluation of a product's compliance with established product standards. They consist of approved methods, method validation protocols, and performance measures and criteria applied to the testing of the product. Establishing appropriate and well-defined laboratory quality standards is essential to communicate to the testing laboratories what standardized practices and procedures are appropriate.

Laboratory quality standards help ensure the data that laboratories generate are credible and can be used to provide consumer protections. They should represent sound scientific protocols, and detail practical and specific guidance for the testing subject

matter. Together, well-established product standards, laboratory quality standards, and accreditation standards should function to garner confidence for consumers and the industry they support."

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cannabis lab" means a laboratory that tests cannabis for compliance with product standards established by rule by the state liquor and cannabis board.

(2) "Team" means the interagency coordination team for cannabis laboratory quality standards created in this chapter.

**NEW SECTION. Sec. 3.** (1) The interagency coordination team for cannabis laboratory quality standards is created. The team consists of the department, the liquor and cannabis board, and the department of health. The department is designated lead agency for the team and must provide the team with all necessary administrative support.

(2) The agencies that make up the team must each dedicate administrative, policy, scientific, or other staff necessary to successfully accomplish the duties assigned to the team.

(3) The team must:

(a) Coordinate among all participating agencies on agency policies, actions, and regulatory activities that relate to cannabis testing laboratory quality standards; and

(b) Advise the department on implementation and maintenance of cannabis testing laboratory quality standards topics including, but not limited to, analytical methods, validation protocols, quality assurance and quality control practices, project planning and sampling guides, and other topics as necessary to fulfill the purposes of the team and this act. In making its recommendations, the team must take into account the cannabis science task force recommendations.

**NEW SECTION. Sec. 4.** (1) The department must establish and maintain cannabis testing laboratory quality standards by rule in accordance with chapter 34.05 RCW.

(2) Cannabis testing laboratory quality standards must include, but are

not limited to, approved methods for testing cannabis for compliance with product standards established by rule by the state liquor and cannabis board or the department of health, method validation protocol, and performance measures and criteria applied to testing of cannabis products.

(3) The department must take into account the recommendations of the team created in section 3 of this act.

(4) Standards created under this chapter must be provided to the state department of ecology for use in the lab accreditation process described in RCW 69.50.348.

**Sec. 5.** RCW 69.50.348 and 2019 c 277 s 1 are each amended to read as follows:

(1) On a schedule determined by the state liquor and cannabis board, every licensed marijuana producer and processor must submit representative samples of marijuana, useable marijuana, or marijuana-infused products produced or processed by the licensee to an independent, third-party testing laboratory ((meeting the accreditation requirements established by the state liquor and cannabis board, for inspection and testing)). The purpose of testing representative samples is to certify compliance with quality assurance and product standards adopted by the state liquor and cannabis board under RCW 69.50.342 or the department of health under RCW 69.50.375. In conducting tests of cannabis product samples, testing laboratories must adhere to laboratory quality standards adopted by the state department of agriculture under chapter 15.--- RCW (the new chapter created in section 9 of this act). Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee submitting the sample.

(2) Independent, third-party testing laboratories performing cannabis product testing under subsection (1) of this section must obtain and maintain accreditation.

(3) Licensees must submit the results of inspection and testing for quality assurance and product standards required under subsection (1) of this section to the state liquor and cannabis board on a form developed by the state liquor and cannabis board.

~~((3))~~ (4) If a representative sample inspected and tested under this section

does not meet the applicable quality assurance and product standards established by the state liquor and cannabis board, the entire lot from which the sample was taken must be destroyed.

~~((4))~~ (5) The state liquor and cannabis board may adopt rules necessary to implement this section. The state liquor and cannabis board may adopt rules necessary to implement subsection (2) of this section until a successor state agency or agencies assume responsibility for establishing and administering laboratory standards and accreditation.

**Sec. 6.** RCW 69.50.348 and 2019 c 277 s 2 are each amended to read as follows:

(1) On a schedule determined by the state liquor and cannabis board, every licensed marijuana producer and processor must submit representative samples of marijuana, useable marijuana, or marijuana-infused products produced or processed by the licensee to an independent, third-party testing laboratory meeting the accreditation requirements established by the state department of ecology ~~((, for inspection and testing)).~~ The purpose of testing representative samples is to certify compliance with quality assurance and product standards adopted by the state liquor and cannabis board under RCW 69.50.342 or the department of health under RCW 69.50.375. In conducting tests of cannabis product samples, testing laboratories must adhere to laboratory quality standards adopted by the state department of agriculture under chapter 15.--- RCW (the new chapter created in section 9 of this act). Any sample remaining after testing shall be destroyed by the laboratory or returned to the licensee submitting the sample.

(2) Independent, third-party testing laboratories performing cannabis product testing under subsection (1) of this section must obtain and maintain accreditation.

(3) Licensees must submit the results of inspection and testing for quality assurance and product standards required under RCW 69.50.342 to the state liquor and cannabis board on a form developed by the state liquor and cannabis board.

~~((3))~~ (4) If a representative sample inspected and tested under this section does not meet the applicable quality assurance and product standards established by the state liquor and

cannabis board, the entire lot from which the sample was taken must be destroyed.

~~((44))~~ (5) (a) The department of ecology may determine, assess, and collect annual fees sufficient to cover the direct and indirect costs of implementing a state marijuana product testing laboratory accreditation program, except for the initial program development costs. The department of ecology must develop a fee schedule allocating the costs of the accreditation program among its accredited marijuana product testing laboratories. The department of ecology may establish a payment schedule requiring periodic installments of the annual fee. The fee schedule must be established in amounts to fully cover, but not exceed, the administrative and oversight costs. The department of ecology must review and update its fee schedule biennially. The costs of marijuana product testing laboratory accreditation are those incurred by the department of ecology in administering and enforcing the accreditation program. The costs may include, but are not limited to, the costs incurred in undertaking the following accreditation functions:

- (i) Evaluating the protocols and procedures used by a laboratory;
- (ii) Performing on-site audits;
- (iii) Evaluating participation and successful completion of proficiency testing;
- (iv) Determining the capability of a laboratory to produce accurate and reliable test results; and
- (v) Such other accreditation activities as the department of ecology deems appropriate.

(b) The state marijuana product testing laboratory accreditation program initial development costs must be fully paid from the dedicated marijuana account created in RCW 69.50.530.

~~((5))~~ (6) The department of ecology and the ~~((liquor and cannabis board))~~ interagency coordination team created in section 3 of this act must act cooperatively to ensure effective implementation and administration of this section.

~~((6))~~ (7) All fees collected under this section must be deposited in the dedicated marijuana account created in RCW 69.50.530.

NEW SECTION. **Sec. 7.** Section 5 of this act expires July 1, 2024.

NEW SECTION. **Sec. 8.** Section 6 of this act takes effect July 1, 2024.

NEW SECTION. **Sec. 9.** Sections 2 through 4 of this act constitute a new chapter in Title 15 RCW."

On page 1, line 2 of the title, after "analysis;" strike the remainder of the title and insert "amending RCW 69.50.348 and 69.50.348; adding a new chapter to Title 15 RCW; creating a new section; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1859 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Kloba and Robertson spoke in favor of the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 1859, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1859, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Sonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault and Kraft.

HOUSE BILL NO. 1859, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1590 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that the COVID-19 pandemic has impacted the delivery of education across the state, as school districts resume in-person instructional models with heightened efforts to protect the health and well-being of students and staff and address the pandemic's impact on student learning. The legislature also recognizes that state funding formulas are largely driven by enrollment, and the pandemic has resulted in unforeseen, temporary enrollment declines in many districts. Funding declines due to temporary, unforeseen changes in enrollment can affect a district's ability to maintain the staffing and resources needed to deliver education services. Stabilization funding in the 2020-21 school year provided important support for schools to maintain services amid enrollment declines. With this act and in the omnibus operating appropriations act, the legislature intends to extend stabilizing funding to districts that have seen temporary enrollment declines due to the COVID-19 pandemic for the final time.

**NEW SECTION. Sec. 2.** (1) If a local education agency's combined state revenue generated in the 2021-22 school year is less than what its combined state revenue would be using 2019-20 annual average enrollment values and formulas in place for the 2021-22 school year, then the superintendent of public instruction must provide an enrollment stabilization amount to the local education agency in the 2021-22 school year. The enrollment stabilization amount shall be equal to 50 percent of the local education agency low enrollment impact.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Combined state revenue" means the combined amount from the following allocations to local education agencies:

(i) General apportionment allocations as described in RCW 28A.150.260;

(ii) Special education allocations as described in RCW 28A.150.390. Allocations for special education enrollment above 2021-22 levels in kindergarten through 12th grades must be based on an excess cost multiplier of 0.995;

(iii) Learning assistance program allocations as described in RCW 28A.150.260(10)(a). Learning assistance program allocations based on 2019-20 enrollments must include the prior years' free or reduced-price meal percentages used for allocations in the 2020-21 school year;

(iv) Transitional bilingual program allocations as described in RCW 28A.150.260(10)(b);

(v) Highly capable program allocations as described in RCW 28A.150.260(10)(c);

(vi) Career and technical education and skill centers allocations as described in RCW 28A.150.260 (4)(c), (7), and (9);

(vii) Allocations to support institutional education for residential schools as defined by RCW 28A.190.005 and of juveniles in detention facilities as identified by RCW 28A.190.010;

(viii) Dropout reengagement program allocations for eligible students under RCW 28A.175.100;

(ix) Alternative learning experience allocations as described in RCW 28A.232.020; and

(x) Running start allocations as described in RCW 28A.600.310.

(b) "Local education agency" means a school district, charter school, or state-tribal education compact school established under chapter 28A.715 RCW.

(c) "Local education agency low enrollment impact" is equal to a local education agency's combined state revenue that would be generated using 2019-20 annual average enrollment values and formulas in place for the 2021-22 school year minus its combined state revenue generated in the 2021-22 school year, if the difference is greater than zero.

(3) Enrollment stabilization amounts allocated under this section are not part of the state's program of basic education but may be used for any allowable cost within any of the programs.

**Sec. 3.** RCW 84.52.0531 and 2021 c 221 s 2 and 2021 c 145 s 22 are each reenacted and amended to read as follows:

(1) Beginning with taxes levied for collection in 2020, the maximum dollar amount which may be levied by or for any school district for enrichment levies under RCW 84.52.053 is equal to the lesser of two dollars and fifty cents per thousand dollars of the assessed value of property in the school district or the maximum per-pupil limit. This maximum dollar amount shall be reduced accordingly as provided under RCW 43.09.2856(2).

(2) The definitions in this subsection apply to this section unless the context clearly requires otherwise.

(a) For the purpose of this section, "inflation" means the percentage change in the seasonally adjusted consumer price index for all urban consumers, Seattle area, for the most recent 12-month period as of September 25th of the year before the taxes are payable, using the official current base compiled by the United States bureau of labor statistics.

(b) "Maximum per-pupil limit" means:

(i) Two thousand five hundred dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with fewer than forty thousand annual full-time equivalent students enrolled in the school district in the prior school year; or

(ii) Three thousand dollars, as increased by inflation beginning with property taxes levied for collection in 2020, multiplied by the number of average annual full-time equivalent students enrolled in the school district in the prior school year, for school districts with forty thousand or more annual full-time equivalent students enrolled in the school district in the prior school year.

(c) "Open for in-person instruction to all students" means that all students in all grades have the option to participate in at least 40 hours of planned in-person

instruction per month and the school follows state department of health guidance and recommendations for resuming in-person instruction to the greatest extent practicable.

(d) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected, except (~~that in~~) as follows:

(i) In the 2022 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2020-21 school year average annual full-time equivalent enrollment and the school district is open for in-person instruction to all students by the beginning of the 2021-22 school year, "prior school year" means the 2019-20 school year.

(ii) In the 2023 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2021-22 school year average annual full-time equivalent enrollment and the school district was open for in-person instruction to all students by the beginning of the 2021-22 school year, "prior school year" means the 2019-20 school year.

(3) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(4) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

(5) Beginning with propositions for enrichment levies for collection in calendar year 2020 and thereafter, a district must receive approval of an enrichment levy expenditure plan under RCW 28A.505.240 before submission of the proposition to the voters.

(6) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(7) Beginning with taxes levied for collection in 2018, enrichment levy

revenues must be deposited in a separate subfund of the school district's general fund pursuant to RCW 28A.320.330, and for the 2018-19 school year are subject to the restrictions of RCW 28A.150.276 and the audit requirements of RCW 43.09.2856.

(8) Funds collected from levies for transportation vehicles, construction, modernization, or remodeling of school facilities as established in RCW 84.52.053 are not subject to the levy limitations in subsections (1) through (5) of this section.

**Sec. 4.** RCW 28A.500.015 and 2019 c 410 s 1 are each amended to read as follows:

(1) Beginning in calendar year 2020 and each calendar year thereafter, the state must provide state local effort assistance funding to supplement school district enrichment levies as provided in this section.

(2) (a) For an eligible school district with an actual enrichment levy rate that is less than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance multiplied by a fraction equal to the school district's actual enrichment levy rate divided by one dollar and fifty cents per thousand dollars of assessed value in the school district.

(b) For an eligible school district with an actual enrichment levy rate that is equal to or greater than one dollar and fifty cents per thousand dollars of assessed value in the school district, the annual local effort assistance funding is equal to the school district's maximum local effort assistance.

(c) Beginning in calendar year 2022, for state-tribal education compact schools established under chapter 28A.715 RCW, the annual local effort assistance funding is equal to the actual enrichment levy per student as calculated by the superintendent of public instruction for the previous year for the school district in which the state-tribal education compact school is located, up to a maximum per student amount of one thousand five hundred fifty dollars as increased by inflation from the 2019 calendar year, multiplied by the student enrollment of the state-tribal education compact school in the prior school year.

~~((d) For a school district that meets the criteria in this subsection and is located west of the Cascades in a county that borders another state, the annual local effort assistance funding is equal to the local effort assistance funding authorized under (b) of this subsection and additional local effort assistance funding equal to the following amounts:~~

~~(i) Two hundred forty six dollars per pupil in the 2019-20 school year for a school district with more than twenty-five thousand annual full-time equivalent students; and~~

~~(ii) Two hundred eighty six dollars per pupil in the 2019-20 school year for a school district with more than twenty thousand annual full-time equivalent enrolled students but fewer than twenty-five thousand annual full-time equivalent enrolled students.)~~

(3) The state local effort assistance funding provided under this section is not part of the state's program of basic education deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Eligible school district" means a school district where the amount generated by a levy of one dollar and fifty cents per thousand dollars of assessed value in the school district, divided by the school district's total student enrollment in the prior school year, is less than the state local effort assistance threshold.

(b) For the purpose of this section, "inflation" means, for any school year, the rate of the yearly increase of the previous calendar year's annual average consumer price index for all urban consumers, Seattle area, using the official current base compiled by the bureau of labor statistics, United States department of labor.

(c) "Maximum local effort assistance" means the difference between the following:

(i) The school district's actual prior school year enrollment multiplied by the state local effort assistance threshold; and

(ii) The amount generated by a levy of one dollar and fifty cents per thousand

dollars of assessed value in the school district.

(d) "Prior school year" means the most recent school year completed prior to the year in which the state local effort assistance funding is to be distributed, except as follows:

(i) In the 2022 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2020-21 school year average annual full-time equivalent enrollment, "prior school year" means the 2019-20 school year.

(ii) In the 2023 calendar year, if 2019-20 school year average annual full-time equivalent enrollment is greater than the school district's 2021-22 school year average annual full-time equivalent enrollment, "prior school year" means the 2019-20 school year.

(e) "State local effort assistance threshold" means one thousand five hundred fifty dollars per student, increased for inflation beginning in calendar year 2020.

(f) "Student enrollment" means the average annual full-time equivalent student enrollment.

(5) For districts in a high/nonhigh relationship, the enrollments of the nonhigh students attending the high school shall only be counted by the nonhigh school districts for purposes of funding under this section.

(6) For school districts participating in an innovation academy cooperative established under RCW 28A.340.080, enrollments of students attending the academy shall be adjusted so that each participant district receives its proportional share of student enrollments for purposes of funding under this section.

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

On page 1, line 2 of the title, after "pandemic;" strike the remainder of the title and insert "amending RCW 28A.500.015; reenacting and amending RCW 84.52.0531; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1590 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Dolan, McEntire and Senn spoke in favor of the passage of the bill.

Representative Stokesbary spoke against the passage of the bill.

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1590, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1590, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Hackney, Hansen, Harris, Harris-Talley, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, McEntire, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Shewmake, Simmons, Springer, Steele, Stonier, Sullivan, Taylor, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Callan, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Graham, Griffey, Hoff, Jacobsen, Klippert, Kraft, Kretz, MacEwen, Maycumber, McCaslin, Orcutt, Schmick, Senn, Slatter, Stokesbary, Sutherland, Thai, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

SUBSTITUTE HOUSE BILL NO. 1590, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

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

#### MOTION

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 5488  
 SECOND SUBSTITUTE SENATE BILL NO. 5085  
 SUBSTITUTE SENATE BILL NO. 5741

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1074  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 1181  
 HOUSE BILL NO. 1376  
 SUBSTITUTE HOUSE BILL NO. 1571  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1630  
 SUBSTITUTE HOUSE BILL NO. 1644  
 SUBSTITUTE HOUSE BILL NO. 1646  
 SUBSTITUTE HOUSE BILL NO. 1703  
 SUBSTITUTE HOUSE BILL NO. 1725  
 SUBSTITUTE HOUSE BILL NO. 1779  
 SECOND SUBSTITUTE HOUSE BILL NO. 1173  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1357  
 SUBSTITUTE HOUSE BILL NO. 1616  
 SECOND SUBSTITUTE HOUSE BILL NO. 1664  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 1688  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689  
 SUBSTITUTE HOUSE BILL NO. 1706  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 1723  
 SUBSTITUTE HOUSE BILL NO. 1728  
 SUBSTITUTE HOUSE BILL NO. 1773  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 1812  
 HOUSE BILL NO. 1825  
 ENGROSSED HOUSE BILL NO. 1851  
 SECOND SUBSTITUTE HOUSE BILL NO. 1890  
 SUBSTITUTE HOUSE BILL NO. 1893  
 SUBSTITUTE HOUSE BILL NO. 1902  
 HOUSE BILL NO. 1975  
 SECOND SUBSTITUTE HOUSE BILL NO. 2008  
 SUBSTITUTE HOUSE BILL NO. 2057  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076  
 ENGROSSED SENATE BILL NO. 5017  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5078  
 SENATE BILL NO. 5196  
 SECOND ENGROSSED SUBSTITUTE SENATE  
 BILL NO. 5275  
 SENATE BILL NO. 5505  
 SENATE BILL NO. 5519  
 SUBSTITUTE SENATE BILL NO. 5548  
 SUBSTITUTE SENATE BILL NO. 5590  
 SENATE BILL NO. 5615  
 SENATE BILL NO. 5624  
 SUBSTITUTE SENATE BILL NO. 5678  
 SECOND SUBSTITUTE SENATE BILL NO. 5736  
 SUBSTITUTE SENATE BILL NO. 5745  
 SENATE BILL NO. 5750  
 SUBSTITUTE SENATE BILL NO. 5756

ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5758  
 SUBSTITUTE SENATE BILL NO. 5785  
 SENATE BILL NO. 5787  
 SENATE BILL NO. 5042  
 SENATE BILL NO. 5504  
 SENATE BILL NO. 5508  
 SENATE BILL NO. 5539  
 SUBSTITUTE SENATE BILL NO. 5558  
 SENATE BILL NO. 5565  
 SUBSTITUTE SENATE BILL NO. 5589  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5593  
 SECOND SUBSTITUTE SENATE BILL NO. 5616  
 SENATE BILL NO. 5715  
 SUBSTITUTE SENATE BILL NO. 5765  
 SUBSTITUTE SENATE BILL NO. 5791  
 SUBSTITUTE SENATE BILL NO. 5814  
 SUBSTITUTE SENATE BILL NO. 5838  
 SENATE BILL NO. 5854  
 SUBSTITUTE SENATE BILL NO. 5862  
 SENATE BILL NO. 5895  
 SUBSTITUTE SENATE BILL NO. 5933  
 SENATE BILL NO. 5972

The Speaker called upon Representative Orwall to  
 preside.

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

**MESSAGES FROM THE SENATE**

March 8, 2022

Mme. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 2024,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5778,

and the same is herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The President has signed:



SENATE BILL NO. 5042,  
 SENATE BILL NO. 5504,  
 SENATE BILL NO. 5508,  
 SENATE BILL NO. 5539,  
 SUBSTITUTE SENATE BILL NO. 5558,  
 SENATE BILL NO. 5565,  
 SUBSTITUTE SENATE BILL NO. 5589,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5593,  
 SECOND SUBSTITUTE SENATE BILL NO. 5616,  
 SENATE BILL NO. 5715,  
 SUBSTITUTE SENATE BILL NO. 5765,  
 SUBSTITUTE SENATE BILL NO. 5791,  
 SUBSTITUTE SENATE BILL NO. 5814,  
 SUBSTITUTE SENATE BILL NO. 5838,  
 SENATE BILL NO. 5854,  
 SUBSTITUTE SENATE BILL NO. 5862,  
 SENATE BILL NO. 5895,  
 SUBSTITUTE SENATE BILL NO. 5933,  
 SENATE BILL NO. 5972,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The Senate has granted the request of the House for a Conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1099. The President has appointed the following members as Conferees: Short, Van De Wege, Lovelett

and the same is herewith transmitted.

Sarah Bannister, Secretary

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

## SECOND READING

**SUBSTITUTE SENATE BILL NO. 5651, by Senate Committee on Ways & Means (originally sponsored by Frockt)**

**Concerning the capital budget.**

The bill was read the second time.

Representative Tharinger moved the adoption of striking amendment (1374):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be

incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2023, out of the several funds specified in this act.

## PART 1

### GENERAL GOVERNMENT

**Sec. 1001.** 2021 c 332 s 1008 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF COMMERCE

Public Works Assistance Account  
 Program 2013 Loan List (30000184)

Reappropriation:

Public Works Assistance Account—State  
 (~~(\$1,523,000)~~)

\$815,000

Prior Biennia (Expenditures)  
 (~~(\$32,378,000)~~)

\$31,343,000

Future Biennia (Projected Costs)  
 \$0

TOTAL (~~(\$33,901,000)~~)

\$32,158,000

**Sec. 1002.** 2021 c 332 s 1009 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF COMMERCE

Clean Energy and Energy Freedom  
 Program (30000726)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6003, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:

State Building Construction Account—  
 State (~~(\$6,302,000)~~)

\$6,350,000

State Taxable Building Construction  
 Account—

State \$2,997,000

Subtotal Reappropriation  
 (~~(\$9,299,000)~~)

\$9,347,000

Prior Biennia (Expenditures)  
 (~~(\$31,101,000)~~)

\$31,053,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$40,400,000

**Sec. 1003.** 2021 c 332 s 1014 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017 Local and Community Projects (30000846)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6004, chapter 4, Laws of 2017 3rd sp. sess.

Reappropriation:

State Building Construction Account—  
State (~~(\$1,750,000)~~)

\$1,763,000

Prior Biennia (Expenditures)  
(~~(\$9,128,000)~~)

\$8,983,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$10,878,000)~~)

\$10,746,000

**Sec. 1004.** 2021 c 332 s 1015 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Housing Trust Fund Program (30000872)

(1) The (~~reappropriations~~) appropriations in this section are subject to the following conditions and limitations: The (~~reappropriations~~) appropriations are subject to the provisions of section 6001, chapter 356, Laws of 2020, except that subsection (2) of this section supersedes the requirements of section 6001(1)(f)(x), chapter 356, Laws of 2020.

(2) \$7,500,000 is provided solely for grants for high quality low-income housing projects that will quickly move people from homelessness into secure housing and are significantly less expensive to construct than traditional housing. It is the intent of the legislature that these grants serve projects with a total project development

cost per housing unit of less than \$200,000, excluding the value of land, and with a commitment by the applicant to maintain the housing units for at least a 25 year period. Amounts provided that are subject to this subsection (2) must be used to plan, predesign, design, provide technical assistance and financial services, purchase land for, and build innovative low-income housing units. \$4,500,000 of the appropriation that is subject to this subsection is provided solely for innovative affordable housing in Shelton and \$3,000,000 of the appropriation that is subject to this subsection (2) is provided solely for innovative affordable housing for veterans in Orting. Mental health and substance abuse counseling services must be offered to residents of housing projects supported by appropriations in this subsection (2). \$500,000 of the appropriation for housing units in Shelton can be released for purchase of land, planning, or predesign services before the project is fully funded. \$500,000 of the appropriation for housing units in Orting can be released for purchase of land, planning, or predesign services before the project is fully funded.

Reappropriation:

State Building Construction Account—  
State (~~(\$5,716,000)~~)

\$6,246,000

State Taxable Building Construction Account—

State \$24,810,000

Washington Housing Trust Account—  
State \$1,578,000

Subtotal Reappropriation  
(~~(\$32,104,000)~~)

\$32,634,000

Appropriation:

State Building Construction Account—  
State \$1,500,000

Prior Biennia (Expenditures)  
(~~(\$79,386,000)~~)

\$78,856,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$111,490,000)~~)

\$112,990,000

**Sec. 1005.** 2021 c 332 s 1018 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Building for the Arts Grant Program (30000877)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1009, chapter 2, Laws of 2018.

Reappropriation:

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

Prior Biennia (Expenditures)  
~~(\$11,000,000)~~

\$10,954,000

Future Biennia (Projected Costs)  
\$0

TOTAL ~~(\$12,000,000)~~

\$11,954,000

**Sec. 1006.** 2021 c 332 s 1020 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Weatherization Plus Health Matchmaker Program (30000879)

The reappropriations in this section ~~((is))~~ are subject to the following conditions and limitations: The reappropriations ~~((is))~~ are subject to the provisions of section 1014, chapter 298, Laws of 2018.

Reappropriation:

State Building Construction Account—  
State \$222,000

State Taxable Building Construction Account—

State ~~(\$376,000)~~

\$3,868,000

Subtotal Reappropriation  
\$4,090,000

Prior Biennia (Expenditures)  
~~(\$23,124,000)~~

\$19,410,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$23,500,000

**Sec. 1007.** 2021 c 332 s 1021 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Clean Energy Funds 3 (30000881)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 6006, chapter 413, Laws of 2019, except that funding may not be provided for an aluminum smelter restart project in Whatcom county because this project is transitioning to the 2021-23 Clean Energy V - Investing in Washington's Clean Energy (40000148) project pursuant to section 1018 of this act.

Reappropriation:

Energy Efficiency Account—State  
\$5,362,000

State Building Construction Account—  
State ~~(\$29,402,000)~~

\$27,002,000

Subtotal Reappropriation  
~~(\$34,764,000)~~

\$32,364,000

Prior Biennia (Expenditures)  
\$11,336,000

Future Biennia (Projected Costs)  
\$0

TOTAL ~~(\$46,100,000)~~

\$43,700,000

**Sec. 1008.** 2021 c 332 s 1023 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2017-19 Building Communities Fund Grant (30000883)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1015, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—  
State ~~(\$1,700,000)~~

\$1,884,000

Prior Biennia (Expenditures)  
~~(\$26,200,000)~~

\$25,379,000

Future Biennia (Projected Costs)  
\$0  
TOTAL ((~~\$27,900,000~~))  
\$27,263,000

**Sec. 1009.** 2021 c 332 s 1025 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Early Learning Facility Grants (4000006)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1005, chapter 298, Laws of 2018.

Reappropriation:

Early Learning Facilities Development Account—

State \$999,000

Early Learning Facilities Revolving Account—

State ((~~\$3,000,000~~))

\$3,062,000

Subtotal Reappropriation ((~~\$3,999,000~~))

\$4,061,000

Prior Biennia (Expenditures) ((~~\$11,501,000~~))

\$11,404,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$15,500,000~~))

\$15,465,000

**Sec. 1010.** 2021 c 332 s 1036 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2019-21 Early Learning Facilities (40000044)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1006, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—  
State \$8,000,000

Early Learning Facilities Revolving Account—

State \$20,000,000

Early Learning Facilities Development Account—

State ((~~\$1,500,000~~))

\$1,839,000

Subtotal Reappropriation ((~~\$29,500,000~~))

\$29,839,000

Prior Biennia (Expenditures) ((~~\$5,520,000~~))

\$5,181,000

Future Biennia (Projected Costs) \$0

TOTAL \$35,020,000

**Sec. 1011.** 2021 c 332 s 1046 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

CERB Administered Broadband Infrastructure (91000943)

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

(1) ~~((The appropriation and reappropriations are subject to the provisions of section 1008, chapter 298, Laws of 2018.~~

~~(2))~~ The board may make rural broadband loans and grants to local governments and to federally recognized Indian tribes for the purposes of financing the cost to build infrastructure to provide high-speed, open-access broadband service, to rural and underserved communities, for the purposes of economic development or community development. However, no more than 50 percent of all financial assistance approved by the board in any biennium may consist of grants to local governments or federally recognized Indian tribes.

(2) Application for funding must be made in the form and manner as the board may prescribe. In making grants or loans the board must conform to the following requirements:

(a) The board may not provide financial assistance:

(i) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion;

(ii) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state;

(iii) For a project the primary purpose of which is to facilitate or promote gambling;

(iv) For a project located outside the jurisdiction of the applicant local government or federally recognized Indian tribe; or

(v) For the deployment of publicly-owned telecommunication network infrastructure ("backbone") solely for the sake of creating competitive, publicly-owned telecommunication network infrastructure.

(b) The board may provide financial assistance only for projects located in a rural community as defined by the board, or located in a rural county, that encourage, foster, develop, and improve broadband within the state in order to:

(i) Drive job creation, promote innovation, and expand markets for local businesses;

(ii) Serve the ongoing and growing needs of local education systems, health care systems, public safety systems, industries and businesses, governmental operations, and citizens; and

(iii) Improve accessibility for underserved communities and populations.

(c) An application must be approved by the local government and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

(d) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

(e) When evaluating and prioritizing projects, the board must give consideration, at a minimum, to the following factors:

(i) The project's value to the community, including evidence of support from affected local businesses and government;

(ii) The project's feasibility, using standard economic principles;

(iii) Commitment of local matching resources and local participation;

(iv) The project's inclusion in a capital facilities plan, comprehensive plan, or local economic development plan consistent with applicable state planning requirements; and

(v) The project's readiness to proceed.

(3) A responsible official of the local government or the federally recognized Indian tribe must be present during community economic revitalization board deliberations and provide information that the board requests.

(4) Before any financial assistance application is approved, the local government or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the board.

(5) The appropriations must be used for projects that use a technology-neutral approach in order to expand access at the lowest cost to the most unserved or underserved residents.

(6) For purposes of this section:

(a) "Broadband" means networks of deployed telecommunications equipment and technologies necessary to provide high-speed internet access and other advanced telecommunications services.

(b) "Local governments" means cities, towns, counties, municipal corporations, public port districts, quasi-municipal corporations, and special purpose districts.

Reappropriation:

Public Works Assistance Account—State  
\$3,450,000

State Taxable Building Construction Account—

State \$6,600,000

Subtotal Reappropriation  
\$10,050,000

Appropriation:

Coronavirus Capital Projects Account—  
Federal \$25,000,000

Prior	Biennia	(Expenditures)	
			\$3,400,000
Future	Biennia	(Projected Costs)	
			\$0
TOTAL			\$38,450,000

NEW SECTION. Sec. 1012. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

CERB Rural Broadband (40000250)

The appropriation in this section is subject to the following conditions and limitations: \$25,000,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

General Fund—Federal	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,000,000

NEW SECTION. Sec. 1013. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Public Works Broadband (40000251)

The appropriation in this section is subject to the following conditions and limitations: \$25,000,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

General Fund—Federal	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,000,000

**Sec. 1014.** 2021 c 332 s 1055 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Seattle Vocational Institute  
(40000136)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 1009, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—  
State (~~(\$1,105,000)~~)

\$1,106,000

State Taxable Building Construction  
Account—

State \$175,000

Subtotal Reappropriation  
(~~(\$1,280,000)~~)

\$1,281,000

Prior Biennia (Expenditures)  
(~~(\$20,000)~~)

\$19,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$1,300,000

**Sec. 1015.** 2021 c 332 s 1058 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Public Works Assistance  
Account—Construction (40000141)

Appropriation:

Public Works Assistance Account—State  
(~~(\$129,000,000)~~)

\$249,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL ((~~\$129,000,000~~))

\$249,000,000

**Sec. 1016.** 2021 c 332 s 1061  
(uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 CERB Capital Construction  
(40000144)

Appropriation:

Public Facility Construction Loan  
Revolving

Account—State \$10,000,000

State Taxable Building Construction  
Account—

State \$15,000,000

Capital Community Assistance Account—  
State \$40,000,000

Subtotal Appropriation  
(~~(\$25,000,000)~~)

\$65,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL ((~~\$25,000,000~~))

\$65,000,000

**Sec. 1017.** 2021 c 332 s 1063  
(uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Library Capital Improvement  
Program (LCIP) Grants (40000147)

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

(1) The appropriation in this section  
is provided solely for a local library  
capital improvement grant program for the  
following list of projects:

City of Colville \$264,000

Sno-Isle Regional Inter-County  
Libraries (Langley) \$700,000

Stevens County Rural Library District  
(Loon Lake) \$649,000

Stevens County Rural Library District  
(Chewelah) \$90,000

North Olympic Library System (Sequim)  
\$2,000,000

Spokane County Library District  
(Spokane Valley) \$2,000,000

Jefferson County Rural Library  
District (Port Hadlock) \$285,000

Stevens County Rural Library District  
(Northport) \$50,000

North Central Regional Library  
(Wenatchee) \$798,000

City of Seattle \$1,889,000

Pend Oreille County Library District  
(Metaline Falls) \$40,000

Upper Skagit Library District  
(Concrete) \$209,000

City of Cashmere \$14,000

Town of Coulee City \$760,000

Sno-Isle Regional Inter-County  
Libraries (Darrington) \$250,000

Fort Vancouver Regional Library  
Foundation (Woodland) \$2,000,000

City of Mount Vernon \$2,000,000

~~((Sno-Isle Regional Inter-County  
Libraries~~

~~(Lake Stevens) \$1,100,000))~~

Camas Library Improvements (Camas)  
\$515,000

Ephrata Public Library (Ephrata)  
\$91,000

Lake Stevens Early Learning Library  
(Lake Stevens) \$2,000,000

(2) The department must establish a  
competitive process to solicit proposals  
for and prioritize projects whose primary  
objective is to assist libraries operated  
by governmental units, as defined in RCW  
27.12.010, in acquiring, constructing,  
repairing, or rehabilitating facilities.

(3) The department must establish a  
committee to develop the grant program  
criteria and review proposals. The  
committee must be composed of five  
members as provided in this subsection.  
The committee must include: (a) A  
representative from the department of  
commerce; (b) a representative from the  
department of archaeology and historic  
preservation; (c) the state librarian;  
(d) a representative from a library  
district; and (e) a representative from  
a municipal library.

(4) The department must conduct a  
statewide solicitation of project  
applications. The department must

evaluate and rank applications in consultation with the committee established in subsection (3) of this section, using objective criteria. The ranking of projects must prioritize library district facilities listed on a local, state, or federal register of historic places and those located in distressed or rural counties. The evaluation and ranking process must also include an examination of existing assets that applicants propose to apply to projects. Grant assistance under this section may not exceed 50 percent of the total cost of the project. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(5) The department must submit a prioritized list of recommended projects to the governor and the legislature by October 1, 2022, for inclusion in the department of commerce's 2023-2025 biennial capital budget request. The list must include a description of each project, the amount of recommended state funding, and documentation of nonstate funds to be used for the project. Individual grants may not exceed \$2,000,000. The total amount of recommended state funding for the projects on a biennial project list may not exceed \$10,000,000.

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

(7) The department must assist grant recipients under this section to apply for applicable competitive federal grant funding and, upon receipt of any such funding, an equal amount of the state building construction account—state appropriation must be placed in unallotted status.

Appropriation:

State Building Construction Account—  
State (~~(\$17,704,000)~~)

\$16,604,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$30,000,000

TOTAL (~~(\$47,704,000)~~)

\$46,604,000

**Sec. 1018.** 2021 c 332 s 1064  
(uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Clean Energy V - Investing in Washington's Clean Energy (40000148)

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

(1) The appropriations in this section are provided solely for projects that provide a benefit to the public through development, demonstration, and deployment of clean energy technologies that save energy and reduce energy costs, reduce harmful air emissions, or increase energy independence for the state. Priority must be given to projects that benefit vulnerable populations and overburdened communities, including tribes and communities with high environmental or energy burdens.

(2) The 2021 state energy strategy must guide the department in the design of programs under this section, using an equity and environmental justice lens for program structure and participation. To the extent practicable, the department must prioritize projects that build upon Washington's existing strengths in communities, aerospace, maritime, information and communications technology (particularly data center infrastructure, artificial intelligence and machine learning), grid modernization, advanced materials, and decarbonizing the built environment.

(3) Subject to the availability of funds, the department must reconvene an advisory committee to support involvement of a broad range of stakeholders in the design and implementation of programs implemented under this section to encourage collaboration, leverage partners, and engage communities and organizations in improving the equitable distribution of benefits from the program.



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

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

(b) Conduct due diligence activities associated with the use of public funds including, but not limited to, oversight of the project selection process, project monitoring, and ensuring that all applications and contracts fully comply with all applicable laws including disclosure and conflict of interest statutes.

(5) During project solicitation periods for grants funded with this appropriation, the department must maintain a list of applicants by grant program that scored competitively but did not receive a grant award due to lack of available funding. These applicants must be considered for funding during future grant award cycles. If the department submits a 2022 supplemental budget request for this program, the request must include a list of prioritized projects by grant type.

(6)(a) Pursuant to chapter 42.52 RCW, the ethics in public service act, the department must require a project applicant to identify in application materials any state of Washington employees or former state employees employed by the firm or on the firm's governing board during the past 24 months. Application materials must identify the individual by name, the agency previously or currently employing the individual, job title or position held, and separation date. If it is determined by the department that a conflict of interest exists, the applicant may be disqualified from further consideration for award of funding.

(b) If the department finds, after due notice and examination, that there is a violation of chapter 42.52 RCW, or any similar statute involving a grantee who received funding under this section, either in procuring or performing under the grant, the department in its sole discretion may terminate the funding grant by written notice. If the grant is terminated, the department must reserve its right to pursue all available

remedies under law to address the violation.

(7) The requirements in subsections (4) and (6) of this section must be specified in funding agreements issued by the department.

(8) \$17,594,000 of the state building construction account—state appropriation is provided solely for grid modernization grants.

(a)(i) \$11,000,000 is provided solely for projects that: Advance community resilience, clean and renewable energy technologies and transmission and distribution control systems; support integration of renewable energy sources, deployment of distributed energy resources and sustainable microgrids; and support state decarbonization goals pursuant to the clean energy transformation act, including requirements placed upon retail electric utilities.

(ii) Projects must be implemented by community organizations, local governments, federally recognized tribal governments, or by public and private electrical utilities that serve retail customers in the state (retail electric utilities). Projects submitted by applicants other than retail electric utilities must demonstrate partnership with their load serving entity to apply. Priority must be given to:

(A) Projects that benefit vulnerable populations, including tribes and communities with high environmental or energy burden; and

(B) Projects that demonstrate partnerships between eligible applicants in applying for funding, including utilities, public and private sector research organizations, businesses, tribes, and nonprofit organizations.

(iii) The department shall develop a grant application process to competitively select projects for grant awards, to include scoring conducted by a group of qualified experts with application of criteria specified by the department. In development of the application criteria, the department shall, to the extent possible, develop program guidelines that encourage smaller utilities or consortia of small utilities to apply for funding. Where suitable, this may include funding for projects consisting solely of planning,

predesign and/or predevelopment activities.

(iv) Applications for grants must disclose all sources of public funds invested in a project.

(b) \$3,550,000 of the appropriation in this section is provided solely for a grant to the Public Utility District No. 1 of Lewis county for land acquisition and construction of the Winlock Industrial Park and South County Substation and Transmission facility, located on North Military Road in Winlock.

(c) \$3,044,000 of the appropriation in this section is provided solely for a grant to the Klickitat County Public Hospital District #1 for the Electrical Upgrade and Smart Grid project at the Klickitat Valley Health Hospital in Goldendale.

(9) \$10,830,000 of the state building construction account—state appropriation is provided solely for grants for strategic research and development for new and emerging clean energy technologies. These grants must be used to match federal or other nonstate funds to research, develop, and demonstrate clean energy technologies, focusing on areas that help develop technologies to meet the state's climate goals, offer opportunities for economic and job growth, and strengthen technology supply chains. The program may include, but is not limited to: Solar technologies, advanced bioenergy and biofuels, development of new earth abundant materials or lightweight materials, advanced energy storage, recycling energy system components, and new renewable energy and energy efficiency technologies.

(a) \$5,000,000 of the appropriation in this section is provided solely for competitive grants.

(b) \$4,800,000 of the appropriation in this section is provided solely for a grant to the Pacific Northwest National Laboratory for a renewable energy platform to support ocean energy research and development testbeds for the Marine and Coastal Research Laboratory in Sequim.

(c) \$1,030,000 of the appropriation in this section is provided solely for a grant to the Chelan County Public Utility District for the hydroelectric turbine

hub project at Rocky Reach dam near Wenatchee.

(10) (a) \$2,500,000 of the state taxable building construction account—state appropriation is provided solely as grants to nonprofit lenders to create a revolving loan fund to support the widespread use of proven energy efficiency and renewable energy technologies by households, or for the benefit of households, with high energy burden or environmental health risk now inhibited by lack of access to capital.

(b) The department shall provide grant funds to one or more competitively selected nonprofit lenders that must provide matching private capital and administer the loan fund. The department shall select the loan fund administrator or administrators through a competitive process, with scoring conducted by a group of qualified experts, applying criteria specified by the department.

(c) The department must establish guidelines that specify applicant eligibility, the screening process, and evaluation and selection criteria. The guidelines must be used by the nonprofit lenders.

(11) \$5,550,000 of the state building construction account—state appropriation is provided solely for grants to demonstrate innovative approaches to electrification of transportation systems.

(a) (i) \$3,000,000 of the appropriation is provided solely for competitive grants, prioritizing projects that:

(A) Demonstrate meaningful and enduring benefits to communities and populations disproportionately burdened by air pollution, climate change, or lack of transportation investments;

(B) Beneficially integrate load using behavioral, software, hardware, or other demand-side management technologies, such as demand response, time-of-use rates, or behavioral programming;

(C) Accelerate the transportation electrification market in Washington using market transformation principles; or

(D) Develop electric vehicle charging and hydrogen fueling infrastructure along highways, freeways, and other heavily trafficked corridors across the state to support long-distance travel.

(ii) Projects must be implemented by local governments, federally recognized tribal governments, by public and private electrical utilities that serve retail customers in the state, or state agencies. Eligible parties may partner with other public and private sector research organizations and businesses in applying for funding. The department shall consult and coordinate with the Washington state department of transportation on project selection and implementation. The department shall also coordinate with other state agencies that have other electrification programs, in order to determine to optimally accomplish each agency's respective policy and program goals.

(iii) Projects must be related to on-road end-uses and nonmaritime off-road uses.

(iv) Eligible technologies for these projects include, but are not limited to:

(A) Battery electric vehicle supply equipment;

(B) On-site generation or storage, where the technology directly supplies electricity to the electric vehicle supply equipment;

(C) Electric grid distribution system infrastructure upgrades, where the upgrade is needed as a result of the installed electric vehicle supply equipment;

(D) Hydrogen refueling station infrastructure that:

(I) Dispenses renewable hydrogen or hydrogen produced in Washington with electrolysis; and

(II) Aligns with the 2021 state energy strategy's recommended uses of hydrogen in the transportation sector.

(v) \$2,000,000 of the state building construction account-state appropriation is provided solely for federally recognized tribal governments and for local governments in rural communities, for projects aligning with the above objectives and addressing electric vehicle supply infrastructure gaps in rural communities.

(b) \$2,550,000 of the appropriation in this section is provided solely for a grant to the Lewis Public Transportation Benefit Area to construct a hydrogen fueling station that dispenses renewable hydrogen or hydrogen produced in

Washington with electrolysis for electric vehicles at Exit 74 on Interstate 5, near Chehalis.

(12) (a) \$10,000,000 of the state building construction account-state appropriation is provided solely for the purpose of building electrification projects that advance the goals of the 2021 state energy strategy to demonstrate grid-enabled, high-efficiency, all electric buildings.

(b) The program may include, but is not limited to: Shifting from fossil fuels to high-efficiency electric heat pumps and other electric equipment, control systems that enable grid integration or demand control, and on-site renewable generation and efficiency measures that significantly reduce building energy loads.

(c) Preference must be given to projects based on total greenhouse gas emissions reductions, accelerating the path to zero-energy, or that demonstrate early adoption of grid integration technology.

(d) Program funding may be administered to entities also receiving incentives provided according to RCW 19.27A.220 for buildings covered by the state energy performance standard, RCW 19.27A.210.

(e) \$5,000,000 of the appropriation in this section is provided solely for the purpose of supporting the transition of residential and commercial buildings away from fossil fuels through the installation of high-efficiency electric heat pumps and other electric equipment.

(13) \$4,924,000 of the state building construction account-state appropriation is provided solely for maritime electrification grants.

(a) \$4,450,000 of the appropriation in this section is provided solely for a grant to the Northwest Seaport Alliance to upgrade the reefer plug capacity at the Port of Seattle's Terminal 5, located in west Seattle.

(b) \$474,000 of the appropriation in this section is provided solely for a grant to the Skagit County Public Works Department for electric ferry charging infrastructure in Anacortes.

(14) \$4,900,000 of the state building construction account-state appropriation is provided solely for the department to develop targeted rural clean energy

innovation projects as provided in this subsection (14).

(a) \$150,000 of the appropriation is provided solely for the department to develop targeted rural clean energy strategies informed by rural community and business engagement, outreach, and research. The department must convene a rural energy work group to identify investments, programs, and policy changes that align with the 2021 state energy strategy and increase access to clean energy opportunities in rural communities and agricultural and forestry management practices. The group must identify existing federal funding opportunities and strategies to leverage these funds with state capital investment. By June 30, 2022, the department shall report recommendations and findings from the rural energy work group to the office of financial management, the governor, and the appropriate legislative committees and present a strategic plan for state rural clean energy investment.

(b) \$4,750,000 of the appropriation is provided solely for rural clean energy innovation grants.

(i) The department must award at least 40 percent of the funding to projects that enhance the viability of dairy digester bioenergy projects through advanced resource recovery systems that produce renewable natural gas and value-added biofertilizers, reduce greenhouse gas emissions, and improve soil health and air and water quality.

(ii) Grants may also be awarded to other clean energy innovation projects in rural communities, including, but not limited to, projects that enhance energy efficiency, demand response, energy storage, renewable energy, beneficial electrification, resilience, organic waste management, and biological carbon sequestration.

(iii) Grants may fund project predevelopment, research, and development, pilot projects, strategic implementation, field trials, and data dashboards and tools to inform rural project development.

(c) The department is encouraged to make 20 percent of the funds under (b) of this subsection (14) to tribal governments, designated subdivisions, and agencies.

(d) If a grant is awarded to purchase heating devices or systems, the agency must, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(15) \$10,072,000 of the state building construction account—state appropriation is provided solely for the first phase of an aluminum smelter restart project which, when fully deployed, will reduce emissions of greenhouse gases by a minimum of 750,000 tons per year, increase energy efficiency, and protect or create aluminum manufacturing jobs located in Whatcom county. It is the intent of the legislature that if the appropriation in this subsection is not spent by June 30, 2025, the funding provided in this subsection shall not be reappropriated.

(16) \$10,000,000 of the state building construction account—state appropriation is provided solely for the Grant county public utility district for expenses related to public infrastructure development benefiting a large-scale solar manufacturing facility in central Washington. If the department has not received a signed agreement between the Grant county public utility district and the large-scale solar manufacturer indicating the manufacturer's intent to develop the site in central Washington by December 31, 2025, the funding provided in this subsection shall not be reappropriated.

Appropriation:

State Building Construction Account—  
State (~~(\$53,798,000)~~)

\$73,870,000

State Taxable Building Construction  
Account—

State \$2,500,000

Subtotal Appropriation  
(~~(\$56,298,000)~~)

\$76,370,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$100,000,000

TOTAL (~~(\$156,298,000)~~)

\$176,370,000

**Sec. 1019.** 2021 c 332 s 1066  
(uncodified) is amended to read as  
follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Weatherization Plus Health (40000150)

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

(1) \$5,000,000 of the state building construction account—state appropriation in this section is provided solely for grants for the Washington State University energy extension community energy efficiency program (CEEP) to support homeowners, tenants, and small business owners in making sound energy efficiency investments by providing consumer education and marketing, workforce support through training and lead generation, and direct consumer incentives for upgrades to existing homes and small commercial buildings. This is the maximum amount the department may expend for this purpose.

(2) The department, in collaboration with the Washington State University, shall make recommendations to the appropriate committees of the legislature on strategies to expand and align the weatherization program and the rural rehabilitation loan program. The department shall report the recommendations to the appropriate committees of the legislature and the governor by November 1, 2022. The recommendations must include strategies to:

(a) Recruit community energy efficiency program sponsors that are community-based organizations located in geographic areas of the state that have not received funding for low-income weatherization programs, targeting hard to reach market segments;

(b) Leverage funding from community energy efficiency program sponsors in an amount greater than or equal to the amount provided by the state through the weatherization program;

(c) Ensure that community energy efficiency program utility sponsors work with non-profit community-based organizations to deliver community energy efficiency program services; and

(d) Identify community energy efficiency program sponsors that support the conversion of space and water heating from fossil fuels to electricity, as part of a set of energy efficiency investments.

(3) If funding from this appropriation is used to purchase heating devices or systems, the agency shall, whenever possible and most cost effective, select devices and systems that do not use fossil fuels.

(4) \$69,766,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the weatherization assistance program in section 40551 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

State Building Construction Account—  
State \$10,000,000

General Fund—Federal \$69,766,000

Capital Community Assistance Account—  
State \$10,000,000

Subtotal Appropriation \$89,766,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$50,000,000

TOTAL ((~~\$60,000,000~~))

\$139,766,000

**Sec. 1020.** 2021 c 332 s 1068 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Housing Trust Fund Investment in Affordable Housing (40000153)

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

(1) ((~~\$129,903,000~~)) \$58,347,000 of the state taxable building construction account—state appropriation ((and)), \$73,606,000 of the coronavirus state fiscal recovery fund—federal appropriation, \$20,000,000 of the state building construction account—state appropriation, and \$96,028,000 of the capital community assistance account—state appropriation are provided solely for production and preservation of affordable housing projects that serve

and benefit low-income and special needs populations including, but not limited to, people with chronic mental illness, people with developmental disabilities, farmworkers, people who are homeless, and people in need of permanent supportive housing. The department shall strive to allocate at least 30 percent of these funds to projects located in rural areas of the state, as defined by the department.

(a) In addition to the definition of "first-time home buyer" in RCW 43.185A.010, for the purposes of awarding homeownership projects during the 2021-2023 fiscal biennium "first-time home buyer" also includes:

(i) A single parent who has only owned a home with a former spouse while married;

(ii) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it existed on the effective date of this section, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and who has only owned a home with a spouse;

(iii) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or

(iv) An individual who has only owned a property that is discerned by a licensed building inspector as being uninhabitable.

(b) \$5,000,000 of the appropriation provided in this subsection (1) is provided solely for housing that serves people with developmental disabilities;

(c) (i) \$20,000,000 of the appropriation in this subsection (1) is provided solely for housing preservation grants or loans to be awarded competitively.

(ii) The funds may be provided for major building improvements, preservation, and system replacements, necessary for the existing housing trust fund portfolio to maintain long-term viability. The department must require a capital needs assessment be provided prior to contract execution. Funds may not be used to add or expand the capacity of the property.

(iii) To allocate preservation funds, the department must review applications

and evaluate projects based on the following criteria:

(A) The age of the property, with priority given to buildings that are more than 15 years old;

(B) The population served, with priority given to projects with at least 50 percent of the housing units being occupied by families and individuals at or below 50 percent area median income;

(C) The degree to which the applicant demonstrates that the improvements will result in a reduction of operating or utilities costs, or both;

(D) The potential for additional years added to the affordability period of the property; and

(E) Other criteria that the department considers necessary to achieve the purpose of this program.

(d) \$25,000,000 of the capital community assistance account—state appropriation in subsection (1) of this section is provided to nonprofit agencies for the development of homeownership projects affordable to low-income households throughout the state.

(2) \$10,000,000 of the state building construction account—state appropriation is provided solely for grant awards for the development of community housing and cottage communities to shelter individuals or households experiencing homelessness.

(a) \$8,775,000 of the state building construction account—state appropriation is provided solely for competitive grant awards. This funding must be awarded to projects that develop a minimum of four individual structures in the same location. Individual structures must contain insulation, electricity, overhead lights, and heating. Kitchens and bathrooms may be contained within the individual structures or offered as a separate facility that is shared with the community. When evaluating applications for this grant program, the department must prioritize projects that demonstrate:

(i) The availability of land to locate the community;

(ii) A strong readiness to proceed to construction;

(iii) A longer term of commitment to maintain the community;

(iv) A commitment by the applicant to provide, directly or through a formal partnership, case management and employment support services to the tenants;

(v) Access to employment centers, health care providers, and other services; and

(vi) A community engagement strategy.

(b) \$1,225,000 of the state building construction account—state appropriation is provided solely for Eagle Haven Cottage Village located in Bellingham.

(3) (a) \$11,500,000 of the state taxable building construction account—state appropriation is provided solely for the following list of projects:

Bellwether (Seattle)	Affordable Housing	\$4,000,000
Didgwalic (Anacortes)	Transitional Housing	\$4,500,000
Redondo Heights (Seattle)	TOD (Federal Way)	\$3,000,000

(b) \$3,497,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

Habitat for Humanity (North Bend)		\$250,000
Manette (Bremerton)	Affordable Housing Project	\$515,000
OlyCAP (Port Townsend)	Port Townsend Affordable Housing and Child	\$412,000
Shelton (Shelton)	Young Adult Transitional Housing	\$515,000
Willapa (Raymond)	Center	\$1,805,000

(4) \$14,922,000 of the capital community assistance account—state appropriation in subsection (1) of this section is provided for the following list of projects:

Boat Street (Lakewood)	\$464,000
Heron Park (Langley)	\$875,000
Highland Village (Airway Heights)	\$3,000,000

Mary's Place Burien Project Shelter Replacement

(Burien) \$3,000,000

Oxford Housing Program (Lacey)  
\$515,000

Skyway Affordable Housing and Early Learning (Skyway) \$500,000

Sno Valley Senior Housing (Carnation)  
\$309,000

South Park Riverside Affordable Housing Preservation

(Seattle) \$309,000

Squire Park Plaza Affordable Housing Preservation

(Seattle) \$3,000,000

Veteran Housing & Resource Ctr (Raymond)  
\$2,300,000

Yakima Valley Partners Habitat for Humanity (Yakima) \$650,000

(5) In evaluating projects in this section, the department must give preference for applications based on some or all of the criteria in RCW 43.185.070(5).

~~((45))~~ (6) The appropriations in this section are subject to the following reporting requirements:

(a) By June 30, 2023, the department must report on its website the following for every previous funding cycle: The number of homeownership and multifamily rental projects funded by housing trust fund moneys; the percentage of housing trust fund investments made to homeownership and multifamily rental projects; and the total number of households being served at up to 80 percent of the area median income, up to 50 percent of the area median income, and up to 30 percent of the area median income, for both homeownership and multifamily rental projects.

(b) Beginning December 1, 2021, and continuing annually, the department must provide the legislature with a report of its final cost data for each project under this section. Such cost data must, at a minimum, include total development cost per unit for each project completed within the past year, descriptive statistics such as average and median per unit costs, regional cost variation, and other costs that the department deems necessary to improve cost controls and enhance understanding of development

costs. The department must coordinate with the housing finance commission to identify relevant development costs data and ensure that the measures are consistent across relevant agencies.

~~((6))~~ (7) \$100,000 of the state building construction account—state appropriation is provided solely for the department of social and health services to complete a study of the community-based housing needs of adults with intellectual and developmental disabilities. The department of social and health services shall collaborate with appropriate stakeholders and the department in completing this study and the study shall:

(a) Estimate the number of adults with intellectual and developmental disabilities who are facing housing insecurity;

(b) Make recommendations for how to improve housing stability for adults with intellectual and developmental disabilities who are facing housing insecurity;

(c) Make recommendations for how to increase the capacity of developers to support increasing the supply of housing that meets the needs of the intellectual and developmental disabilities population; and

(d) Be submitted to the appropriate committees of the legislature no later than December 1, 2022.

~~((7))~~ (8) The legislature finds that there are insufficient data sources to identify adults with intellectual and developmental disabilities facing housing insecurity in Washington state and that the absence of reliable data limits the ability for the legislature to make informed decisions that will improve the outcomes of these individuals. The legislature further finds that reliable, current information about the unmet housing needs of this population will position Washington state to leverage community-based partnerships and funding to establish greater housing choice and increased community integration of individuals with intellectual and developmental disabilities.

Appropriation:

State Building Construction Account—  
State \$33,597,000

State Taxable Building Construction  
Account—

State ~~(((\$141,403,000))~~

\$69,847,000

Coronavirus State Fiscal Recovery  
Fund—Federal \$73,606,000

Capital Community Assistance Account—  
State \$110,950,000

Subtotal Appropriation  
~~(((\$175,000,000))~~

\$288,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$620,000,000

TOTAL ~~(((\$795,000,000))~~

\$908,000,000

**Sec. 1021.** 2021 c 332 s 1071  
(uncodified) is amended to read as  
follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Rapid Capital Housing  
Acquisition (40000222)

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

(1) Except as provided in subsections  
(7) through ~~((9))~~ (8) of this section,  
the appropriations in this section ~~((is))~~  
are provided solely for the department to  
issue competitive financial assistance  
to eligible organizations under RCW  
43.185A.040 to acquire or rent real  
property for a rapid conversion into  
enhanced emergency shelters, permanent  
supportive housing, transitional  
housing, permanent housing, youth  
housing, drop-in center, or shelter for  
extremely low-income people, as well as  
individuals, families, unaccompanied  
youth, and young people experiencing  
sheltered and unsheltered homelessness.  
Amounts provided in this section may be  
also used for renovation and building  
update costs associated with  
establishment of the acquired or rented  
facilities. For youth housing, drop-in  
centers, and shelter projects,  
renovation of existing properties is an  
allowable activity. The department may  
only approve funding for projects  
resulting in increased shelter or housing  
capacity. Amounts provided in this  
section may not be used for operating or  
maintenance costs associated with



providing housing, supportive services, or debt service.

(2) Funds may also be used for permanent financing for real estate acquired using other short term acquisition sources. To expand availability of permanent housing, financing of acquisition of unoccupied multifamily housing is a priority. Funds must also be provided specifically for the city of Seattle to move people experiencing unsheltered homelessness into safe spaces, including, but not limited to, tiny homes, hotels, enhanced emergency shelters, or other rapid housing alternatives.

(3) While emphasizing the rapid deployment of the amounts appropriated under this section to alleviate the immediate crisis of homelessness throughout the state, the department shall establish criteria for the issuance of the grants, ~~((which may include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant,))~~ during which time the property must be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the grant. The criteria must include:

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

(b) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(c) A detailed estimate of the costs associated with opening the beds or units; and

(d) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants throughout the end of the grant contract.

(4) The department must provide a progress report on its website by December 1, 2022. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, housing units, and anticipated completion date.

(5) The funding provided under this section is not subject to the 90-day application periods in RCW 43.185.070 or 43.185A.050. The department of commerce shall dispense funds to the city of Seattle and other qualifying applicants within 45 days of receipt of documentation from the applicant for qualifying uses and execution of any necessary contracts with the department in order to effect the purpose of rapid deployment of funds under this section.

(6) If the department receives simultaneous applications for funding under this program, proposals that reach the greatest public benefit, as defined by the department, must be prioritized. For purposes of this subsection (6), "greatest public benefit" must include, but is not limited to:

(a) The greatest number of accommodations or increased shelter capacity that will benefit extremely low-income people, as well as individuals, families, and youth experiencing homelessness.

(b) Whether the project has federally funded rental assistance tied to it;

(c) The scarcity of the affordable housing or shelter capacity applied for compared to the number of available affordable housing units or shelter capacity in the same geographic location; and

(d) The program's established funding priorities under RCW 43.185.070(5).

~~(7) ((\$900,000 of the state building construction account state appropriation in this section is provided solely for the public building conversion pilot program. The pilot program must be implemented in Grays Harbor county in collaboration with Community House on Broadway, in partnership with CORE Health.~~

~~(a) The appropriation may be used only for costs related to rehabilitation, retrofitting, and conversion of the publicly owned building for use as housing for homeless persons.~~

~~(b) The appropriation may not be used for staffing or maintaining buildings converted to housing for homeless persons. Costs for staffing and maintenance must be borne by the county or the contractor.~~

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

~~(d) The pilot program should help inform the development of a public building conversion grant program to encourage counties to convert unused, publicly owned buildings into housing for homeless persons. The department must report to the office of financial management and fiscal committees of the legislature by November 1, 2022, regarding the establishment of the pilot program and any recommendations related to implementation of a public building conversion grant program.~~

~~(8) \$17,800,000)~~ \$17,500,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

\$5,000,000 for the Tacoma Housing Authority affordable housing acquisition;

\$4,000,000 for the Keiro nursing home acquisition in Seattle;

\$1,500,000 for the Parkland/Spanaway homeless shelter;

~~(((\$300,000 for the Concord apartments acquisition in Seattle.))~~

\$2,000,000 for the ~~((Eastgate supportive housing))~~ Illahee Affordable Housing project in Bellevue; and

\$5,000,000 for the City of Seattle for the acquisition of the Clay Apartments in partnership with a low-income housing provider.

~~((9))~~ (8) (a) ~~(((\$7,903,000 of the coronavirus capital projects account—~~

federal)) \$6,565,000 of the coronavirus state fiscal recovery account—federal appropriation and \$1,338,000 of the state building construction account—state appropriation ((is)) are provided solely for the following list of youth housing projects identified by the office of homeless youth protection and prevention programs:

FYRE's Village: Housing Stability for Young Adults

(Omak) \$3,350,000

NWYS Young Adult Shelter Services (Bellingham) \$438,000

OlyCap Pfeiffer House (Port Townsend) \$127,000

Ryan's House for Youth Campus (Coupeville) \$1,015,000

Shelton Young Adult Transitional Housing (Shelton) \$773,000

Volunteers of America Crosswalk 2.0 (Spokane) \$2,200,000

(b) If funding provided in (a) of this subsection needs to be reallocated, the department shall consult with the office of homeless youth prevention and protection programs to identify other eligible youth housing projects.

(9) The department must ensure compliance with conditions of the federal coronavirus state fiscal recovery fund. All expenditures from the coronavirus state fiscal recovery account—federal appropriation in this section must be obligated by December 31, 2024.

Appropriation:

State Building Construction Account—State ~~(((\$90,000,000))~~

\$90,138,000

~~((Coronavirus Capital Projects Account—~~

~~Federal \$30,435,000))~~

Coronavirus State Fiscal Recovery Fund—Federal \$29,097,000

Subtotal Appropriation ~~(((\$120,435,000))~~

\$119,235,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~(((\$120,435,000))~~

\$119,235,000

**Sec. 1022.** 2021 c 332 s 1075 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2022 Local & Community Projects (40000230)

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

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

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

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

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

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

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

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

(8)(a) The appropriation is provided solely for the following list of projects:

- Adams County Property/Evidence Processing Facility (Othello) \$900,000
- Amara 29 Acre Opportunity in Pierce County (Tacoma) \$246,000
- American Lake Park ADA Improvement Project (Lakewood) \$258,000
- American Legion Building Renovation (Goldendale) \$262,000
- American Legion Veterans Housing & Resource Ctr (Raymond) \$88,000
- Arlington Innovation Center (Arlington) \$372,000
- Ashley House (Spokane) \$552,000
- Auburn Resource Center (Auburn) \$1,500,000
- Aurora Commons Acquisition (Seattle) \$2,500,000
- Ballinger Park - Hall Creek Restoration (Mountlake Terrace) \$824,000
- Battle Ground HealthCare Free Clinic Relocation (Battle Ground) \$1,000,000
- Bellevue High School Automotive Dynamometer Install (Bellevue) \$277,000
- Bigelow House Museum Preservation (Olympia) \$52,000
- BIPOC Artist Installation at Kraken Training Center

(Seattle) \$155,000	(Renton) \$1,339,000
Brewery Park Visitor Center (Tumwater) \$1,200,000	Coupeville Boys & Girls Club (Coupeville) ( <del>(\$1,030,000)</del> )
Bridges To Home (Shoreline) \$2,000,000	<u>\$1,236,000</u>
Camp Kilworth - YMCA Day Camp/Environmental Educ (Federal Way) \$1,030,000	Cow Skull Creek and Rushingwater Creek Acclimation Ponds (Orting) \$690,000
Campus Towers Roofing Project (Longview) \$301,000	Craft Beverage Lab & Instrumentation (Tumwater) \$773,000
Capitol Theatre Curtains/Soft Goods Replacement (Yakima) \$250,000	Cross Park Trail and Picnic Shelter (Tacoma) \$206,000
Central Klickitat County Parks Improvements (Goldendale) \$25,000	CSML Food Bank Facility (Moses Lake) \$1,900,000
Chehalis Centralia Steam Locomotive Repair/Restore (Chehalis) \$123,000	Cultural Anchor Village (Tukwila) \$1,500,000
<u>Chelan Municipal Airport Extension</u> (Chelan) <u>\$5,700,000</u>	Curran House Museum (University Place) \$85,000
Children's Village Neurodevelopmental Center Expansion (Yakima) \$750,000	Dawson Place Facilities (Everett) \$258,000
City of Wenatchee Community Center (Wenatchee) \$2,500,000	Day/Night House Exhibit Rebuild - Design Phase (Seattle) \$300,000
Civic Park Mika's Playground (Edmonds) \$258,000	Daybreak Star Indian Cultural Center (Seattle) \$2,600,000
Clallam Joint Emergency Services (Port Angeles) ( <del>(\$1,200,000)</del> ) <u>\$1,700,000</u>	Delridge Wetland Park (Seattle) \$244,000
Class A Biosolids Dryer (Yelm) \$850,000	Des Moines North Marina Bulkhead Replacement Ph II (Des Moines) \$2,000,000
Clemans View Park (Naches) \$442,000	Doris Morrison Learning Center (Greenacres) \$1,030,000
Coastal Community Action Program Service Ctr (Aberdeen) \$500,000	Downtown Puyallup Redevelopment Infrastructure (Puyallup) \$257,000
Communications Tower (Ocean Shores) \$77,000	Downtown Revitalization (Blaine) \$500,000
Community Action Resource and Training Center (Omak) \$400,000	Duffy's Pond Pathway Completion (Kennewick) \$38,000
Community Multi-Use Center (Carnation) \$1,030,000	Early Learning Facility Project for Licensed Childcare (Hoquiam) \$721,000
Cornforth Campbell Demolition & Infrastructure (Puyallup) \$330,000	East County Family Resource Center Renovation (Washougal) \$721,000
Coulee City Medical Clinic (Coulee City) \$846,000	Edmonds Marsh Restoration (Edmonds) \$258,000
Coulon North Water Walk Repair and Enhancement	

Edmonds Waterfront Center (Edmonds) \$250,000	Health Care Kiosk Deployment (Federal Way) \$75,000
Ejido Farm Project (Everson) \$200,000	Historic Downtown Chelan Infrastructure Predesign (Chelan) \$150,000
Ellensburg Masonic Temple (Ellensburg) \$258,000	Immigrant and Refugee Community Hub (Tukwila) \$960,000
Ellensburg Rodeo Grandstands (Ellensburg) \$1,500,000	Island County Criminal Justice Renovation (Coupeville) \$600,000
Ephrata Rec Center Upgrade (Ephrata) \$621,000	IT3 Discovery Center (Ridgefield) \$1,350,000
Esther's Home (Pasco) \$1,000,000	Japanese Gulch Daylighting (Mukilteo) \$206,000
Ethiopian Community Affordable Housing (Seattle) \$3,000,000	Jim Kaemingk Sr. Trail (Lynden) \$200,000
Extruded Curb Improvements (Kirkland) \$515,000	Joya Child & Family Development Center (Spokane) \$1,200,000
Family Engagement Center (Seattle) \$1,030,000	JV Memorial Pool Roof (Oak Harbor) \$250,000
Felts Field Gateway Project (Spokane) \$400,000	Kitsap Lake Park Renovation & Accessibility (Bremerton) \$258,000
Ferry County Airport Runway Lighting System (Republic) \$450,000	Kittitas Valley Healthcare Laboratory Services Reno (Ellensburg) \$397,000
Flag Plaza Redevelopment (Kennewick) \$46,000	La Center City Hall Improvements (La Center) \$1,236,000
FOE Meeting and Dance Hall (Puyallup) \$77,000	Lake Lawrence Fire Station (Yelm) \$515,000
Fourth Plain Community Commons (Vancouver) \$1,236,000	Lake Sacajawea Renovation Project (Longview) \$900,000
Franklin Pierce Farm Agricultural Resource Center (Tacoma) \$3,900,000	Lake Stevens Civic Center Phase 3 (Lake Stevens) \$2,100,000
Frontier Park - Goat Barn Roof (Graham) \$89,000	Lakefront Property Acquisition (Lake Forest Park) \$432,000
Frontier Park-Horse Arena Cover (Graham) \$1,811,000	LASA Client Services Center (Lakewood) \$515,000
Garfield Pool Upgrade (Garfield) \$500,000	Leavenworth Ski Hill ADA Restroom (Leavenworth) \$52,000
Gas Station Park Improvements (Tacoma) \$515,000	Lewis County Public Safety Radio Infrastructure (Chehalis) \$129,000
Gold Mountain Communications Zone - Upgraded Telecomm (Bremerton) \$835,000	Lewis County Youth Services Renovation and Addition (Chehalis) \$824,000
Granger Historical Society Museum (Granger) \$300,000	LGBTQ-Affirming Senior Center (Seattle) \$1,030,000
Green Lake Community Boathouse (Seattle) \$100,000	Links to Opportunity (Tacoma) \$2,000,000
Grounds Improvement Proposal (Ritzville) \$150,000	

Little League Field Improvement (Federal Way) \$200,000	(Gig Harbor) \$170,000
Longview Hospice Care Center Renovation (Longview) \$765,000	North Bend Depot Rehab (North Bend) \$151,000
Lopez Island Swim Center (Lopez Island) \$245,000	North Clear Zone Land Acquisition (Lakewood) \$1,400,000
Lynnwood Neighborhood Center (Lynnwood) \$500,000	North Creek Trail (Bothell) \$618,000
Maddie's Place (Spokane) \$644,000	North Seattle Boys & Girls Club Safety Upgrades (Seattle) \$361,000
Madrona Day Treatment School (Bremerton) \$321,000	Northwest Kidney Centers Clinic (Port Angeles) \$900,000
Magnuson Park Hangar 2 (Seattle) \$1,130,000	Ocean Beach Medical Group - Ilwaco Clinic (Ilwaco) \$309,000
Main Street Phase 2 (Mountlake Terrace) \$1,200,000	Panther Lake Community Park (Kent) \$2,000,000
Mariner Community Campus (Everett) \$1,670,000	Patterson Park Preservation & Upgrade (Republic) \$300,000
Martin Luther King Center Improvements (Pasco) \$1,000,000	Pedestrian Overcrossing Replacement (Kalama) \$2,250,000
Mary's Place Shelter Renovation (Burien) \$352,000	Perfect Passage (Tonasket) \$1,698,000
Marysville Trail Connector (Marysville) \$515,000	Perry Technical Institute Auditorium Renovation (Yakima) \$1,550,000
Mason County Veterans Memorial Hall Refurbishment (Shelton) \$62,000	Peter Kirk Community Center Roof and Retrofitted Emerg (Kirkland) \$773,000
McKinney Center Renovations (Seattle) \$1,000,000	Phase 1 Master Plan - COVID Mitigation (Lake Stevens) \$103,000
Meadowglen Community Park (Spokane) \$77,000	Phase 1 of Trails Plan Improvements (Issaquah) \$251,000
Medical Examiner's Facility Upgrades (Spokane) \$600,000	Planning & Upgrades Edmonds Boys & Girls Club (Edmonds) \$200,000
Miller Park (Yakima) \$642,000	Point Hudson Breakwater (Port Townsend) \$1,000,000
MLK Community Center Roof Replacement (Spokane) \$1,380,000	Police Station Renovations - City of Duvall (Duvall) \$107,000
Moses Lake Business Incubator (Moses Lake) \$1,313,000	Port of Olympia Marine Center (Olympia) \$250,000
Mountain Rescue Center (North Bend) \$222,000	Port of Vancouver Waterfront T1 Building Demo/Deconst (Vancouver) \$1,000,000
Nelson Dam Removal Project (Naches) \$1,325,000	Port Susan Trail (Stanwood) \$742,000
New Ground Kirkland (Kirkland) \$258,000	Port Townsend Affordable Housing Development (Port Townsend) \$1,400,000
Next Chapter Morgan Shelter (Tacoma) \$16,000	
NJROTC/NNDC Program Peninsula School District	

Proclaim Liberty Affordable Housing (Spokane) \$2,000,000	(Centralia) \$52,000
Project Chairlift: Lifting Up Washington State ( <del>Chair</del> ±)) (Mead) \$750,000	Sheffield Trail (Fife) \$1,030,000
Pts of Ilwaco/Chinook Nav Infrastructure (Ilwaco & Chinook) \$634,000	Shipley Senior Center (Sequim) \$463,000
Public Pavilion for Shoreline Park (Shoreline) \$361,000	Shoreline Parks Restrooms (Shoreline) \$412,000
Puyallup Recreation Center (Puyallup) \$1,030,000	SIHB Thunderbird Treatment Center (Seattle) \$309,000
Puyallup Valley Cultural Heritage Center (Puyallup) \$335,000	Silver Crest Park (Mill Creek) \$90,000
Rainier View Covered Court (Sumner) \$245,000	Skabob House Cultural Center Art Studio (Skokomish) \$500,000
Ramstead Regional Park (Everson) \$1,500,000	Skagit County Morgue (Mount Vernon) \$139,000
Redmond Senior and Community Center (Redmond) \$1,250,000	Sky Valley Teen Center (Sultan) \$773,000
Redondo Fishing Pier (Des Moines) \$900,000	<u>Sno-Isle Regional Inter-County Libraries</u>
Replacement Hospice House (Richland) \$900,000	(Lake Stevens) \$1,100,000
Resource Center Planning (Pasco) \$250,000	Snohomish County Food and Farming Center (Everett) \$2,550,000
Ridgefield I-5 Pedestrian Screen (Ridgefield) \$335,000	Snoqualmie Valley Youth Activity Center (North Bend) \$361,000
Ridgefield YMCA (Ridgefield) \$258,000	Soap Lake City Hall Reactivation (Soap Lake) \$157,000
Ridgetop DNR Trust Land Purchase (Silverdale) \$2,050,000	SoCo Park (Covington) \$1,300,000
Ritzville Downtown Improvements (Ritzville) \$105,000	South Bend School Multi-Use Field Upgrades (South Bend) \$361,000
Sargent Oyster House Restoration (Allyn) \$344,000	South Kitsap Community Events Center (Port Orchard) \$1,236,000
School Based Health Care Clinic (Tacoma) \$750,000	South Kitsap HS Phys Ed Support (Port Orchard) \$15,000
SE 168th St. Bike Lanes/Safe Crossings (Renton) \$500,000	Southwest Washington Grain Project (Chehalis) \$1,750,000
Seattle Aquarium Expansion (Seattle) \$2,000,000	Spokane Public Radio (Spokane) \$1,000,000
Seattle Kraken Multisport Courts (Seattle) \$103,000	Spokane Valley Boys & Girls Club (Spokane Valley) \$1,030,000
Selah-Moxee Irrigation District (Moxee) \$300,000	Spokane Valley Fairgrounds Exhibition Center (Spokane Valley) \$750,000
Seminary Hill Natural and Heritage Trail Project	Sprinker Recreation Center Outdoor Improvements (Tacoma) \$400,000
	Squire's Landing Park Waterfront & Open Space Access Pr (Kenmore) \$927,000

Steilacoom Tribal Cultural Center (Steilacoom) \$814,000	Vaughn Library Hall Restoration (Vaughn) \$103,000
Stonehenge Memorial Public Restroom Project (Maryhill) \$129,000	Wards Lake Park Improvement Project (Lakewood) \$258,000
Sultan Basin Park Design (Sultan) \$26,000	Water Efficiency Improvements (Royal City) \$193,000
Sumas Sidewalks and Trails (Sumas) \$75,000	Wenas Creek Screening, Passage Engineering Design (Selah) \$150,000
Teaching & Commercial Kitchen (Kent) \$515,000	West Biddle Lake Dam Restoration (Vancouver) \$1,881,000
The Campaign for Wesley Des Moines (Des Moines) \$500,000	Whatcom County Integrated Public Safety Radio System (Bellingham) \$400,000
The Eli's Park Project (Seattle) \$900,000	Woodland Scott Hill Park & Sports Complex (Woodland) \$600,000
The Ethiopian Village (Seattle) \$515,000	Yakima County Fire Communications Radio Repeaters (Yakima) \$103,000
The Hilltop (Tacoma) \$1,545,000	Yakima Valley Fair (Grandview) \$235,000
The Landing (Redmond) \$258,000	Yelm Senior Center Repairs (Yelm) \$36,000
The Millworks (Bellingham) \$1,000,000	Youth Resource Center (Federal Way) \$82,000
The Podium (Spokane) \$774,000	(b) The funding for the Magnuson Park Historic Hanger 2 (Seattle) project is contingent on the contribution of at least \$6,000,000 for the Magnuson Park Center For Excellence. If the Magnuson Park Center For Excellence has not certified to the department of commerce that the project has secured at least \$6,000,000 in total funding for the capital phase of the project by July 31, 2022, the funds in this subsection (8)(b) shall lapse. The lapse date of July 31, 2022, must be extended to the same extent that the city of Seattle grants an extension, if any, beyond that date for the same project, provided that no further extension may be granted past July 31, 2023. The Magnuson Park Center For Excellence must ensure that the long- term lease with Seattle Parks and Recreation stipulates meaningful public benefits that prioritize low-income, black, indigenous, and people of color youth and families of the Magnuson park and neighborhood and Northeast Seattle. The lease must include provisions to proactively recruit and provide no-cost access to the residents as well as the creation of a scholarship fund dedicated to the residents for the center's events
The Way Station (Bellingham) \$4,050,000	
Therapeutic Play Spaces (Spokane) \$108,000	
<u>Tiny ((Homes)) House Villages and Cottages (Seattle) \$2,000,000</u>	
Together Center (Redmond) \$1,030,000	
Toppenish Junior Livestock Facility Planning (Toppenish) \$21,000	
Trails End Community Meeting Space (Tumwater) \$155,000	
Treatment Plant Remodel (Duvall) \$742,000	
Turf Field Lighting (Yakima) \$500,000	
Turning Pointe Youth Advocacy Addition (Shelton) \$82,000	
Twisp Civic Center (Twisp) \$1,500,000	
United Way of King County Building Restoration (Seattle) \$566,000	
University Heights Center Renovation (Seattle) \$595,000	
Upper Kittitas County Medic One - Station 99 (Cle Elum) \$784,000	



and programming. Additional public benefits to improve accessibility for Magnuson Park residents must be considered in the lease negotiations.

Appropriation:

State Building Construction Account—  
State (~~(\$160,910,000)~~)

\$169,916,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$160,910,000)~~)

\$169,916,000

**NEW SECTION. Sec. 1023.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Economic Opportunity Grants Authority  
(40000246)

Appropriation:

Rural Washington Loan Account—State  
\$903,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$903,000

**NEW SECTION. Sec. 1024.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2022 Rapid Capital Housing Acquisition  
(40000260)

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

(1)(a) \$207,628,000 of the capital community assistance account—state appropriation in this section is provided solely for the department to issue competitive financial assistance to eligible organizations under RCW 43.185A.040 to acquire real property for a rapid conversion into enhanced emergency shelters, permanent supportive housing, transitional housing, permanent housing, youth housing, or shelter for extremely low-income people, as well as individuals, families, unaccompanied youth, and young people experiencing sheltered and unsheltered homelessness. The department shall prioritize housing projects that will rapidly move people

experiencing unsheltered homelessness into housing, including, but not limited to, individuals living in unsanctioned encampments, the public rights-of-way, or other public spaces. Amounts provided in this section may also be used for renovation and building update costs associated with establishment of the acquired facilities. The department may only approve funding for projects resulting in increased shelter or housing capacity. Amounts provided in this section may not be used for operating or maintenance costs associated with providing housing, supportive services, or debt service.

(b) \$20,000,000 of the capital community assistance account—state appropriation in this section is provided solely for housing projects in rural areas as defined by the department under RCW 43.185.050 and underserved communities with the goal of maximizing the investment and increasing the number of supportive housing units in rural, underserved communities.

(c) \$2,000,000 of the capital community assistance account—state appropriation in this section is provided solely for the Woodley Place by Bayside Housing and Services project in Port Hadlock.

(d) \$172,000 of the capital community assistance account—state appropriation in this section is provided solely for Building Transitional Tiny Homes for the Homeless project in Seattle.

(e) \$200,000 of the capital community assistance account—state appropriation in this section is provided solely for the department to contract and work with a professional real estate broker to identify opportunities for rapid acquisition or conversion of properties.

(f) \$10,000,000 of the capital community assistance account—state appropriation in this section is provided solely for unexpected cost increases experienced by projects funded by prior rapid capital appropriations. The department must create a process by which providers that received prior rapid capital awards may request additional funding for unexpected costs of affordable housing projects that are under or ready for construction

(g) When selecting projects, the department shall balance the state's interest in quickly approving and

financing projects, the degree to which the project will leverage other funds, the extent to which the project promotes racial equity, and the extent to which the project will promote priorities on a statewide basis, including in rural areas and in geographically diverse parts of the state.

(h) Amounts appropriated under this section may also be used for permanent financing for real estate acquired using other short-term acquisition sources. To expand availability of permanent housing, financing of acquisition of multifamily housing is a priority.

(i) While emphasizing the rapid deployment of the amounts appropriated under this section to alleviate the immediate crisis of homelessness throughout the state, the department shall use criteria for the issuance of funds that were developed to administer prior rapid capital appropriations, and which must include:

(i) The date upon which the units can be placed in service and occupied by the intended population, or the date any necessary structural modifications would begin and the anticipated date of completion of the project;

(ii) A detailed estimate of the costs associated with the acquisition and any updates or improvements necessary to make the property habitable for its intended use;

(iii) A detailed estimate of the costs associated with placing the beds or units in service; and

(iv) A financial plan demonstrating the ability to maintain and operate the property and support its intended tenants.

(j) If the recipient is found to be out of compliance with provisions of the contract, the recipient shall repay to the state general fund the principal amount of the award plus interest calculated at the rate of interest on state of Washington general obligation bonds issued on the date most close in time to the date of authorization of the award.

(k) The department must provide a progress report on its website by December 30, 2023. The report must include:

(i) The total number of applications and amount of funding requested; and

(ii) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, housing units, and anticipated completion date.

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

(m) The department shall prioritize proposals that reach the greatest public benefit, as defined by the department. For purposes of this subsection (1)(m), "greatest public benefit" must include, but is not limited to:

(i) The rapid transition of people living unsheltered or chronically homeless, into housing;

(ii) The greatest number of accommodations or increased shelter capacity that will benefit extremely low-income people, as well as individuals, families, and youth experiencing homelessness;

(iii) Whether the project has local funding commitments and rental assistance;

(iv) The scarcity of the affordable housing or shelter capacity applied for compared to the number of available affordable housing units or shelter capacity in the same geographic location; and

(v) The program's established funding priorities under RCW 43.185.070(5).

(n) The department must strive to allocate all of the amounts appropriated in this section within the 2021-2023 fiscal biennium in the manner prescribed in this section. However, if upon review of applications the department determines there are not adequate suitable projects in (a) of this subsection, the department may allocate funds to (f) of this subsection or to projects serving other low-income and special needs populations, provided those projects are located in an area with an identified need for the type of housing proposed.

(2) \$60,000,000 of the apple health and homes account—state appropriation in this section is provided solely for the rapid permanent supportive housing program created under chapter . . . , Laws of 2022 (Engrossed Substitute House Bill No. 1866) and the creation of a housing

dashboard providing permanent supportive housing need and current capacity data. Of the amounts in this subsection, \$1,500,000 is provided solely for the St. Agnes Haven project in Spokane. If Engrossed Substitute House Bill No. 1866 is not enacted by June 30, 2022, the amount provided in this subsection shall lapse.

Appropriation:

Capital Community Assistance Account—  
State \$240,000,000

Apple Health and Homes Account—State  
\$60,000,000

Subtotal Appropriation \$300,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$300,000,000

**NEW SECTION. Sec. 1025.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2022 Crisis Stabilization Facilities  
(92001286)

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

(1)(a) The appropriation in this section is provided solely for the department to issue grants to expand and establish new capacity for 23-hour crisis triage facilities, crisis stabilization facilities with capacity up to 16 beds, and youth residential crisis triage and stabilization facilities, that are not subject to federal funding restrictions that apply to institutions of mental disease. Eligible grantees are limited to nonprofit or for-profit businesses, public entities, and tribes, that are also community hospitals or other community-based behavioral health providers. Facilities of less than 16 beds are permitted, but the department shall consider, as a factor in awards, the economies of scale created by facilities with higher numbers of beds and the operational costs and funding sources available to the applicant.

(b) The department shall work with the department of health, health care authority, and other relevant agencies to ensure that there is equitable distribution of these projects across the state, relative to need, and shall work

affirmatively with all behavioral health administrative services organizations regions, with the goal that all areas of the state are adequately served.

(c) The department shall ascertain the areas of Washington state with the most acute behavioral health crisis needs using emergency department data and other data available including existing and forthcoming committed capacity and shall ensure that these areas receive grants to help facilitate placement and construction of facilities in an expeditious manner.

(2) Amounts provided in this section may be used for construction and equipment costs associated with establishment of the facilities. The department may approve funding for the acquisition of a facility if the project will result in increased crisis triage and stabilization capacity. Amounts provided in this section may not be used for operating costs associated with the treatment of patients using these services.

(3) \$12,000,000 of the appropriation in this section is provided solely for the department to issue grants for at least two residential crisis triage and stabilization facilities for youth. These facilities must increase behavioral health services and capacity for children and minor youth including, but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, depression, suicidality, and interventions for children exhibiting aggressive or depressive behaviors.

(4)(a) \$10,000,000 of the appropriation in this section is provided solely for the King County Crisis Walk-In/Stabilization; and

(b) \$12,000,000 of the appropriation in this section is provided solely for the Lynnwood Community Recovery Center.

(5) The department must provide a progress report to the fiscal committees of the legislature by March 1, 2023. The report must include:

(a) The total number of applications and amount of funding requested; and

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed

capacity, and anticipated completion date.

Appropriation:

Capital Community Assistance Account—  
State \$72,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$72,000,000

NEW SECTION. Sec. 1026. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2023 Local and Community Projects  
(40000266)

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

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

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

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

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

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant

and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

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

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

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

57th Avenue Sewer Project (University Place) \$100,000

988 Expansion (Everett) \$300,000

Accessibility and Upgrades for WHO (Vancouver) \$283,000

Allyn Community Center (Allyn) \$300,000

Anacortes Family Center (Anacortes) \$50,000

Ballard Boys & Girls Club Teen Ctr Remodel

& Expansion (Seattle) \$241,000

Black Diamond Community Skatepark (Black Diamond) \$85,000

Boys & Girls Club Fire Safety Upgrade (Federal Way) \$361,000

Bremerton Library Building - HVAC (Bremerton) \$412,000

Burton Water Company Cooperative Conversion (Vashon) \$26,000

Camp Korey Internet & Telemedicine (Mount Vernon) \$330,000

Children's Therapy Center (Tacoma) \$250,000

CHOB Electrical Upgrade to Emergency Shelter (Longview) \$258,000	Frontier Park Goat Barns (Graham) \$70,000
City Hall Preservation Phase II (Enumclaw) \$289,000	GenPride LGBTQ+ Senior Community Center (Seattle) \$530,000
City of Tenino Playground (Tenino) \$515,000	GH Senior Center Office/Education Container (Gig Harbor) \$61,000
City of Yelm Dog Park (Yelm) \$52,000	Goldsborough Switching Station (Shelton) \$103,000
Civil Air Patrol Hangar (Ephrata) \$1,200,000	Granger Historical Society New Museum Project (Granger) \$100,000
Columbia Basin Dive Rescue's New Boat (Richland) \$270,000	Harlequin Productions Theater Renovation (Olympia) \$250,000
Communication Devices for Football Officials (Olympia) \$36,000	Harper Estuary Restoration and Bridge Construction (Port Orchard) \$100,000
Community Boating Center for All - Magnuson Park (Seattle) \$100,000	Historic Neptune Theatre HVAC Upgrade (Seattle) \$100,000
Confluence Health Treatment Center (Moses Lake) \$1,236,000	Historic Newcastle Cemetery (Newcastle) \$75,000
Craft Beverage (Tumwater) \$200,000	Historic Paramount Theatre HVAC Upgrade (Seattle) \$198,000
Darrington Wood Innovation Center (Darrington) \$1,700,000	Howard Bowen Memorial Events Complex (Sumas) \$319,000
Edmonds Boys & Girls Club Feasibility Study (Edmonds) \$206,000	HVAC Upgrade with New System and Heat Pumps (Shelton) \$250,000
Electrical & Safety Upgrades at N Seattle Boys & Girls (Seattle) \$304,000	Illahee Preserve 'Homestead, Ph 1' Acquisition (Bremerton) \$196,000
Eli's Park Project (Seattle) \$200,000	Imagine Children's Museum (Everett) \$250,000
Elks 1450 Roof Replacement (Puyallup) \$381,000	Interfaith Family Shelter (Everett) \$800,000
Felts Field Gateway Project (Spokane) \$200,000	Island County Jail Intake Body Sensor (Coupeville) \$200,000
Ferndale Civic and Community Campus (Ferndale) \$1,500,000	Jim Kaemingk Sr. Trail Missing Link (Lynden) \$300,000
Field Arts and Events Hall \$250,000	Kitsap Humane Society (Silverdale) \$258,000
Fircrest Campus Master Plan (Shoreline) \$300,000	Kiwanis Park Playground Accessibility Upgrades (Bremerton) \$165,000
First Street Downtown Revitalization (Cle Elum) \$465,000	Klickitat County Animal Shelter (Goldendale) \$670,000
Flooring Replacement Kirkland Boys & Girls Club (Kirkland) \$53,000	La Conner Regional Library (La Conner) \$640,000
Foss Waterway Seaport Public Restrooms (Tacoma) \$258,000	Lake Boren Park Fishing Dock and Viewing Platform (Newcastle) \$62,000

Lake Wilderness Lodge Emergency Generator (Maple Valley)	\$412,000	Northwest Kidney Centers - Port Angeles Clinic (Port Angeles)	\$235,000
Lewis County Regional Tennis and Wrestling Facility (Chehalis)	\$875,000	ODMF Multicultural Village (Kent)	\$450,000
Library Commons Project (Mount Vernon)	\$4,000,000	Old Fort Lake Subarea (DuPont)	\$400,000
Logistics Facility (Vancouver)	\$160,000	Pacific Co. Fair Three M Project (Raymond)	\$412,000
Longview Senior Center Roof and Energy Upgrades (Longview)	\$273,000	Pattison Property Redevelopment (Federal Way)	\$1,250,000
Luther Burbank Pk Waterfront Activity Center (Mercer Island)	\$85,000	Pedestrian Boardwalk May Creek Trail (Renton)	\$258,000
Marina View Building Renovation (Olympia)	\$103,000	Peshastin Cross Over Siphon Pipe (Peshastin)	\$309,000
Marymount/Spana-Park Senior Center Roof (Spanaway)	\$103,000	Pilchuck Glass School Ventilation (Stanwood)	\$103,000
Mason Co Housing Authority Roof & Electrical (Shelton)	\$201,000	Pipe Lake Water Quality Improvement Project (Covington)	\$319,000
McKinney Center Minor Works (Seattle)	\$560,000	Planning Land Acquisition for Veteran Rites (Tacoma)	\$46,000
Mill Creek Library Project (Mill Creek)	\$200,000	Port Gamble Forest Restoration (Port Gamble)	\$300,000
Mill Creek Parks Master Plan (Mill Creek)	\$206,000	Port Marine Transportation Infrastructure (Friday Harbor)	\$258,000
Mount Spokane Lodge Renovations (Mead)	\$397,000	Port of Mattawa Event Center (Mattawa)	\$125,000
Mukai's Fruit Barreling Plant (Vashon, WA)	\$50,000	Public Electric Vehicle Infrastructure (Lacey)	\$103,000
Naches Rearing Pond (Naches)	\$50,000	Pump Station Modernization: Design and Permitting (Mount Vernon)	\$100,000
New Beginnings Homes (Puyallup)	\$201,000	Rejuvenation Community Day Center & Shower/Laundry (Bremerton)	\$250,000
Newman Lake Milfoil Wash Station (Newman Lake)	\$100,000	Ridgefield Splashpad (Ridgefield)	\$258,000
Non Destructive Weld Testing (Sunnyside)	\$30,000	Rimrock Grange Renovation (Washtucna)	\$105,000
Nooksack River Integrated Floodplain Mitigation (Whatcom County)	\$2,000,000	Rister Stadium Elevator Lift (Kelso)	\$33,000
North Creek Trail (Bothell)	\$500,000	Roslyn Downtown Association Gazebo (Roslyn)	\$171,000
North Trailhead Restroom & Covered Structure (Castle Rock)	\$155,000	Rotary Morrow Community Park (Poulsbo)	\$50,000
		Salmon Reintroduction in the Upper Columbia (Spokane)	\$375,000

Seattle Aquarium Ocean Pavilion (Seattle) \$500,000	Center (Tukwila) \$258,000
Secure Parking for Shelton Police (Shelton) \$206,000	Urban League of Metropolitan Seattle Building (Seattle) \$500,000
Seismic Upgrade and Roof Replacement (Vancouver) \$309,000	Vandercook Park Restroom (Longview) \$309,000
Senior Resources Svc HUB Feasibility Study (Freeland) \$273,000	Veteran Housing at Stratford Apartments (Longview) \$206,000
Serving the Community Through Capital Improvements	VOA Veteran Transitional Housing Energy Efficiency
(Walla Walla) \$336,000	(Spokane) \$195,000
Skokomish Water Line Extension (Skokomish) \$50,000	Wa Na Wari Capital Improvements (Seattle) \$258,000
Smokey Point Park (Arlington) \$278,000	WA Soldiers Home Cemetery Road Pavement Project
Snohomish Teen Center Addition (Snohomish) \$515,000	(Orting) \$180,000
South Area Commercial Sewer Infrastructure Ext. (Airway	Weld Collaborative Reintegration Resource (Seattle) \$775,000
Heights) \$300,000	Wenatchee City Pool Repairs (Wenatchee) \$550,000
South Sound Innovation and Education Center	Wenatchee Valley YMCA (Wenatchee) \$515,000
(Federal Way) \$300,000	West Plains Childcare Center (Airway Heights) \$191,000
South Whidbey Aquatic Wellness Center (Langley) \$400,000	Westport Marina Gear Yard (Westport) \$412,000
Starbuck Rodeo Arena Remodel (Dayton) \$98,000	WGC - Accessibility and Education Support (Waitsburg) \$42,000
Steilacoom Electrical Charging Station Project	Whelan Community Building (Pullman) \$153,000
(Steilacoom) \$50,000	White Center Food Bank Grow2Give Relocation (Seattle) \$200,000
Sultan-Monroe Commercial Kitchen (Monroe) \$134,000	Wilkeson Water Treatment System (Wilkeson) \$300,000
The Tacoma Recovery Cafe Site Acquisition (Tacoma) \$500,000	Willows Road Pedestrian Safety Connection (Kirkland) \$206,000
Titlow Park Bridge Replacement (Tacoma) \$350,000	Woodland Community Library Building Project (Woodland) \$515,000
Toppenish Hospital (Toppenish) \$2,000,000	Yakima Canyon Interpretive Center (Ellensburg) \$150,000
Town Center to Burke-Gilman Trail Connector (Lake	Yakima Greenway Master Plan (Yakima) \$67,000
Forest Park) \$103,000	Yakima YMCA Park Development (Yakima) \$232,000
Town of Naches Mobile Stage (Naches) \$250,000	Youth Achievement Center (Seattle) \$500,000
Transitions (Spokane) \$103,000	YVT Bucket Truck (Yakima) \$70,000
Tubman Health Clinic (Seattle) \$4,500,000	Total \$53,318,000
Tukwila Teen Center and Senior Intergenerational	

## Appropriation:

State Building Construction Account—  
State \$53,318,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$53,318,000

**NEW SECTION. Sec. 1027.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Ports Infrastructure (40000278)

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

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

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

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

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

(5) In contracts for grants authorized under this section, the department must include provisions that require that capital improvements be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the

grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

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

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

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

Dredge River Access (Port of Clarkston) \$1,550,000

Off Dock Container Yard (Port of Tacoma) \$2,000,000

Pier 66 Shore Power (Port of Seattle) \$2,000,000

Point Hudson Breakwater Project (Port Townsend) \$1,500,000

SE 41st Street Project (Port of Camas-Washougal) \$2,400,000

Terminal 1 Dock Design and Permitting (Port of

Vancouver) \$1,596,000

Terminal and Warehouse Upgrades (Port of Everett) \$2,000,000

Trades District (Chelan-Douglas Regional Port) \$3,000,000

## Appropriation:

State Building Construction Account—  
State \$16,046,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$16,046,000



**Sec. 1028.** 2021 c 332 s 1045 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Clean Energy and Energy Freedom Program (91000582)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1074, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

State Building Construction Account—	
State ( <del>(\$625,000)</del> )	
	<u>\$750,000</u>
Prior Biennia (Expenditures)	
	<del>(\$35,369,000)</del>
	<u>\$35,244,000</u>
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$35,994,000

**Sec. 1029.** 2021 c 332 s 1048 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Library Capital Improvement Program (91001239)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1053, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—	
State ( <del>(\$6,000,000)</del> )	
	<u>\$6,279,000</u>
Prior Biennia (Expenditures)	
	<del>(\$6,838,000)</del>
	<u>\$6,559,000</u>
Future Biennia (Projected Costs)	
	\$0
TOTAL	\$12,838,000

**Sec. 1030.** 2021 c 332 s 1053 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Local & Community Projects 2016 (92000369)

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

(1) The reappropriation is subject to the provisions of section 6009, chapter 413, Laws of 2019, except that subsection (2) of this section supersedes the requirements of subsection (7) in section 6009, chapter 413, Laws of 2019.

(2) \$2,209,000 of the appropriation in this section is provided solely for the Fairchild air force base protection and community empowerment project, including the purchase of 20 acres of land by Spokane county or the city of Airway Heights for development of affordable housing, the purchase of mobile home parks or mobile homes by Spokane county or the city of Airway Heights in order to reduce the use of the accident potential zone for residential purposes, and \$70,000 for a pilot project. The pilot project shall include payment of moving costs and down payment or closing costs of up to \$7,000 for 10 individuals or families living in mobile homes located in the accidental potential zone whose mobile homes are purchased and who relocate to affordable housing constructed on the 20 acres of land purchased by Spokane county or the city of Airway Heights through the appropriation in this subsection. There shall be no limitations on the sequence of the purchase of mobile home parks or mobile homes. If Spokane county or the city of Airway Heights subsequently rezones, develops, and leases the mobile home park property for commercial or industrial uses contrary to the allowed uses in the accident potential zone, Spokane county or the city of Airway Heights must repay to the state the amount spent on the purchase of mobile home parks in its entirety within 10 years. Mobile home parks purchased under the provisions of this subsection may be sold by Spokane county or the city of Airway Heights, provided that the uses of the mobile home park property are not contrary to the allowed uses in the accident potential zone. Any moneys from this sale must be used to purchase other mobile home parks or mobile homes in the Fairchild air force base protection and community empowerment project. The 20 acres of land purchased under this subsection for development as affordable housing may be sold, in whole or in part, by the recipient, provided the property sold is used for affordable housing as required in the Fairchild air force base

protection and community empowerment project. Recipients of funds provided under this subsection are not required to demonstrate that the project site is under their control for a minimum of 10 years but they must demonstrate that the project site is under their control through ownership or long-term lease. Projects funded under this subsection are not required to meet the provisions of RCW 43.63A.125(6) and section 6009(5), chapter 298, Laws of 2019.

Reappropriation:

State Building Construction Account—		
State \$11,000,000		
Prior Biennia	(Expenditures)	
\$117,919,000		
Future Biennia	(Projected Costs)	
\$0		
TOTAL		\$128,919,000

**Sec. 1031.** 2021 c 332 s 1082 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Substance Use Disorder Recovery Housing (91001675)

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

(1) The appropriation in this section is provided solely for an agreement with Catholic Community Services/Catholic Housing Services to fund a master planning process for the development of a family-centered drug treatment and housing program in western Washington that supports families staying together while they recover from addiction and rebuild their lives. Housing developers, service providers, and other stakeholders must be included in this master planning process.

(2) The master planning process under this section must model the project to be developed after Rising Strong in Spokane and must include units for families that are experiencing substance use disorder and that are involved in the child welfare system. The site must include living quarters for families, space for services, play areas for children, and space for child care. The program services located at the site must include, but are not limited to, case management, counseling, substance use disorder treatment, and parenting skills

classes. The site must be located in King County, or located near King county, to provide services to families in the western area of the state.

(3) Phase two of the planning process must: Further define the community needs; work with the department, the health care authority, and the department of children, youth, and families in identifying a sponsoring agency or organization and service partners; make preferred site recommendations; determine the project budget and establish the model and sources for funding the program located in the facility, including the conditions for sustainable funding; and include additional components identified by Catholic Community Services/Catholic Housing Services or its consultants needed to prepare for a 2023-2025 biennium capital budget request.

(4) The master plan developed under this section must be submitted to the appropriate committees of the legislature by December 31, (~~2021~~) 2022.

Appropriation:

State Taxable Building Construction Account—		
State \$150,000		
Prior Biennia	(Expenditures)	\$0
Future Biennia	(Projected Costs)	\$0
TOTAL		\$150,000

**Sec. 1032.** 2021 c 332 s 1074 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Grants for Affordable Housing Development Connections (91001685)

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

(1) The appropriations in this section (~~is~~) are provided solely for grants to local governments and public utility districts for system development charges and utility improvements for new affordable housing projects that serve and benefit low-income households. Where applicable, the extension must be consistent with the approved comprehensive plans under the growth management act and must be within the

established boundaries of the urban growth area.

(2) \$7,600,000 of the state building construction account—state appropriation, \$4,500,000 of the capital community assistance account—state appropriation, and \$16,300,000 of the coronavirus state fiscal recovery fund—federal appropriation in this section are provided solely for grants to local governments or public utilities located within a jurisdiction that imposed a sales and use tax under RCW 82.14.530(1)(a)(ii), 82.14.530(1)(b)(i)(B), 82.14.540, or 84.52.105.

(3) \$10,700,000 of the coronavirus state fiscal recovery fund—federal appropriation and \$4,500,000 of the capital community assistance account—state appropriation in this section ~~((is))~~ are provided solely for grants to local governments or public utilities located within:

(a) A city or county with a population of 150,000 or less; and

(b) A jurisdiction that imposed a sales and use tax under RCW 82.14.530(1)(a)(ii) or 82.14.530(1)(b)(i)(B).

(4) The department shall coordinate with the office of financial management and the governor's office to develop a process for project submittal, project selection criteria, review, and monitoring, and tracking the housing development projects that receive affordable housing development connections grants under this section. To be eligible for funding under this section, an applicant must demonstrate, at minimum:

(a) That affordable housing development will begin construction within 24 months of the grant award; and

(b) A strong probability of serving the original target group or income level for a period of at least 25 years.

(5) \$1,700,000 of the state building construction account—state appropriation in this section is provided solely for the Port Townsend Utility Connection Project.

(6) ~~(\$5,700,000 of the state building construction account state appropriation in this section is provided~~

~~solely for the Chelan municipal airport extension.~~

~~(7))~~ To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund, all expenditures from the coronavirus state fiscal recovery account—federal appropriation in this section must be ~~((incurred))~~ obligated by December 31, 2024.

~~((48))~~ (7) For purposes of this section, the following definitions apply.

(a) "Affordable housing" and has the same meaning as in RCW 43.185A.010.

(b) "Low-income household" has the same meaning as in RCW 43.185A.010.

(c) "System development charges" means charges for new drinking water, wastewater, or stormwater connections when a local government or public utility has waived standard fees normally applied to developers for connection charges on affordable housing projects.

(d) "Utility improvements" means drinking water, wastewater, or stormwater utility improvements.

Appropriation:

Coronavirus State Fiscal Recovery

Account—Federal \$27,000,000

State Building Construction Account—  
State ~~((15,000,000))~~

\$18,300,000

Subtotal Appropriation  
~~((42,000,000))~~

\$45,300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL ~~((42,000,000))~~

\$45,300,000

**Sec. 1033.** 2021 c 332 s 1085 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Infrastructure Projects (91001687)

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

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

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

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

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

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

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

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

department of archaeology and historic preservation and affected tribes must be initiated before project funds are made available.

(8) To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund, all expenditures of amounts appropriated in this section must be ~~((incurred))~~ obligated by December 31, 2024.

(9) ~~((The))~~ \$12,795,000 of the state building construction account—state appropriation and \$97,926,000 of the coronavirus state fiscal recovery account—federal appropriation in this section ~~((is))~~ are provided solely for the following list of projects:

Airway Heights Water Resources Replacement (Airway

Heights) \$14,950,000

Anderson Road Project Design (Chelan) \$258,000

~~((Belfair Water Reclamation Facility (Belfair) \$500,000))~~

Boat Haven Stormwater Improvement (Port Townsend) \$2,050,000

~~((Centralia School District—Gemini & LTE~~

~~(Centralia) \$1,529,000))~~

Cheney Purple Pipe Project (Cheney) \$11,050,000

City of Fircrest Water Meter Replacement

(Fircrest) \$171,000

City of Ilwaco - Drinking Water Source Protection

(Ilwaco) \$721,000

Crusher Canyon Sewer Line (Selah) \$1,000,000

Dryden Wastewater Improvement Project (Dryden) \$1,030,000

Fall City Waste Management System (Fall City) \$6,500,000

Fry Creek Pump Station (Aberdeen) \$8,975,000

Index Phased Water Line Replacement (Index) \$1,351,000

Lacamas Lake Management Plan (Camas) \$155,000

Leach Creek Interceptor Extension (University

Place) \$2,100,000

Louis Thompson Road Tightline  
(Sammamish) \$3,000,000

Malaga Industrial Park Waterline  
Extension  
(Malaga) \$1,545,000

~~((Malden) USDA Water (Malden)  
\$247,000))~~

Mill Creek Flood Control Channel  
(Walla Walla) \$1,545,000

NE 92nd Avenue Pump Station & Force  
Main (Battle  
Ground) \$2,050,000

New Well for the Community of  
Peshastin (Peshastin) \$1,100,000

Omak Water Reservoir (Omak)  
\$4,300,000

Othello Water Conservation System  
(Othello) \$515,000

Packwood Sewer System (Packwood)  
\$8,050,000

PFAS Treatment at City of DuPont Water  
Wells  
(DuPont) \$5,950,000

Port Hadlock Wastewater Facility (Port  
Hadlock) \$20,175,000

Port of Mattawa Wastewater  
Infrastructure  
(Mattawa) \$618,000

Reservoir No. 2, Water Supply &  
Distribution  
(Bridgeport) \$3,200,000

Shelton: Well 1 Water Main (Shelton)  
\$2,050,000

Skamania County Well Installation  
(Stevenson) \$52,000

Vader Wastewater Treatment Plant  
Improvements  
(Vader) \$1,850,000

Wallula Dodd Water System Ph2  
(Wallula) \$2,050,000

Wanapum Indian Village Fiber  
infrastructure  
Project (Mattawa) \$155,000

Water Main Infrastructure Extension  
Project  
(George) \$155,000

WWTP Reclaimed Water (Shelton)  
\$2,050,000

(10) \$25,832,000 of the capital  
community assistance account—state  
appropriation in this section is provided  
solely for the following list of  
projects:

223rd Green Street Planning (Des  
Moines) \$309,000

4th St. NW Stormwater System Upgrade  
(Puyallup) \$800,000

Alger I-5 Waterline Relocation  
(Bellingham) \$250,000

Boulevard Park Sanitary Sewer  
Extension (Burien) \$2,400,000

City of Brewster Canyon Well House  
(Brewster) \$480,000

City of Brewster Sewer Upgrade  
(Brewster) \$2,800,000

Curtin Creek Ph. 1 Septic Elimination  
(Vancouver) \$800,000

East Blaine Water Pump Station  
(Blaine) \$500,000

Lake Chelan EMS Design (Chelan)  
\$191,000

Langley Infrastructure (Langley)  
\$250,000

Lewis County Fire District #5  
(Napavine) \$2,000,000

Lincoln County Fire District 1 Helipad  
(Sprague) \$103,000

Port of Allyn Well & Water Pump  
Facility (Allyn) \$400,000

Rustlewood Water System Upgrades  
(Grapeview) \$550,000

Shelton Water Reclamation Facility  
(Shelton) \$3,250,000

Swan Creek Bridge (Tacoma)  
\$400,000

Town of Elmer City Fire Station  
Improvements  
(Elmer City) \$772,000

Wastewater Lift Stations  
Improvements/Upgrades  
(Concrete) \$550,000

Water System Improvement Project  
(Morton) \$6,017,000

WCFD #8 Station 34 Replacement  
(Bellingham) \$2,000,000

Western Ranches Water Distribution System(Puyallup) \$1,000,000Yakima County Fire District 12 (Yakima) \$10,000(11) \$747,000 of the public works assistance account—state appropriation in this section is provided solely for the following list of projects:Belfair Water Reclamation Facility (Belfair) \$500,000Malden USDA Water (Malden) \$247,000

Appropriation:

State Building Construction Account—State \$12,795,000Public Works Assistance Account—State \$747,000

Coronavirus State Fiscal Recovery

Account—Federal (~~(\$112,997,000)~~)\$97,926,000Capital Community Assistance Account—State \$25,832,000Subtotal Appropriation \$137,300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$112,997,000)~~)\$137,300,000

**Sec. 1034.** 2021 c 332 s 1084 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Food Banks (91001690)

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

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

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

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

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

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

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

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

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

Chelan Douglas Food Distribution Center (Malaga) \$1,030,000

FISH Community Food Bank and Food Pantry

(Ellensburg) \$1,545,000

Gig Harbor Peninsula FISH New Facility

Construction (Gig Harbor) \$2,050,000

Hunger Solution Center Cold Storage Expansion

(Seattle) \$827,000

Issaquah Food Bank Expansion (Issaquah) \$1,030,000

La Center Community Center Repairs and Improvements (La Center) \$515,000

Northwest Harvest (Yakima) \$3,200,000

Port Angeles Food Bank (Port Angeles) \$1,050,000

Puyallup Food Bank Capital Campaign (Puyallup) \$257,000

Selah Naches Food Bank (Selah) \$52,000

White Center Food Bank Relocation (Seattle) \$1,030,000

Appropriation:

State Building Construction Account—State (~~(\$8,304,000)~~)

\$12,586,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$8,304,000)~~)

\$12,586,000

**NEW SECTION. Sec. 1035.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2022 Permanent Supportive Housing Remediation (91002160)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for permanent supportive housing remediation grants to be provided on a first-come, first-served basis. The funding may be provided for building improvements, rehabilitation, clean-up expenses, and temporary relocation costs associated with

property damage, destruction, or contamination of properties providing permanent supportive housing as defined in RCW 36.70A.030. The maximum amount of total funding that the department may provide to any applicant is \$50,000 per biennium.

Appropriation:

State Building Construction Account—State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$200,000

**Sec. 1036.** 2021 c 332 s 1091 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Enhanced Shelter Capacity Grants (92000939)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1022, chapter 356, Laws of 2020, except that no funding may be directed to the Auburn Resource Center.

Reappropriation:

State Building Construction Account—State (~~(\$6,318,000)~~)

\$4,818,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL (~~(\$6,318,000)~~)

\$4,818,000

**Sec. 1037.** 2021 c 332 s 1083 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Early Learning Facilities (91001677)

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

(1) \$1,089,000 of the state building construction account—state appropriation and \$6,863,000 of the capital community assistance account—state appropriation in this section

((is)) are provided solely for the following list of early learning facility projects in the following amounts:

Early Learning Classrooms at Logan Elementary

(Spokane) \$1,000,000

Laurel Forest Childcare Center (Bellingham) \$773,000

Learning to Grow (Elma) \$500,000

Monroe ECEAP Facility (Monroe)  
((~~\$361,000~~))

\$876,000

Petah Villages Outdoor Preschool (Renton) \$370,000

Rainier Valley Early Learning Center (Seattle) \$4,000,000

Site Study and Predesign for Two ECEAP Classrooms

(Spokane) \$40,000

Walla Walla YMCA ECEAP (Walla Walla)  
\$75,000

Willapa Center (Raymond)  
\$318,000

(2) \$23,911,000 of the Ruth Lecocq Kagi early learning facilities development account—state appropriation and \$23,137,000 of the capital community assistance account—state appropriation in this section ((is)) are provided solely for the early learning facility grant and loan program, subject to the provisions of RCW 43.31.573 through 43.31.583 and 43.84.092, to provide state assistance for designing, constructing, purchasing, expanding, or modernizing public or private early learning education facilities for eligible organizations. Up to four percent of the funding in this subsection may be used by the department of children, youth, and families to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

(3) (a) \$7,500,000 of the Ruth Lecocq Kagi early learning facilities revolving account—state appropriation in this section is provided solely for the Washington early learning loan fund. Up to four percent of the funding in this appropriation may be used by the contractor to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

(b) In addition to the reporting requirements in RCW 43.31.573(5), the department must require the contractor to include the following information in the annual reports due to the department:

(i) Audited financial statements or reports independently verified by an accountant showing operating costs, including a clear delineation of the operating costs incurred due to administering grants and loans under this subsection (3);

(ii) Independently verified information regarding the interest rates and terms of all loans provided to early learning facilities under this subsection (3);

(iii) Independently verified or audited information showing all private matching dollars, public matching dollars, and revenues received by the contractor from the repayment of loans, clearly delineating revenues received from the repayment of loans provided under this subsection (3); and

(iv) A forward-looking financial plan that projects the timing and public funding level at which the Washington early learning loan fund will become self-sustaining and will no longer need state matching dollars to provide loans to early learning facilities. The plan must include scenarios based upon a range of state investment in the fund.

(4) The department of children, youth, and families must develop methodology to identify, at the school district boundary level, the geographic locations of where early childhood education and assistance program slots are needed to meet the entitlement specified in RCW 43.216.556. This methodology must be linked to the caseload forecast produced by the caseload forecast council and must include estimates of the number of slots needed at each school district. This methodology must inform any early learning facilities needs assessment conducted by the department and the department of children, youth, and families. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(5) When prioritizing areas with the highest unmet need for early childhood education and assistance program slots, the committee of early learning experts convened by the department pursuant to RCW 43.31.581 must first consider those



areas at risk of not meeting the entitlement specified in RCW 43.216.556.

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

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

(8) The department shall, in consultation with the department of children, youth, and families, prepare a report to the office of financial management and the fiscal committees of the legislature regarding the geographical diversity of early learning facilities grants. The report must be submitted by December 1, 2022, and must provide the following information:

(a) Geographical disbursement of school district early learning grants, early learning facilities grants to eligible organizations, and early learning loans or grants provided by a nongovernmental private-public partnership contracted by the department, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant;

(b) Disbursement of early learning grants or loans to providers in rural and nonrural counties, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant; and

(c) Disbursement of early learning grants or loans to providers by type of provider, including school district, child care center, licensed family home, or other, including type of grant, size of award, number of early childhood education and assistance program or working connections child care program slots added, and any other information that the department deems relevant.

(9) For early learning facilities collocated with affordable or supportive housing developments, the department may remit state funding on a reimbursement basis for 100 percent of eligible project costs, regardless of the project's match amount, once the nonstate share of project costs have been either expended or firmly committed in an amount sufficient to complete the entire project or a distinct phase of the project that is useable to the public as an early learning facility. These projects are not subject to section 7017, chapter 332, Laws of 2021 or RCW 43.88.150.

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

Appropriation:

State Building Construction Account—	
State	\$1,089,000
Early Learning Facilities Revolving Account—	
State	\$7,500,000
Early Learning Facilities Development Account—	
State	\$23,911,000
Capital Community Assistance Account—	
State	\$30,000,000
Subtotal	Appropriation
	(( <del>\$32,500,000</del> ))
	<u>\$62,500,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(( <del>\$32,500,000</del> ))
	<u>\$62,500,000</u>

**Sec. 1038.** 2021 c 332 s 1052 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Projects that Strengthen Communities & Quality of Life (92000230)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6006, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

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

Prior Biennia (Expenditures)  
(~~(\$31,088,000)~~)

\$31,045,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$32,088,000)~~)

\$32,045,000

**Sec. 1039.** 2021 c 332 s 1069  
(uncodified) is amended to read as  
follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Behavioral Health Community  
Capacity Grants (40000219)

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

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

(2) The department must establish  
criteria for the issuance of the grants,  
which must include:

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

(b) Evidence that the applicant has  
assessed and would meet gaps in

geographical behavioral health services  
needs in their region;

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

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

(e) A commitment by the applicant to  
maintain and operate the beds or facility  
for a time period commensurate to the  
state investment, but for at least a 15-  
year period;

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

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

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

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

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

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

(5) \$71,400,000 of the state building  
construction account—state  
appropriation in this section is provided  
solely for a competitive process for each  
category listed and is subject to the  
criteria in subsections (1), (2), (3),  
and (4) of this section:

(a) \$11,600,000 of the state building construction account—state appropriation in this section is provided solely for at least six enhanced service facilities for long-term placement of patients discharged or diverted from the state psychiatric hospitals and that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(b) \$10,000,000 of the state building construction account—state appropriation in this section is provided solely for enhanced adult residential care facilities for long-term placements of dementia discharged or diverted from the state psychiatric hospitals and are not subject to federal funding restrictions that apply to institutions of mental diseases;

(c) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least one facility with secure withdrawal management and stabilization treatment beds that are not subject to federal funding restrictions that apply to institutions of mental diseases;

(d) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least one crisis triage and stabilization facility that is not subject to federal funding restrictions that apply to institutions of mental diseases;

(e) \$12,000,000 of the state building construction account—state appropriation in this section is provided solely for two 16-bed crisis triage and stabilization facilities in the King county region (~~(one within the city of Seattle and one in south King county,)~~) consistent with the settlement agreement in *A.B. by and through Trueblood, et al., v. DSHS, et al.*, No. 15-35462, and that are not subject to federal funding restrictions that apply to institutions of mental disease;

(f) \$2,000,000 of the state building construction account—state appropriation in this section is provided solely for at least two mental health peer respite centers that are not subject to federal funding restrictions that apply to institutions of mental diseases. No more than one mental health peer respite center should be funded in each of the nine regions;

(g) \$18,000,000 of the state building construction account—state appropriation in this section is provided solely for the department to provide grants to community hospitals, freestanding evaluation and treatment providers, or freestanding psychiatric hospitals to develop capacity for beds to serve individuals on 90-day or 180-day civil commitments as an alternative to treatment in the state hospitals. In awarding this funding, the department must coordinate with the department of social and health services, the health care authority, and the department of health and must only select facilities that meet the following conditions:

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

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

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

(iv) The provider has demonstrated to the department of health and the health care authority that it is able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

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

(h) \$2,400,000 of the state building construction account—state appropriation in this section is provided solely for competitive community behavioral health grants to address regional needs;

(i) \$9,400,000 of the state building construction account—state appropriation in this section is provided solely for at least three intensive behavioral health treatment facilities for long-term placement of behavioral health patients with complex needs and that are not subject to federal funding restrictions that apply to institutions of mental diseases; and

(j) \$2,000,000 of the state building construction account—state appropriation in this section is provided

solely for grants to community providers to increase behavioral health services and capacity for children and minor youth including, but not limited to, services for substance use disorder treatment, sexual assault and traumatic stress, anxiety, or depression, and interventions for children exhibiting aggressive or depressive behaviors in facilities that are not subject to federal funding restrictions. Consideration must be given to programs that incorporate outreach and treatment for youth dealing with mental health or social isolation issues.

(6) (a) \$15,648,000 of the state building construction account—state appropriation and \$8,748,000 of the capital community assistance account—state appropriation in this section ((i)) are provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section:

Astria Toppenish Hospital (Toppenish)  
\$1,648,000

Compass Health Broadway (Everett)  
\$14,000,000

Evergreen Recovery Residential Treatment (Everett) \$1,000,000

EvergreenHealth Monroe (Monroe)  
\$4,275,000

NE Spokane Community Behavioral Health Center

(Spokane) \$700,000

Red Road Clean and Sober Housing (Renton) \$773,000

Seattle Clinic at Evergreen Treatment (Seattle) \$2,000,000

(b) \$8,116,000 of the state building construction account—state appropriation and \$17,575,000 of the capital community assistance account—state appropriation in this section ((i)) are provided solely for the following list of projects and is subject to the criteria in subsection (1) of this section, except that the following projects are not required to establish new capacity:

Cascade Hall (Seattle) \$6,000,000

Comprehensive Health Care - Goldendale Facility

(Goldendale) \$1,030,000

Jamestown S'Klallam (Sequim)  
\$3,250,000

Lummi Nation Healing Wellness Center (Bellingham) \$1,250,000

Maplewood Enhanced Services Facility (Bellingham) \$1,500,000

SIHB Thunderbird Treatment Center (Seattle) \$3,000,000

Family Solutions (Vancouver)  
\$2,050,000

Renovation Youth Evaluation & Treatment Facility

(Bremerton) \$316,000

Sound Enhanced Services Facility (Auburn) \$3,000,000

Three Rivers Behavioral Health Recovery Center

(Kennewick) ((~~\$2,750,000~~))

\$4,295,000

(7) The department must notify all applicants that they may be required to have a construction review performed by the department of health.

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

(9) The department must strive to allocate all of the amounts appropriated within subsection (5) of this section in the manner prescribed. However, if upon review of applications, the department determines, in consultation with the advisory group established in subsection (1) of this section, that there are not adequate suitable projects in a category of projects under subsection (5) of this section, the department may allocate funds to other behavioral health capacity project categories within subsection (5) of this section, prioritizing projects under subsections (5) (a), (g), and (i) of

this section. Underserved areas of the state may also be considered.

(10) The department must provide a progress report by November 1, 2022. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of the projects approved for funding including state funding, total project cost, services anticipated to be provided, bed capacity, and anticipated completion date; and

(c) A status report of projects that received funding in prior funding rounds, including details about the project completion and the date the facility began providing services.

**Appropriation:**

State Building Construction Account—  
State \$95,164,000

Capital Community Assistance Account—  
State \$26,323,000

Subtotal Appropriation \$121,487,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$120,000,000

TOTAL ((~~\$215,164,000~~))

\$241,487,000

**Sec. 1040.** 2021 c 332 s 1078 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Rapid Response Community Preservation Pilot Program (91001278)

**Reappropriation:**

State Building Construction Account—  
State \$1,518,000

**Appropriation:**

Capital Community Assistance Account—  
State \$2,000,000

Prior Biennia (Expenditures)  
\$482,000

Future Biennia (Projected Costs)  
\$0

TOTAL ((~~\$2,000,000~~))

\$4,000,000

**Sec. 1041.** 2021 c 332 s 1086 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Broadband Office (92000953)

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

(1)(a) The appropriations in this section are provided solely to the statewide broadband office for qualifying broadband infrastructure projects.

(b) Unless otherwise stated, eligible applicants for grants awarded under subsections (2) and (3) of this section are:

(i) Local governments, including ports and public utility districts;

(ii) Federally recognized tribes;

(iii) Nonprofit organizations;

(iv) Nonprofit cooperative organizations; and

(v) Multiparty entities comprised of a combination of public entity members or private entity members. A multiparty entity cannot be solely comprised of private entities.

(c) The department must prioritize eligible applications where the lead applicant is a public entity.

(d) Projects receiving grants under this section must:

(i) Demonstrate that the project site is under the applicant's control for a minimum of 25 years, either through ownership or a long-term lease; and

(ii) Commit to using the infrastructure funded by the grant for the purposes of providing broadband connectivity for a minimum of 25 years.

~~((c))~~ (e) Unless otherwise stated, priority must be given to projects:

(i) Located in unserved areas of the state, which for the purposes of this section means areas of Washington in which households and businesses lack access to broadband service of speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload;

(ii) Located in geographic areas of greatest priority for the deployment of

broadband infrastructure to achieve the state's broadband goals, as provided in RCW 43.330.536, identified with department and board mapping tools; or

(iii) That construct last mile infrastructure, as defined in RCW 43.330.530.

~~((f))~~ (f) Unless otherwise stated, appropriations may not be used for projects where a broadband provider currently provides, or has begun construction to provide, broadband service, as defined in RCW 43.330.530, to end users in the proposed project area ~~((at speeds equal to or greater than the state speed goals provided in RCW 43.330.536))~~.

~~((g))~~ (g) The appropriations must be used for projects that use a technology-neutral approach in order to expand access at the lowest cost to the most unserved or underserved residents.

~~((h))~~ (h) (i) The statewide broadband office must act as fiscal agent for the grants authorized in subsections (2) and (3) of this section.

(ii) No more than 1.5 percent of the funds appropriated for the program may be expended by the statewide broadband office for administration purposes.

(i) The statewide broadband office must impose grant or contract conditions to help ensure that any project funded under this section will result in an enduring public benefit, where feasible, for at least 25 years.

(2) (a) \$50,000,000 of the state building construction account—state appropriation is provided solely to the statewide broadband office to award as grants to eligible applicants as match funds to leverage federal broadband infrastructure program funding.

(b) (i) For the purposes of this subsection (2), "state broadband infrastructure funders" are the state broadband office, the public works board, and the community economic revitalization board.

(ii) The statewide broadband office must develop a project evaluation process to assist in coordination among state broadband infrastructure funders to maximize opportunities to leverage federal funding and ensure efficient state investment. The project evaluation process must help determine whether a project is a strong candidate for a known

federal funding opportunity and if a project can be packaged as part of a regional or other coordinated federal grant proposal. The state broadband infrastructure funders are encouraged to enter into a memorandum of understanding outlining how coordination will take place so that the process can help with a coordinated funding strategy across these entities.

(3) (a) ~~(((\$260,003,000))~~ \$150,996,000 of the coronavirus state fiscal recovery fund—federal appropriation ~~((and \$16,000,000))~~, \$124,749,000 of the coronavirus capital projects account—federal appropriation, and \$258,000 of the state building construction account—state appropriation are provided solely for grants to eligible applicants for qualifying broadband infrastructure projects.

(b) (i) Projects that receive grant funding under this subsection (3) must be eligible for funds under section 9901 of the American rescue plan act.

(ii) To ensure compliance with conditions of the federal coronavirus state fiscal recovery fund and coronavirus capital projects account, all expenditures of amounts appropriated in this subsection (3) must be ~~((incurred))~~ obligated by December 31, 2024.

(c) (i) \$5,000,000 of the appropriation in this subsection is provided for broadband equity and affordability grants.

(ii) Grants must be provided to eligible applicants located in areas:

(A) With existing broadband service with speeds at a minimum of 100 megabits per second download and at a minimum 20 megabits per second upload; and

(B) Where the state broadband office, in consultation with the department of equity, determine that access to existing broadband service is not affordable or equitable.

(iii) Eligible applicants for grants awarded under this subsection (3) (c) are:

(A) Local governments, including ports and public utility districts;

(B) Federally recognized tribes;

(C) Public school districts;

(D) Nonprofit organizations; and

(E) Multiparty entities comprised of public entity members to fund broadband deployment.

(d) \$258,000 of the (~~coronavirus capital projects account federal~~) state building construction account—state appropriation in this subsection is provided solely for the Precision Agriculture and Broadband pilot project.

(e) \$225,000 of the coronavirus capital projects account—federal appropriation in this subsection is provided solely for the Point Roberts rural broadband project.

(4) By January 30, 2022, and January 30, 2023, the statewide broadband office must develop and submit a report regarding the grants established in subsections (2) and (3) of this section to the office of financial management and appropriate fiscal committees of the legislature. The report must include:

(a) The total number of applications and amount of funding requested;

(b) A list and description of projects approved for grant funding in the preceding fiscal year;

(c) The total amount of grant funding that was disbursed during the preceding fiscal year;

(d) The total amount of funds obligated and timing of when the funds were obligated in the preceding fiscal year; and

(e) For projects funded in the prior biennium, the outcomes achieved by the approved projects.

(5) For eligible applicants providing service outside of their jurisdictional boundary, no more than three percent of the award amount may be expended for administration purposes.

Appropriation:

State Building Construction Account—  
State (~~(\$50,000,000)~~)

\$50,258,000

Coronavirus State Fiscal Recovery

Account—Federal (~~(\$260,003,000)~~)

\$150,996,000

Coronavirus Capital Projects Account—  
Federal (~~(\$16,000,000)~~)

\$124,749,000

Subtotal Appropriation \$326,003,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$326,003,000

**NEW SECTION. Sec. 1042.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

2022 Broadband Office (92001178)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the broadband equity, access, and deployment state grants program in section 60102 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this subsection shall lapse.

Appropriation:

General Fund—Federal \$50,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$50,000,000

**Sec. 1043.** 2021 c 332 s 1081 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Dental Capacity Grants  
(91001660)

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

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

(2) (~~(\$5,355,000 of the)~~) The amount provided in this section is provided

solely for the following list of projects:

Dental Expansion for Maple Street Clinic (Spokane)	\$309,000
HealthPoint (Auburn)	\$721,000
HealthPoint (Renton)	\$309,000
ICHS Holly Park (Seattle)	\$106,000
ICHS International District (Seattle)	\$106,000
International Community Health Services (Bellevue)	\$106,000
International Community Health Services (Shoreline)	\$106,000
NEW Health CHC Dental Expansion (Newport)	\$1,900,000
Peninsula Community Health Services (Gig Harbor)	\$490,000
Sea Mar Community Health Center (Kent)	\$1,042,000
Yakima Valley Farm Workers Clinic (Kennewick)	\$1,030,000

Appropriation:

State Building Construction Account—State	\$6,225,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,225,000

**Sec. 1044.** 2021 c 332 s 1087 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2021-23 Community Relief (92000957)

The appropriations in this section (~~(1)~~) are subject to the following conditions and limitations:

(1) (~~(\$500,000)~~) \$300,000 of the state taxable building construction account—state appropriation is provided solely for the department to contract with the Communities of Concern Commission for development of a list of community-led capital projects that serve underserved communities. Eligible expenses include costs incurred by the Communities of Concern Commission in conducting outreach, developing an application process, providing technical assistance, assisting project proponents with project readiness, and assisting the

department with identifying barriers faced in accessing capital grant programs. The department must present the list prepared by the Communities of Concern Commission to the fiscal committees of the legislature for consideration for funding in the 2022 supplemental capital budget with the list of identified projects. (~~(\$2,500,000 of the appropriation in this subsection (1) shall remain in unallotted status for purposes of legislative review of the joint list prepared by the Communities of Concern Commission and the department until the legislature appropriates funds for these projects in the budget process. The legislature retains the right to review and consider all such funding as it does with other requests for project funding.)~~) Following the development and submission of the list of community-led capital projects, the Communities of Concern Commission, in consultation with the department, may use up to \$250,000 of the appropriation in this section to fund predevelopment designs leading to the development of community-led capital projects that serve underserved communities. The intent of the legislature is to only provide funding in the 2021-2023 fiscal biennium in order to inform the department's comprehensive equity review required in the operating budget and allow the opportunity for the department to implement the steps necessary to improve equitable delivery of all of their capital grant programs. The department must submit an interim report to the legislature by December 31, 2021, on the barriers identified and lessons learned through projects identified through this section and in section 1093 of this act and the connection to the equity review required in the operating budget.

(2) (a) (~~The~~) \$2,500,000 of the state building construction account—state appropriation is provided solely for the following list of Communities of Concern Commission projects:

Community to Community, Ejidos Cooperative Farm

(Everson) \$250,000

Foundation for Homeless & Poverty Management, Community

Rejuvenation Center (Bremerton)  
\$1,200,000

Northwest Native Canoe Center (Seattle)  
\$800,000



FAME/Equity Alliance Washington, FAME Plaza (Seattle) \$25,000

Lummi Stepping Stones/Lhaq'temish Foundation, Eagle

Haven Cottage Village (Bellingham)  
\$225,000

(b) \$11,950,000 of the state building construction account—state appropriation is provided solely for the following list of projects:

?al?al (means "Home" in Lushootseed)  
(Seattle) \$900,000

Asberry Historic Home Site Acquisition  
(Tacoma) \$919,000

Be'er Sheva Park Improvements and Shoreline Restoration  
(Seattle) \$500,000

Cham Community Center (CCC) (Seattle)  
\$515,000

~~((Communities of Concern Commission (Seattle) \$3,000,000))~~

Elevate Youngstown Capital Project  
(Seattle) \$515,000

Feast Collective Capital Request  
(Spokane) \$103,000

Feeding Change Campaign (Seattle)  
\$1,000,000

Khmer Community Center & Cultural Hub  
(Seattle) \$309,000

Martin Luther King Jr. Park Community Pool  
(Yakima) \$1,000,000

North Seattle Social Services Hub  
(Seattle) \$300,000

Neighborhood House Early Learning Facilities  
(Seattle) \$2,050,000

Shiloh Baptist Housing Development Project (Tacoma) \$2,100,000

Skyway Resource Center Renovation Project (Seattle) \$400,000

Wadajir Residences & Souq (Tukwila)  
\$1,339,000

~~((b))~~ (c) For the Asberry Historic Home Site Acquisition, the department must work with the department of archaeology and historic preservation and the grantee to develop a historic preservation easement. The easement must be held through the department of

archaeology and historic preservation and must be placed on the title in perpetuity.

Appropriation:

State Building Construction Account—  
State (~~(\$13,150,000)~~)

\$14,450,000

State Taxable Building Construction Account—

State (~~(\$500,000)~~)

\$300,000

Subtotal Appropriation  
(~~(\$13,650,000)~~)

\$14,750,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$13,650,000)~~)

\$14,750,000

**Sec. 1045.** 2021 c 332 s 1089 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Child Care Minor Renovation Grants (92001109)

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

(~~(\$10,000,000)~~) \$28,522,000 of the appropriation is provided solely for the department to provide grants to childcare providers for minor renovations and small capital purchases and projects. The grants are intended to support childcare providers so that they may maintain operations or expand operations during and after the COVID-19 public health emergency.

(1) The department shall collaborate with the department of children, youth, and families to conduct outreach to licensed family homes to ensure they are made aware of the grant opportunity.

(2) The department shall give priority to projects that make minor renovations without adding capacity and are therefore ineligible for the early learning facilities program.

(3) All grants provided in this section must be awarded by September 30, (~~(2022)~~) 2023.

(4) Of the amounts provided in this section, no more than four percent may be retained by the department for administrative purposes.

Appropriation:

General	Fund—Federal
( <del>(\$10,000,000)</del> )	
<u>\$28,522,000</u>	
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	( <del>(\$10,000,000)</del> )
	<u>\$28,522,000</u>

**Sec. 1046.** 2021 c 332 s 1092 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Work, Education, Health Monitoring Projects (91001686)

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

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

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

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

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

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

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

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

(8) ~~\$926,000 of the ((~~coronavirus capital projects account federal~~))~~ state building construction account—state appropriation is provided solely for the following list of projects:

Camp Waskowitz Restrooms (North Bend)  
\$250,000

Mary's Place Burien Shelter COVID Updates

(Seattle) \$550,000

Nordic Heritage Museum HVAC Renovation (Seattle) \$26,000

Sherwood COVID Mitigation (Lake Stevens) \$100,000

Appropriation:

~~((~~Coronavirus Capital Projects Account~~~~

~~Federal \$926,000))~~

State Building Construction Account—  
State \$926,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$926,000

Sec. 1047. 2021 c 332 s 1094 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Early Learning COVID-19 Renovation Grants (91001681)

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

(1) \$8,500,000 of the ((coronavirus capital projects account federal)) coronavirus state fiscal recovery fund—federal appropriation is provided solely for the Washington early learning loan fund to provide grants to early learning facilities for emergency renovation and remodeling changes in response to the public health emergency with respect to the coronavirus disease.

(2) The grants may not be used for operating expenditures, but must be used for capital needs to:

- (a) Support increased social distancing requirements;
(b) Support increased health and safety measures;
(c) Provide increased outdoor space; or
(d) Increase or preserve early learning slots within a facility or community.

(3) Grant recipients must meet the requirements in RCW 43.31.575.

(4) Up to four percent of the funding in this appropriation may be used by the contractor to provide technical assistance to early learning providers interested in applying for the early learning facility grant or loan program.

Appropriation:

((Coronavirus Capital Projects Account—

Federal \$8,500,000))

Coronavirus State Fiscal Recovery Fund—Federal \$8,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$8,500,000

NEW SECTION. Sec. 1048. A new section is added to 2021 c 332 (uncodified) to read as follows: FOR THE DEPARTMENT OF COMMERCE

Homeless Youth Facilities (91001991)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

Access to Our Community (Tukwila) \$250,000

Communities of Color Coalition (Everett) \$3,400,000

Community Youth Services (Olympia) \$100,000

Friends of Youth (Redmond) \$2,500,000

HopeSource (Ellensburg) \$3,300,000

Northwest Youth Services (Burlington) \$100,000

Skagit Valley Family YMCA (Mt. Vernon) \$495,000

Transitional Youth Housing and Services (Seattle) \$750,000

YouthCare Workforce Development Center (Seattle) \$4,000,000

Appropriation:

Capital Community Assistance Account—State \$14,895,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$14,895,000

NEW SECTION. Sec. 1049. A new section is added to 2021 c 332 (uncodified) to read as follows: FOR THE DEPARTMENT OF COMMERCE

2022 Dental Capacity Grants (92001175)

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

(1) Funding in this section is provided solely for the construction and equipment directly associated with dental facilities that provide capacity to address unmet patient need and increased efficiency in dental access. Projects funded in this section must

maintain dental services for a period of at least 10 years.

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

Battle Ground HealthCare Dental Expansion

(Battle Ground) \$283,000

Community Health Care (Puyallup) \$1,500,000

Family Health Center (Omak) \$2,500,000

NEW Health CHC Dental Capital Expansion (Newport) \$555,000

Peninsula Community Health Services (Bremerton) \$463,000

Yakima Valley Farmworkers Clinic (Kennewick) \$500,000

Appropriation:

State Building Construction Account—State \$5,801,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$5,801,000

**NEW SECTION. Sec. 1050.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Dig-Once Pilot Program (91002171)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department, in coordination with the system improvement team, to implement a dig-once pilot program to identify opportunities to dig once and bury fiber optic cables and conduits, repair water or sewer pipes, and repair roads, bridges, and sidewalks at the same time. The goals of the pilot program include minimizing local disruption, maximizing efficiencies, and demonstrating the ability to achieve cost savings to state and local governments. The pilot program must be implemented in Lewis county in collaboration with the department of transportation and the economic alliance of Lewis county.

(1) The department of transportation and local governments must collaborate with the department to identify and

coordinate projects in Lewis county that require excavation work on public property, such as projects improving fish passage barriers, roads, broadband, water, wastewater, or stormwater infrastructure.

(2) The department must report to the office of financial management and fiscal committees of the legislature by December 1, 2022, regarding the implementation and potential cost savings of the dig-once pilot program and any recommendations related to implementation of a statewide dig-once policy.

Appropriation:

State Building Construction Account—State \$40,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$40,000

**NEW SECTION. Sec. 1051.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF COMMERCE**

Energy Efficiency Revolving Loan Fund Capitalization Program (92001179)

The appropriation in this section is subject to the following conditions and limitations: \$1,869,000 of the energy efficiency revolving loan capital account—state appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the energy efficiency revolving loan fund capitalization program in section 40502 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

Energy Efficiency Revolving Loan Capital

Account—State \$1,869,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,869,000

**Sec. 1052.** 2021 c 332 s 1024 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

2018 Local and Community Projects (40000005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6002, chapter 356, Laws of 2020, except that no funding may be directed to the Sunnyside Community Hospital (Sunnyside) as this project is transitioning to Toppenish Hospital (Toppenish) pursuant to section 1026 of this act.

Reappropriation:

State Building Construction Account—  
State (~~(\$42,896,000)~~)

\$40,896,000

Prior Biennia (Expenditures)  
\$87,441,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$130,337,000)~~)

\$128,337,000

**Sec. 1053.** 2021 c 332 s 1095 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Cowlitz River Dredging (20082856)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to contract with Cowlitz county to acquire land and rights of way along the Cowlitz river for the United States army corps of engineers to dredge. The land is necessary for dredged material deposit sites for the Mt. St. Helen's flood protection project.

Reappropriation:

State Building Construction Account—  
State \$800,000

Appropriation:

State Building Construction Account—  
State \$1,200,000

Prior Biennia (Expenditures)  
\$700,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$2,700,000

**Sec. 1054.** 2021 c 332 s 1096 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Oversight of State Facilities (30000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to cover staffing and support costs of the facilities oversight team.

Appropriation:

Thurston County Capital Facilities—  
State \$2,610,000

Prior Biennia (Expenditures)  
\$4,769,000

Future Biennia (Projected Costs)  
\$10,440,000

TOTAL \$17,819,000

**Sec. 1055.** 2021 c 332 s 1097 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

OFM Capital Budget Staff (30000040)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to cover staffing and support costs of the capital budget team.

Appropriation:

Thurston County Capital Facilities—  
State \$1,315,000

Prior Biennia (Expenditures)  
\$2,469,000

Future Biennia (Projected Costs)  
\$5,260,000

TOTAL \$9,044,000

NEW SECTION. **Sec. 1056.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Inflation and Contingency Fund (92001124)

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

(1) The appropriation in this section is provided solely for inflationary cost increases of materials for state agency projects funded in an omnibus capital appropriations act that are currently active in the construction phase. Projects in the design phase are not eligible and must submit a budget decision package for the 2023 legislative session. The office of financial management shall allocate funds based on project necessity.

(2) To be eligible for funds from this inflation and contingency fund, a request letter signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The request must include:

(a) A statement describing the unexpected costs;

(b) The ways the agency has already mitigated project costs; and

(c) The identification of other funding that may be applied to the project.

(3) For requests during a legislative session, an agency must notify the legislative fiscal committees before requesting these funds from the office of financial management.

(4) The office of financial management must notify the legislative evaluation and accountability program committee and the fiscal committees of the legislature as inflation and contingency funds are approved, including the approved funding level by fund type, and a copy of all the materials submitted in subsection (2) of this section.

(5) The office of financial management must report quarterly, beginning October 1, 2022, on the funding approved by agency, by project number, and type of funds authorized, to the fiscal committees of the legislature.

**Appropriation:**

Capital Community Assistance Account—  
State \$8,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$8,000,000

**Sec. 1057.** 2021 c 332 s 1101 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Capitol Lake Long-Term Management Planning (30000740)

The appropriations in this section are subject to the following conditions and limitations: The appropriations and reappropriation are subject to the provisions of section 1026, chapter 356, Laws of 2020, except that the final environmental impact statement that includes identification of a preferred alternative for Capitol Lake management must be submitted to the legislative fiscal committees by October 31, 2022.

**Reappropriation:**

General Fund—Private/Local  
\$156,000

State Building Construction Account—  
State \$1,663,000

Subtotal Reappropriation  
\$1,819,000

**Appropriation:**

State Building Construction Account—  
State \$715,000

Thurston County Capital Facilities—  
State \$150,000

Subtotal Appropriation \$865,000

Prior Biennia (Expenditures)  
\$4,165,000

Future Biennia (Projected Costs)  
\$0

TOTAL ((~~\$6,699,000~~))

\$6,849,000

**Sec. 1058.** 2021 c 332 s 1104 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Statewide Minor Works - Preservation Projects (30000825)

**Reappropriation:**

State Building Construction Account—  
State \$170,000

Prior Biennia (Expenditures)  
((~~\$3,416,000~~))

\$2,983,000

Future Biennia (Projected Costs)  
\$0

TOTAL ((~~\$3,586,000~~)  
\$3,153,000

**Sec. 1059.** 2021 c 332 s 1111  
(uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Legislative Campus Modernization  
(92000020)

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

(1) The reappropriations are subject to the provisions of section 6024 of this act.

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

(3) \$11,585,000 of the Thurston county capital facilities account—state appropriation is provided solely for the global legislative campus modernization subproject, which includes, but is not limited to, modular building leases or purchases and associated costs, site development work on campus to include Columbia street, stakeholder outreach, and historic mitigation for the project.

(4) \$69,037,000 of the amount provided in this section is provided solely for Irv Newhouse building replacement design and construction subproject on opportunity site six.

(a) The department must:

(i) Have a design contractor selected by September 1, 2021;

(ii) Start design validation by October 1, 2021; and

(iii) Start design by December 1, 2021.

(b) The design and construction must result in:

(i) A high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than 35;

(ii) Sufficient program space required to support senate offices and support functions;

(iii) A building façade similar to the American neoclassical style with a base, shaft, and capitol expression focus with some relief expressed in modern construction methods to include adding more detailing and depth to the exterior so that it will fit with existing legislative buildings on west capitol campus, like the John Cherberg building;

(iv) Member offices of similar size as member offices in the John A. Cherberg building;

(v) Demolition of the buildings located on opportunity site six;

(vi) Consultation with the leadership of the senate, or their designee(s), at least every month, effective July 1, 2021; and

(vii) Ensure the subproject meets legislative intent to complete design by April 30, 2023, and start construction by September 1, 2023.

(5) \$8,538,000 of the amount provided in this section is provided solely for the Pritchard building and the John L. O'Brien renovation design subproject. The design contractor must be selected by ~~((January 1, 2023))~~ September 1, 2022, and the design must result in:

(a) A high performance building that meets net-zero-ready energy standards, with an energy use intensity of no greater than 35;

(b) Sufficient program space required to support house of representatives offices and support functions; and

(c) Additional office space in the Pritchard building necessary to offset house of representatives members and staff office space that ~~((may))~~ will be eliminated in the renovation of the third and fourth floors of the John L. O'Brien building.

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

(7) The state capitol committee, in consultation with capitol campus design advisory committee, may review architectural design proposals for continuity with the 2006 master plan for the capitol of the state of Washington and 2009 west capitol campus historic

landscape preservation and vegetation management plan. As part of planning efforts, the state capitol committee may conduct a review of current design criteria and standards.

(8) The Irv Newhouse building replacement and Pritchard building designs should include an analysis of comprehensive impacts to the campus and the surrounding neighborhood, an evaluation of future workforce projections and an analysis of traffic impacts, parking needs, visual buffers, and campus aesthetics. The designs should include a public engagement process including the capitol campus design advisory committee and state capitol committee.

(9) \$180,000 of the appropriation in this section is provided solely for the department to conduct a preservation study of the Pritchard building as a continuation of the predesign in section 6024 of this act. The study must include an analysis of seismic, geotechnical, building codes, constructability, and costs associated with renovation and expansion of the Pritchard building to accommodate tenant space needs. The department shall contract with a third-party historic preservation specialist to ensure the study is in compliance with the secretary of the interior's standards and any other applicable standards for historic rehabilitation. The study must include a public engagement process including the capitol campus design advisory committee and state capitol committee. The study is subject to review and approval by the state capitol committee by March 31, 2022, to inform the design of a renovation, expansion, or replacement of the Pritchard building.

(10) The department may sell by auction the Ayers and Carlyon houses, known as the press houses, separate and apart from the underlying land, subject to the following conditions:

(a) The purchaser, at its sole cost and expense, must remove the houses by December 31, 2021;

(b) The state is not responsible for any costs or expenses associated with the sale, removal, or relocation of the buildings from opportunity site six; and

(c) Any sale proceeds must be deposited into the Thurston county capital facilities account.

(11) Implementation of subsections (7) through (10) of this section is not intended to delay the design and construction of any of the subprojects included in the legislative campus modernization project.

(12) If the department receives information that projected costs for any of the subprojects in subsections (3), (4), or (5) of this section will exceed the amount provided in the respective subsections and the future biennia projected costs, the department must provide that information to the project executive team committee. The department must provide at least two options to reduce subproject costs to stay within the amount provided for that subproject and to stay on schedule. Before proceeding with a reduced cost option, the department must consult with the project executive team committee. The project executive team must reach majority consensus to either move forward with a lower cost option or to request additional capital budget funding.

Reappropriation:

State Building Construction Account—  
State \$9,900,000

Appropriation:

State Building Construction Account—  
State \$67,855,000

Thurston County Capital Facilities  
Account—State

\$11,585,000

Subtotal Appropriation \$79,440,000

Prior Biennia (Expenditures)  
\$596,000

Future Biennia (Projected Costs)  
~~((90,812,000))~~

\$130,034,000

TOTAL ~~((180,748,000))~~

\$219,970,000

**Sec. 1060.** 2021 c 332 s 1114  
(uncodified) is amended to read as  
follows:

**FOR THE DEPARTMENT OF ENTERPRISE  
SERVICES**

Temple of Justice HVAC, Lighting &  
Water Systems (92000040)

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



(1)(a) To assist in funding this project, the department must work with the office of financial management to access federal funding for the total project cost.

(b) If the agency receives more than \$26,000,000 in federal funds, an amount of the state building construction account—state appropriation equal to the additional federal funds must be placed in unallotted status.

(c) For purposes of this subsection, "additional federal funds" means the difference between the total amount of federal funds received under (a) of this subsection and \$26,000,000.

(2) The department must:

(a) Submit the final predesign to the office of financial management by June 1, 2021;

(b) Submit the final energy services proposal to the senate ways and means committee and the house capital budget committee prior to the department starting the design phase; and

(c) Start design by August 31, 2021.

Appropriation:

State Building Construction Account—  
State ~~(( \$4,000,000 ))~~

\$30,000,000

~~(( Coronavirus Capital Projects Account—~~

Federal ~~\$26,000,000~~

~~Subtotal Appropriation \$30,000,000))~~

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$30,000,000

**NEW SECTION. Sec. 1061.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE MILITARY DEPARTMENT**

Thurston County Readiness Center (30000594)

Reappropriation:

Military Department Capital Account—  
State \$65,000

Prior Biennia (Expenditures) \$47,887,000

Future Biennia (Projected Costs) \$0

TOTAL \$47,952,000

**Sec. 1062.** 2021 c 332 s 1120 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

Snohomish Readiness Center (30000930)

Appropriation:

General Fund—Federal ~~(( \$3,562,000 ))~~

\$4,349,000

State Building Construction Account—  
State ~~(( \$1,188,000 ))~~

\$1,566,000

Subtotal Appropriation ~~(( \$4,750,000 ))~~

\$5,915,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~(( \$4,750,000 ))~~

\$5,915,000

**Sec. 1063.** 2021 c 332 s 1121 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

Anacortes Readiness Center Major Renovation (40000004)

Reappropriation:

Military Department Capital Account—  
State \$75,000

Appropriation:

General Fund—Federal \$3,551,000

State Building Construction Account—  
State \$3,551,000

Subtotal Appropriation \$7,102,000

Prior Biennia (Expenditures) ~~(( \$75,000 ))~~

\$74,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(( \$7,252,000 ))~~

\$7,251,000

**Sec. 1064.** 2021 c 332 s 1123 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

Minor Works Program 2019-21 Biennium (40000037)

Reappropriation:

General Fund—Federal \$20,000,000

State Building Construction Account—State (~~(\$2,200,000)~~)

\$2,243,000

Military Department Capital Account—State \$109,000

Subtotal Reappropriation (~~(\$22,309,000)~~)

\$22,352,000

Prior Biennia (Expenditures) (~~(\$691,000)~~)

\$648,000

Future Biennia (Projected Costs) \$0

TOTAL \$23,000,000

**PART 2**

**HUMAN SERVICES**

NEW SECTION. **Sec. 2001.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Omnibus Minor Works (40000014)

Appropriation:

State Building Construction Account—State \$735,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$735,000

**Sec. 2002.** 2021 c 332 s 2002 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

L&I HQ Elevators (30000018)

Reappropriation:

Accident Account—State (~~(\$425,000)~~)

\$612,000

Medical Aid Account—State (~~(\$425,000)~~)

\$612,000

Subtotal Reappropriation (~~(\$850,000)~~)

\$1,224,000

Prior Biennia (Expenditures) (~~(\$3,084,000)~~)

\$2,710,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,934,000

**Sec. 2003.** 2021 c 332 s 2006 (uncodified) is amended to read as follows:

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

Western State Hospital New Kitchen and Commissary Building (20081319)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2003, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State (~~(\$2,358,000)~~)

\$2,441,000

Prior Biennia (Expenditures) (~~(\$27,832,000)~~)

\$27,749,000

Future Biennia (Projected Costs) \$0

TOTAL \$30,190,000

**Sec. 2004.** 2021 c 332 s 2012 (uncodified) is amended to read as follows:

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

Fircrest School-Nursing Facilities: Replacement (30002755)

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

(1) It is the intent of the legislature to further the recommendations of the December 2019 report from the William D. Ruckleshaus center to redesign the intermediate care facility of the

Fircrest Residential Habilitation Center to function as short-term crisis stabilization and intervention. It is also the intent of the legislature to concentrate the footprint of the Fircrest Residential Habilitation Center on the northern portion of the property. As a result, \$7,750,000 of the appropriation in this section is provided solely for design of a 120-bed nursing facility.

(2) \$2,243,000 of the appropriation is provided solely to relocate the adult training program to a different location on the Fircrest Rehabilitation Center campus. The department must consider the proposal to redesign the facility as a short-term crisis stabilization and intervention when devising options for relocation of the adult training program and submit a report of these options to the legislature no later than December 1, 2022.

(3) The department must seek input from individuals with intellectual and developmental disabilities, including the residents at Fircrest and their families or guardians, in design of a nursing facility.

Reappropriation:

State Building Construction Account—  
State \$58,000

Appropriation:

State Building Construction Account—  
State \$9,993,000

Prior	Biennia	(Expenditures)
		(\$242,000)

\$184,000

Future	Biennia	(Projected Costs)
		\$0

TOTAL \$10,235,000

**Sec. 2005.** 2021 c 332 s 2014 (uncodified) is amended to read as follows:

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

Eastern State Hospital-Westlake: New HVAC DDC Controls (30002759)

Reappropriation:

State Building Construction Account—  
State \$1,227,000

Appropriation:

~~((Coronavirus Capital Projects Account—~~

~~Federal \$1,450,000)~~

State Building Construction Account—  
State \$1,450,000

Prior	Biennia	(Expenditures)
		\$1,173,000

Future	Biennia	(Projected Costs)
		\$0

TOTAL \$3,850,000

**Sec. 2006.** 2021 c 332 s 2016 (uncodified) is amended to read as follows:

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

DOC/DSHS McNeil Island-Infrastructure: Repairs & Upgrades (30003211)

Reappropriation:

State Building Construction Account—  
State \$1,234,000

Appropriation:

State Building Construction Account—  
State \$685,000

Prior	Biennia	(Expenditures)
		\$36,000

Future	Biennia	(Projected Costs)
		\$0

TOTAL ((\$1,270,000))

\$1,955,000

**Sec. 2007.** 2021 c 332 s 2028 (uncodified) is amended to read as follows:

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

Fircrest School: Campus Master Plan & Rezone (30003601)

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

(1) The appropriations are subject to the provisions of section 2012, chapter 298, Laws of 2018.

(2) The department shall collaborate with the city of Shoreline on the future siting of three 16-bed behavioral health facilities on the northeast corner of the campus and a 120-bed nursing facility on the northwest portion of the campus.

(3) The department shall collaborate with the city to rezone portions of the Fircrest campus that are under used and

not necessary for department operations, including the southwest corner, for long-term, revenue-generating opportunities.

Reappropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State  
\$102,000

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account—State  
\$125,000

State Building Construction Account—State \$168,000

Subtotal Appropriation \$293,000

Prior Biennia (Expenditures)  
\$98,000

Future Biennia (Projected Costs)  
\$0

TOTAL ((~~\$325,000~~))

\$493,000

**Sec. 2008.** 2021 c 332 s 2047 (uncodified) is amended to read as follows:

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

Minor Works Preservation Projects: Statewide 2021-23 (40000571)

Appropriation:

State Building Construction Account—State ((~~\$6,950,000~~))

\$9,745,000

Charitable, Educational, Penal, and Reformatory

Institutions Account—State  
\$1,845,000

Subtotal Appropriation  
((~~\$8,795,000~~))

\$11,590,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$21,000,000

TOTAL ((~~\$29,795,000~~))

\$32,590,000

**Sec. 2009.** 2021 c 332 s 2048 (uncodified) is amended to read as follows:

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

Transitional Care Center—Main Building: Patient Rooms Cooling (40000574)

Appropriation:

((~~Coronavirus Capital Projects Account—~~

Federal \$2,335,000))

Coronavirus State Fiscal Recovery Fund—Federal \$2,335,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$2,335,000

**Sec. 2010.** 2021 c 332 s 2050 (uncodified) is amended to read as follows:

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

Western State Hospital—Building 29: Roofing Replacement (40000589)

Appropriation:

State Building Construction Account—State ((~~\$2,285,000~~))

\$5,035,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL ((~~\$2,285,000~~))

\$5,035,000

**NEW SECTION. Sec. 2011.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Fircrest School—ICF Cottages: HVAC and Water Heater Improvements (40000946)

Appropriation:

State Building Construction Account—State \$5,780,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$5,780,000

NEW SECTION. **Sec. 2012.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital-Building 29:  
CMS Certification (40000948)

Appropriation:

State Building Construction Account—  
State \$220,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$220,000

**Sec. 2013.** 2021 c 332 s 2056 (uncodified) is amended to read as follows:

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

BH: State Owned, Mixed Use Community  
Civil 48-Bed Capacity (91000077)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2054, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—  
State \$18,235,000

Appropriation:

State Building Construction Account—  
State (~~(\$37,700,000)~~)

\$38,125,000

Prior Biennia (Expenditures)  
\$1,765,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$57,700,000)~~)

\$58,125,000

**Sec. 2014.** 2021 c 332 s 2062 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Drinking Water Preconstruction Loans  
(30000334)

Reappropriation:

Drinking Water Assistance Account—  
State (~~(\$5,115,000)~~)

\$5,415,000

Prior Biennia (Expenditures)  
\$585,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$5,700,000)~~)

\$6,000,000

**Sec. 2015.** 2021 c 332 s 2063 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Public Health Lab South Laboratory  
Addition (30000379)

Appropriation:

(~~(Coronavirus Capital Projects  
Account—~~

~~Federal \$4,933,000)~~)

~~State Building Construction Account—  
State \$4,933,000~~

Prior Biennia (Expenditures)  
\$196,000

Future Biennia (Projected Costs)  
\$66,519,000

TOTAL \$71,648,000

**Sec. 2016.** 2021 c 332 s 2065 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Drinking Water Construction Loans  
(30000409)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2034, chapter 2, Laws of 2018.

Reappropriation:

Drinking Water Assistance Account—  
State (~~(\$38,529,000)~~)

\$48,390,000

Prior Biennia (Expenditures)  
(~~(\$69,609,000)~~)

\$69,610,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$109,138,000)~~)

\$118,000,000

**Sec. 2017.** 2021 c 332 s 2066 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Drinking Water System Repairs and Consolidation (40000006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2035, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State (~~(\$1,000,000)~~)

\$1,462,000

Prior Biennia (Expenditures)  
(~~(\$2,858,000)~~)

\$3,538,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$3,858,000)~~)

\$5,000,000

**Sec. 2018.** 2021 c 332 s 2068 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

2019-21 Drinking Water Assistance Program (40000025)

Reappropriation:

Drinking Water Assistance Account—Federal (~~(\$31,000,000)~~)

\$33,697,000

Prior Biennia (Expenditures)  
(~~(\$4,000,000)~~)

\$1,303,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$35,000,000

**Sec. 2019.** 2021 c 332 s 2069 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

2019-21 Drinking Water System Repairs and Consolidation (40000027)

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

subject to the provisions of section 2068, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State (~~(\$750,000)~~)

\$1,380,000

Prior Biennia (Expenditures)  
(~~(\$21,000)~~)

\$120,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$771,000)~~)

\$1,500,000

**Sec. 2020.** 2021 c 332 s 2070 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Small & Disadvantaged Communities DW (40000031)

The appropriation in this section is subject to the following conditions and limitations: \$20,063,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for assistance to small and disadvantaged communities in section 50104 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

General Fund—Federal (~~(\$743,000)~~)

\$20,806,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$743,000)~~)

\$20,806,000

**Sec. 2021.** 2021 c 332 s 2071 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

E-wing Remodel to a Molecular Laboratory (40000032)

Appropriation:

~~((Coronavirus Capital Projects Account—~~

~~Federal \$216,000))~~

State Building Construction Account—  
State \$216,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$14,179,000

TOTAL \$14,395,000

**Sec. 2022.** 2021 c 332 s 2072 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Replace Air Handling Unit (AHU) in A/Q-wings (40000034)

Appropriation:

~~((Coronavirus Capital Projects Account—~~

~~Federal \$1,894,000))~~

Coronavirus State Fiscal Recovery Fund—Federal \$1,894,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$1,894,000

**Sec. 2023.** 2021 c 332 s 2075 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

2021-23 Drinking Water Assistance Program (40000049)

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

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The department must encourage local government use of federally funded drinking water infrastructure programs

operated by the United States department of agriculture rural development.

(3) \$78,900,000 of the drinking water assistance account—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the drinking water state revolving fund program in section 50102 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this subsection shall lapse.

Appropriation:

Drinking Water Assistance Account—  
Federal ((\$34,000,000))

\$112,900,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL (\$34,000,000)

\$112,900,000

**Sec. 2024.** 2021 c 332 s 2076 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

2021-23 Drinking Water Construction Loans - State Match (40000051)

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

(1) For projects involving repair, replacement, or improvement of a clean water infrastructure facility or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the department of health must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its drinking water state revolving fund program loan.

(2) The department must encourage local government use of federally funded drinking water infrastructure programs operated by the United States department of agriculture rural development.

Appropriation:

Drinking Water Assistance Account—  
State ((~~\$11,000,000~~))

\$20,400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL ((~~\$11,000,000~~))

\$20,400,000

**NEW SECTION. Sec. 2025.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF HEALTH**

Generator for New Central Boiler Plant  
(40000053)

Appropriation:

State Building Construction Account—  
State \$1,837,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$1,837,000

**NEW SECTION. Sec. 2026.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF HEALTH**

Improve Critical Water Infrastructure  
(40000058)

Appropriation:

Drinking Water Assistance Account—  
State \$20,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$70,000,000

TOTAL \$90,000,000

**NEW SECTION. Sec. 2027.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF HEALTH**

2023 DWSRF Preconstruction Loans  
(40000059)

Appropriation:

Drinking Water Assistance Account—  
State \$400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$5,600,000

TOTAL \$6,000,000

**Sec. 2028.** 2021 c 332 s 2080 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

WVH HVAC Retrofit (40000006)

Reappropriation:

State Building Construction Account—  
State ((~~\$250,000~~))

\$441,000

Prior Biennia (Expenditures)  
((~~\$162,000~~))

\$309,000

Future Biennia (Projected Costs)  
\$0

TOTAL ((~~\$412,000~~))

\$750,000

**NEW SECTION. Sec. 2029.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Transitional Housing Capital  
Improvements (40000066)

Appropriation:

General Fund—Federal \$2,400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$2,400,000

**Sec. 2030.** 2021 c 332 s 2082 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

DVA ARPA Federal Funds & State Match  
(91000013)

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

(1) The department is granted federal expenditure authority in anticipation of the receipt of federal competitive grant funding for which it is eligible to apply under section 8004 of the American rescue plan act of 2021, P.L. 117-2.

(2) Funding appropriated in this section must be used for projects in the following priority order:

(a) The WVH HVAC Retrofit project (40000006); and



(b) Minor works projects that meet the requirements set forth in section 8004 of the American rescue plan act of 2021, P.L. 117-2.

~~((3) The state building construction account state appropriation in this section must be used as state match funds to leverage the federal funding described in subsection (1) of this section. Any amount that exceeds the level of state match funds required to maximize the federal funding opportunity must be placed in unallotted status.)~~

Appropriation:

General Fund—Federal \$24,515,000

State Building Construction Account—  
State ~~((8,584,000))~~

\$10,884,000

Subtotal Appropriation  
~~((33,099,000))~~

\$35,399,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL ~~((33,099,000))~~

\$35,399,000

**Sec. 2031.** 2021 c 332 s 2084 (uncodified) is amended to read as follows:

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

Echo Glen-Housing Unit: Acute Mental Health Unit (30002736)

Reappropriation:

State Building Construction Account—  
State ~~((7,000,000))~~

\$9,174,000

Prior Biennia (Expenditures)  
~~((2,600,000))~~

\$426,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$9,600,000

**Sec. 2032.** 2021 c 332 s 2085 (uncodified) is amended to read as follows:

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

Green Hill School-Recreation Building: Replacement (30003237)

Reappropriation:

State Building Construction Account—  
State \$181,000

Appropriation:

State Building Construction Account—  
State \$29,962,000

Prior Biennia (Expenditures)  
~~((1,800,000))~~

\$1,619,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$31,762,000

**Sec. 2033.** 2021 c 332 s 2086 (uncodified) is amended to read as follows:

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

Minor Works Preservation Projects: Statewide 2019-21 (40000400)

Reappropriation:

State Building Construction Account—  
State \$750,000

Prior Biennia (Expenditures)  
~~((2,250,000))~~

\$1,690,000

Future Biennia (Projected Costs)  
\$0

TOTAL ~~((3,000,000))~~

\$2,440,000

NEW SECTION. **Sec. 2034.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Paint and Repair 300,000 Gallon Water Storage Tank (30000697)

Appropriation:

State Building Construction Account—  
State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$500,000

NEW SECTION. **Sec. 2035.** A new section is added to 2021 c 332 (uncodified) to

read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

ECWR: Foundation and Siding Repair (4000067)

Appropriation:

State Building Construction Account—  
State \$850,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$850,000

**Sec. 2036.** 2021 c 332 s 2105 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Preservation Projects (40000187)

Reappropriation:

State Building Construction Account—  
State (~~\$3,500,000~~)

\$1,856,000

Prior Biennia (Expenditures)  
(~~\$2,973,000~~)

\$9,812,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~\$6,473,000~~)

\$11,668,000

**NEW SECTION. Sec. 2037.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

WCC: Interim Mental Health Building (40000260)

Appropriation:

State Building Construction Account—  
State \$1,275,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$1,275,000

**Sec. 2038.** 2021 c 332 s 2095 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

MCC: TRU Support Building HVAC Replacement (40000379)

Appropriation:

(~~Coronavirus Capital Projects Account—~~

~~Federal \$4,646,000~~)

Coronavirus State Fiscal Recovery Fund—Federal \$4,646,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$4,646,000

**Sec. 2039.** 2021 c 332 s 2104 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

MCC: Sewer System HABU (Highest and Best Use) (40000185)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 2103, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—  
State (~~\$500,000~~)

\$720,000

Prior Biennia (Expenditures)  
(~~\$300,000~~)

\$80,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$800,000

**Sec. 2040.** 2021 c 332 s 2102 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Minor Works - Preservation Projects (40000254)

Appropriation:

State Building Construction Account—  
State (~~\$11,800,000~~)

\$10,323,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$60,833,000

TOTAL (~~\$72,633,000~~)

\$71,156,000

NEW SECTION. Sec. 2041. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

Inpatient Psychiatric Unit (40000413)

Appropriation:

State Building Construction Account—  
State \$350,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$350,000

NEW SECTION. Sec. 2042. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

CRCC: Sage Unit Move to AHCC  
(40000414)

Appropriation:

State Building Construction Account—  
State \$1,050,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$1,050,000

NEW SECTION. Sec. 2043. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

AHCC: Modular Building for Health  
Service Staff (40000415)

Appropriation:

State Building Construction Account—  
State \$791,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$791,000

NEW SECTION. Sec. 2044. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

CRCC: Modular Building for Health  
Service Staff (40000416)

Appropriation:

State Building Construction Account—  
State \$777,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$777,000

NEW SECTION. Sec. 2045. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS**

CBCC: Utilidor Mechanical and  
Electrical System Repair (91000432)

Appropriation:

State Building Construction Account—  
State \$2,977,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$2,977,000

Sec. 2046. 2021 c 332 s 2106 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WSP: Unit Six Roof Replacement  
(92000037)

Reappropriation:

State Building Construction Account—  
State ~~(\$650,000)~~

\$786,000

Prior Biennia (Expenditures)  
~~(\$277,000)~~

\$141,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$927,000

Sec. 2047. 2021 c 332 s 2107 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

WCCW: AC for MSU (92000039)

Reappropriation:

State Building Construction Account—  
State \$1,250,000

Appropriation:

State Building Construction Account—  
State \$160,000

Prior Biennia (Expenditures)  
~~(\$46,000)~~

\$99,000

Future Biennia (Projected Costs)  
 \$0  
 TOTAL ~~((\$1,296,000))~~  
\$1,509,000

**NEW SECTION. Sec. 2048.** The following acts or parts of acts are each repealed:

- (1) 2021 c 332 s 2054 (uncodified); and
- (2) 2021 c 332 s 2093 (uncodified).

**PART 3**

**NATURAL RESOURCES**

**Sec. 3001.** 2021 c 332 s 3016 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

ASARCO Cleanup (30000334)

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

(1) The reappropriation is subject to the provisions of section 3020, chapter 413, Laws of 2019.

(2) \$400,000 of the reappropriation in this section is provided solely for the department to provide to the city of Tacoma to reimburse the developer of the former ASARCO smelter site for costs incurred by the site developer in cleanup and remediation of the former Ruston Way tunnel, including cleanup and remediation costs that occurred prior to June 30, 2019. Before the city of Tacoma may issue the reimbursement, the city must verify that the city and the site developer have properly documented the cleanup costs and that the site developer has released all affected public entities for liability for an amount at least equal to the amount provided in this subsection.

Reappropriation:

Cleanup Settlement	Account—State
\$1,273,000	
Prior Biennia (Expenditures)	
\$34,987,000	
Future Biennia (Projected Costs)	
\$0	
TOTAL	\$36,260,000

**Sec. 3002.** 2021 c 332 s 3071 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2019-21 Streamflow Restoration Program (40000177)

Reappropriation:

Watershed Restoration and Enhancement Bond

Account—State	<del>((<u>\$31,504,000</u>))</del>
	<u>\$31,542,000</u>

Prior Biennia (Expenditures)	
<del>((<u>\$8,496,000</u>))</del>	

\$8,458,000

Future Biennia (Projected Costs)	
\$0	
TOTAL	\$40,000,000

**Sec. 3003.** 2021 c 332 s 3084 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Water Pollution Control Revolving Program (40000337)

The appropriations in this section are subject to the following conditions and limitations: \$33,000,000 of the water pollution control revolving—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for the clean water state revolving fund program in section 50210 of P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this section is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

Water Pollution Control Revolving Fund—State	\$225,000,000
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Water Pollution Control Revolving Fund—Federal	<del>((<u>\$75,000,000</u>))</del>
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\$108,000,000

Subtotal	Appropriation
<del>((<u>\$300,000,000</u>))</del>	

\$333,000,000

Prior Biennia (Expenditures)	\$0
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Future Biennia (Projected Costs)	
\$1,200,000,000	

TOTAL	<del>((<u>\$1,500,000,000</u>))</del>
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\$1,533,000,000

**Sec. 3004.** 2021 c 332 s 3086 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2021-23 State Match - Water Pollution Control Revolving Program (40000339)

Appropriation:

Water Pollution Control Revolving Fund—State (~~(\$15,000,000)~~)

\$18,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$60,000,000

TOTAL (~~(\$75,000,000)~~)

\$78,000,000

**NEW SECTION. Sec. 3005.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Pacific Wood Treating Site Cleanup - Cleanup Settlement Account (40000464)

Appropriation:

Cleanup Settlement Account—State \$2,326,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,326,000

**NEW SECTION. Sec. 3006.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2022 Clean Up Toxic Sites - Puget Sound (40000465)

Appropriation:

Model Toxics Control Capital Account—State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

**NEW SECTION. Sec. 3007.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

Failing Main Electrical Service Panel (40000467)

Appropriation:

State Building Construction Account—State \$663,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$663,000

**NEW SECTION. Sec. 3008.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2022 Community-Based Public-Private Stormwater Partnership (40000470)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to establish a community-based public-private partnership stormwater pilot program, using the Washington state stormwater community-based public-private partnership feasibility assessment as a guide. The department must work with partner agencies to develop local capacity and attract private investment.

Appropriation:

Model Toxics Control Stormwater Account—State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$28,000,000

TOTAL \$29,000,000

**NEW SECTION. Sec. 3009.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2022 Water Pollution Control Revolving Program (40000473)

Appropriation:

Water Pollution Control Revolving Fund—State \$200,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$200,000,000

**Sec. 3010.** 2021 c 332 s 3112 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

2021-23 Water Banking (91000373)

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

(1)(a) The appropriations in this section are provided solely for the department to administer a pilot grant program for water banking strategies to meet local water needs.

(b) \$2,000,000 is provided solely for qualified applicants located within the Methow River Basin.

(2)(a) Grant awards may only be used for:

(i) Development of water banks in rural counties as defined in RCW 82.14.370(5);

(ii) Acquisition of water rights appropriate for use in a water bank including all costs necessary to evaluate the water right for eligibility for its intended use; and

(iii) Activities necessary to facilitate the creation of a water bank.

(b) For applicants located outside of the Methow River Basin, grant awards may only be used for the development of water banks in rural counties that have the headwaters of a major watershed within their borders and only for water banking strategies within the county of origin. For purposes of this section, "major watershed" has the same meaning as shoreline of statewide significance in RCW 90.58.030(2)(f)(v)(A) and (B).

(3) Grant awards may not exceed \$2,000,000 per applicant.

(4) For the purposes of a grant pursuant to this section, a water bank must meet water needs, which include, but are not limited to, agricultural use and instream flow for fish and wildlife. The water bank must preserve water rights for use in the county of origin and for permanent instream flows for fish and wildlife through the primary and secondary reaches of the water right.

(5) To be eligible to receive a grant under this section, an applicant must:

(a) Be a public entity or a participant in a public-private partnership with a public entity;

(b) Exhibit sufficient expertise and capacity to develop and maintain a water

bank consistent with the purposes of this appropriation;

(c) Secure a valid interest to purchase a water right;

(d) Show that the water rights appear to be adequate for the intended use; and

(e) Agree to have one-third of any water right purchased with the funds appropriated under this section to have its purpose of use changed permanently to instream flow benefiting fish and wildlife.

(6) If the amounts provided in subsection (1)(b) of this section are not obligated by June 30, 2023, the water banking pilot program established in this section is null and void, and funding is not reappropriated.

Appropriation:

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

State Drought Preparedness and  
Response

Account—State \$9,000,000

Subtotal Appropriation \$14,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL ((~~\$5,000,000~~))

\$14,000,000

NEW SECTION. Sec. 3011. A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

2022 Stormwater Projects (92000195)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

Urban Stormwater Partnership-I5 Ship Canal Bridge Pilot

(Seattle) \$4,000,000

Port of Port Angeles Stormwater Project

(Port Angeles) \$855,000

Appropriation:

Model Toxics Control Stormwater  
Account—State \$4,855,000

Prior Biennia (Expenditures) \$0  
 Future Biennia (Projected Costs)  
 \$0  
 TOTAL \$4,855,000

**Sec. 3012.** 2021 c 332 s 3129  
 (uncodified) is amended to read as  
 follows:

**FOR THE STATE PARKS AND RECREATION  
 COMMISSION**

Steamboat Rock Build Dunes Campground  
 (30000729)

Reappropriation:

State Building Construction Account—  
 State \$200,000

Prior Biennia (Expenditures)  
 ((~~\$4,137,000~~))  
 \$4,026,000

Future Biennia (Projected Costs)  
 \$0

TOTAL ((~~\$4,337,000~~))  
 \$4,226,000

**Sec. 3013.** 2021 c 332 s 3130  
 (uncodified) is amended to read as  
 follows:

**FOR THE STATE PARKS AND RECREATION  
 COMMISSION**

Kopachuck Day Use Development  
 (30000820)

Reappropriation:

State Building Construction Account—  
 State \$4,914,000

Appropriation:

State Building Construction Account—  
 State \$2,070,000

Prior Biennia (Expenditures)  
 \$1,024,000

Future Biennia (Projected Costs)  
 ((~~\$0~~))

\$1,035,000  
 TOTAL ((~~\$5,938,000~~))  
 \$9,043,000

**Sec. 3014.** 2021 c 332 s 3133  
 (uncodified) is amended to read as  
 follows:

**FOR THE STATE PARKS AND RECREATION  
 COMMISSION**

Lake Sammamish Dock Grant Match  
 (30000872)

Reappropriation:

State Building Construction Account—  
 State \$938,000

Prior Biennia (Expenditures)  
 ((~~\$142,000~~))

\$128,000

Future Biennia (Projected Costs)  
 \$0

TOTAL ((~~\$1,080,000~~))  
 \$1,066,000

**Sec. 3015.** 2021 c 332 s 3134  
 (uncodified) is amended to read as  
 follows:

**FOR THE STATE PARKS AND RECREATION  
 COMMISSION**

Birch Bay - Repair Failing Bridge  
 (30000876)

Reappropriation:

State Building Construction Account—  
 State \$55,000

Prior Biennia (Expenditures)  
 ((~~\$193,000~~))

\$191,000

Future Biennia (Projected Costs)  
 \$0

TOTAL ((~~\$248,000~~))  
 \$246,000

**Sec. 3016.** 2021 c 332 s 3136  
 (uncodified) is amended to read as  
 follows:

**FOR THE STATE PARKS AND RECREATION  
 COMMISSION**

Field Spring Replace Failed Sewage  
 Syst & Non-ADA Comfort Station (30000951)

Reappropriation:

State Building Construction Account—  
 State \$1,023,000

Appropriation:

State Building Construction Account—  
 State \$480,000

Prior Biennia (Expenditures)  
 \$245,000

Future Biennia (Projected Costs)  
 \$0

TOTAL ((~~\$1,268,000~~))

\$1,748,000

**Sec. 3017.** 2021 c 332 s 3138 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Parkland Acquisition (30000976)

Appropriation:

Parkland Acquisition Account—State  
(~~(\$2,000,000)~~)

\$2,500,000

Prior Biennia (Expenditures)  
\$2,245,000

Future Biennia (Projected Costs)  
\$8,000,000

TOTAL (~~(\$12,245,000)~~)

\$12,745,000

**Sec. 3018.** 2021 c 332 s 3143 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Water System Renovation (30001016)

Reappropriation:

State Building Construction Account—  
State \$103,000

Prior Biennia (Expenditures)  
(~~(\$397,000)~~)

\$392,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$500,000)~~)

\$495,000

**Sec. 3019.** 2021 c 332 s 3147 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Statewide Fish Barrier Removal (40000010)

Reappropriation:

State Building Construction Account—  
State (~~(\$1,605,000)~~)

\$1,718,000

Prior Biennia (Expenditures)  
(~~(\$300,000)~~)

\$187,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$1,905,000

**Sec. 3020.** 2021 c 332 s 3149 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Preservation Minor Works 2019-21 (40000151)

Reappropriation:

State Building Construction Account—  
State (~~(\$1,139,000)~~)

\$1,196,000

Prior Biennia (Expenditures)  
(~~(\$3,308,000)~~)

\$3,251,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$4,447,000

**Sec. 3021.** 2021 c 332 s 3151 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Palouse to Cascade Trail - Crab Creek Trestle Replacement (40000162)

Reappropriation:

State Building Construction Account—  
State \$79,000

Appropriation:

State Building Construction Account—  
State \$2,031,000

Prior Biennia (Expenditures)  
\$171,000

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$250,000)~~)

\$2,281,000

**Sec. 3022.** 2021 c 332 s 3154 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Saint Edward Maintenance Facility (40000218)



Appropriation:

State Building Construction Account—  
 State ((~~\$2,199,000~~))  
\$2,524,000  
 Prior Biennia (Expenditures) \$0  
 Future Biennia (Projected Costs)  
 \$0  
 TOTAL ((~~\$2,199,000~~))  
\$2,524,000

**NEW SECTION. Sec. 3023.** A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE STATE PARKS AND RECREATION COMMISSION**

Anderson Lake - New Day Use Facilities and Trail Development (91000441)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the design of new day use facilities and trail development at Anderson Lake State Park.

Appropriation:

State Building Construction Account—  
 State \$335,000  
 Prior Biennia (Expenditures) \$0  
 Future Biennia (Projected Costs)  
 \$0  
 TOTAL \$335,000

**Sec. 3024.** 2021 c 332 s 3161 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

State Parks Capital Preservation Pool (92000014)

Reappropriation:

State Building Construction Account—  
 State ((~~\$11,239,000~~))  
\$10,204,000  
 Prior Biennia (Expenditures)  
 \$19,761,000  
 Future Biennia (Projected Costs)  
 \$0  
 TOTAL ((~~\$11,000,000~~))  
\$29,965,000

**Sec. 3025.** 2021 c 332 s 3163 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

2021-23 State Parks Capital Preservation Pool (92000017)

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

(1) The appropriation in this section is provided solely for a pool of eligible projects owned by the state parks and recreation commission.

(2) The following projects are the only projects eligible for funding in this section:

- (a) Larrabee Water System Replacement;
- (b) Cape Disappointment - Welcome Center and Entrance Improvements;
- (c) Blake Island Marine Facilities Improvements;
- (d) Cape Disappointment: Campground Access Road Culverts;
- (e) Twenty-Five Mile Creek - Replace Moorage Floats;
- (f) Maryhill Parkwide Septic System Overhaul;
- (g) Palouse to Cascade Trail - Crab Creek Trestle Replacement;
- (h) Mount Spokane - Maintenance Facility Relocation from Harms Way;
- (i) Sun Lakes Replace Primary Lift Station;
- (j) Lyons Ferry Campground Reestablishment;
- (k) Pearrygin Lake West Campground Development;
- (l) Palouse Falls Day Use Area Renovation;
- (m) Birch Bay - Repair Failing Bridge;
- (n) Centennial Trail Paving Repair and Overlay;
- (o) Deception Pass - Bowman Bay Pier Replacement;
- (p) Ike Kinswa: Main Campground Loop Utility Upgrades;
- (q) South Whidbey - Campground to Day Use Conversion;
- (r) Wallace Falls Water System Replacement;
- (s) Willapa Hills Trail: Bridge 48 and Trail Relocation;

(t) Statewide - Facility & Infrastructure Backlog Reduction 2021-23;

(u) Statewide - ADA Compliance 2021-23;

(v) Statewide - Code/Regulatory Compliance 2021-23;

(w) Statewide - Marine Facilities Rehabilitation 2021-23;

(x) Palouse to Cascades Trail - Repair Trestles and Trail Access;

(y) Electrical, Water and Sewer Infrastructure Preservation 2021-23;

(z) Statewide Park Paving Projects 2021-23;

(aa) Statewide Park Comfort Station Replacements 2021-23;

(bb) Wallace Falls Parking Expansion;

(cc) Lake Wenatchee-Pedestrian Bridge; and

(dd) Twanoh-Shoreline Restoration.

(3) The commission shall report to the governor and the appropriate committees of the legislature the list of projects with funding levels, allotments, and schedules for the projects in this section by January 1, 2022.

Appropriation:

State Building Construction Account—State ((~~\$39,500,000~~))

\$40,250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$39,500,000~~))

\$40,250,000

**Sec. 3026.** 2021 c 332 s 3164 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Washington Wildlife Recreation Grants (30000139)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the list of projects in LEAP capital document No. 2011-3A, developed May 24, 2011.

Reappropriation:

Outdoor Recreation Account—State ((~~\$637,000~~))

\$785,000

Prior Biennia (Expenditures) ((~~\$41,363,000~~))

\$41,215,000

Future Biennia (Projected Costs) \$0

TOTAL \$42,000,000

**Sec. 3027.** 2021 c 332 s 3165 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Washington Wildlife Recreation Grants (30000205)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3161, chapter 19, Laws of 2013 2nd sp. sess.

Reappropriation:

Farm and Forest Account—State ((~~\$616,000~~))

\$843,000

Habitat Conservation Account—State ((~~\$132,000~~))

\$464,000

Outdoor Recreation Account—State ((~~\$2,189,000~~))

\$2,647,000

Riparian Protection Account—State ((~~\$470,000~~))

\$494,000

Subtotal Reappropriation ((~~\$3,407,000~~))

\$4,448,000

Prior Biennia (Expenditures) ((~~\$61,593,000~~))

\$60,552,000

Future Biennia (Projected Costs) \$0

TOTAL \$65,000,000

**Sec. 3028.** 2021 c 332 s 3168 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Acquisition and Restoration (30000211)

Reappropriation:

State Building Construction Account—  
State (~~(\$93,000)~~)

\$3,657,000

Prior Biennia (Expenditures)  
(~~(\$69,097,000)~~)

\$66,343,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$70,000,000

**Sec. 3029.** 2021 c 332 s 3171 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Washington Wildlife Recreation Grants (30000220)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the list of projects in LEAP capital document No. 2015-1, developed June 30, 2015.

Reappropriation:

Farm and Forest Account—State  
(~~(\$1,181,000)~~)

\$1,563,000

Habitat Conservation Account—State  
(~~(\$2,910,000)~~)

\$2,814,000

Outdoor Recreation Account—State  
(~~(\$3,268,000)~~)

\$3,085,000

Riparian Protection Account—State  
(~~(\$1,345,000)~~)

\$117,000

Subtotal Reappropriation  
(~~(\$8,704,000)~~)

\$7,579,000

Prior Biennia (Expenditures)  
(~~(\$46,619,000)~~)

\$47,744,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$55,323,000

**Sec. 3030.** 2021 c 332 s 3173 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Boating Facilities Program (30000222)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3024, chapter 35, Laws of 2016 sp. sess.

Reappropriation:

Recreation Resources Account—State  
(~~(\$49,000)~~)

\$137,000

Prior Biennia (Expenditures)  
(~~(\$14,161,000)~~)

\$14,073,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$14,210,000

**Sec. 3031.** 2021 c 332 s 3178 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Estuary and Salmon Restoration Program (30000227)

Reappropriation:

State Building Construction Account—  
State (~~(\$82,000)~~)

\$670,000

Prior Biennia (Expenditures)  
(~~(\$7,918,000)~~)

\$7,330,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$8,000,000

**Sec. 3032.** 2021 c 332 s 3183 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Family Forest Fish Passage Program  
(30000233)

Reappropriation:

State Building Construction Account—  
State (~~(\$160,000)~~)

\$204,000

Prior Biennia (Expenditures)  
(~~(\$4,840,000)~~)

\$4,796,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$5,000,000

**Sec. 3033.** 2021 c 332 s 3184  
(uncodified) is amended to read as  
follows:

**FOR THE RECREATION AND CONSERVATION  
OFFICE**

Salmon Recovery Funding Board Programs  
(30000408)

The reappropriations in this section  
are subject to the following conditions  
and limitations: The reappropriations  
are subject to the provisions of section  
3070, chapter 2, Laws of 2018.

Reappropriation:

General Fund—Federal \$32,369,000

State Building Construction Account—  
State (~~(\$1,642,000)~~)

\$6,231,000

Subtotal Reappropriation  
(~~(\$34,011,000)~~)

\$38,600,000

Prior Biennia (Expenditures)  
(~~(\$32,202,000)~~)

\$27,613,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$66,213,000

**Sec. 3034.** 2021 c 332 s 3185  
(uncodified) is amended to read as  
follows:

**FOR THE RECREATION AND CONSERVATION  
OFFICE**

2017-19 Washington Wildlife Recreation  
Grants (30000409)

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

this section are provided solely for the  
list of projects in LEAP capital document  
No. 2017-42, developed July 20, 2017, and  
LEAP capital document No. 2018-6H,  
developed January 3, 2018.

Reappropriation:

Farm and Forest Account—State  
(~~(\$5,860,000)~~)

\$5,002,000

Habitat Conservation Account—State  
(~~(\$12,592,000)~~)

\$12,878,000

Outdoor Recreation Account—State  
(~~(\$12,474,000)~~)

\$14,248,000

Subtotal Reappropriation  
(~~(\$30,926,000)~~)

\$32,128,000

Prior Biennia (Expenditures)  
(~~(\$49,074,000)~~)

\$47,872,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$80,000,000

**Sec. 3035.** 2021 c 332 s 3187  
(uncodified) is amended to read as  
follows:

**FOR THE RECREATION AND CONSERVATION  
OFFICE**

Nonhighway Off-Road Vehicle Activities  
(30000411)

Reappropriation:

NOVA Program Account—State  
(~~(\$895,000)~~)

\$2,991,000

Prior Biennia (Expenditures)  
(~~(\$12,300,000)~~)

\$10,204,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$13,195,000

**Sec. 3036.** 2021 c 332 s 3188  
(uncodified) is amended to read as  
follows:

**FOR THE RECREATION AND CONSERVATION  
OFFICE**

Youth Athletic Facilities (30000412)

Reappropriation:

State Building Construction Account—  
State (~~(\$1,302,000)~~)

\$1,522,000

Prior Biennia (Expenditures)  
(~~(\$2,775,000)~~)

\$2,555,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$4,077,000

**Sec. 3037.** 2021 c 332 s 3189 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Aquatic Lands Enhancement Account (30000413)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations in this section are provided solely for the list of projects in LEAP capital document No. 2018-9H, developed March 5, 2018.

Reappropriation:

Aquatic Lands Enhancement Account—  
State \$884,000

State Building Construction Account—  
State (~~(\$2,732,000)~~)

\$4,013,000

Subtotal Reappropriation  
(~~(\$3,616,000)~~)

\$4,897,000

Prior Biennia (Expenditures)  
(~~(\$8,669,000)~~)

\$7,388,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$12,285,000

**Sec. 3038.** 2021 c 332 s 3190 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Puget Sound Acquisition and Restoration (30000414)

Reappropriation:

State Building Construction Account—  
State (~~(\$16,640,000)~~)

\$20,763,000

Prior Biennia (Expenditures)  
(~~(\$23,360,000)~~)

\$19,237,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$40,000,000

**Sec. 3039.** 2021 c 332 s 3195 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

Washington Coastal Restoration Initiative (30000420)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3082, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—  
State (~~(\$5,769,000)~~)

\$5,790,000

Prior Biennia (Expenditures)  
(~~(\$6,731,000)~~)

\$6,710,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$12,500,000

**Sec. 3040.** 2021 c 332 s 3197 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Washington Wildlife Recreation Grants (40000002)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3200, chapter 413, Laws of 2019.

Reappropriation:

Farm and Forest Account—State  
(~~(\$6,880,000)~~)

\$6,687,000

Habitat Conservation Account—State  
(~~(\$20,349,000)~~)

\$25,791,000

Outdoor Recreation Account—State	
( <del>(\$28,025,000)</del> )	
<u>\$24,390,000</u>	
Subtotal	Reappropriation
( <del>(\$55,254,000)</del> )	
<u>\$56,868,000</u>	
Prior Biennia (Expenditures)	
( <del>(\$29,746,000)</del> )	
<u>\$28,132,000</u>	
Future Biennia (Projected Costs)	
\$0	
TOTAL	\$85,000,000

**Sec. 3041.** 2021 c 332 s 3201 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2019-21 - Youth Athletic Facilities (40000007)

The reappropriation in this section is subject to the following conditions and limitations: The amounts reappropriated in this section may be awarded only to projects approved by the legislature, as identified in LEAP capital documents No. 2020-467-HSBA, developed February 25, 2020, and No. 2020-467-HB, developed February 14, 2020.

Reappropriation:

State Building Construction Account—State	( <del>(\$7,597,000)</del> )
<u>\$7,833,000</u>	
Prior Biennia (Expenditures)	( <del>(\$4,403,000)</del> )
<u>\$4,167,000</u>	
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,000,000

**Sec. 3042.** 2021 c 332 s 3214 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Salmon Recovery Funding Board Programs (40000021)

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

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

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

(3) \$15,000,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the recreation and conservation office for the pacific coastal salmon recovery fund in P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this subsection is contingent on the receipt of this grant funding. If the department does not receive the grant funding by June 30, 2023, the expenditure authority in this subsection shall lapse.

Appropriation:

General	Fund—Federal
( <del>(\$50,000,000)</del> )	
<u>\$65,000,000</u>	
State Building Construction Account—State	\$30,000,000
Subtotal	Appropriation
( <del>(\$80,000,000)</del> )	
<u>\$95,000,000</u>	
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL	( <del>(\$480,000,000)</del> )
	<u>\$495,000,000</u>

**Sec. 3043.** 2021 c 332 s 3221 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Brian Abbott Fish Barrier Removal Board (40000035)

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

(1) The appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. (~~(RCO-5-HB-2021)~~)

RCO-5.1-HB-2022, developed ((April 15, 2021)) February 3, 2022.

(2) The recreation and conservation funding board may retain a portion of the funds appropriated in this section for the administration of the grants. The portion of the funds retained for administration may not exceed three percent of the appropriation.

(3) The department of fish and wildlife may retain a portion of the funds appropriated in this section for the Brian Abbott fish barrier removal board for technical assistance in developing projects for consideration. The portion of the funds retained for technical assistance may not exceed 4.12 percent of the appropriation.

Appropriation:

State Building Construction Account— State \$26,795,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$107,180,000

TOTAL \$133,975,000

Sec. 3044. 2021 c 332 s 3229 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Coastal Restoration Grants (91000448)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3177, chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:

State Building Construction Account— State ((~~\$152,000~~))

\$622,000

Prior Biennia (Expenditures) ((~~\$11,033,000~~))

\$10,563,000

Future Biennia (Projected Costs) \$0

TOTAL \$11,185,000

Sec. 3045. 2021 c 332 s 3230 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Upper Quinault River Restoration Project (91000958)

Reappropriation:

State Building Construction Account— State \$1,359,000

Appropriation:

State Building Construction Account— State ((~~\$1,000,000~~))

\$2,000,000

Prior Biennia (Expenditures) \$641,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$3,000,000~~))

\$4,000,000

NEW SECTION. Sec. 3046. A new section is added to 2021 c 332 (uncodified) to read as follows: FOR THE RECREATION AND CONSERVATION OFFICE

Fish Barrier Removal Projects in Skagit County (91001662)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a direct payment to Skagit county for the design of 11 high priority fish barrier removal projects located on the county's roads. Skagit county must ensure that the projects designed with funding from this section meet applicable state and federal grant program standards to facilitate the county's application to such programs for the purpose of receiving capital funding for the projects' construction.

Appropriation:

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

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

Sec. 3047. 2021 c 332 s 3232 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION OFFICE

Recreation & Conservation Office  
Recreation Grants (92000131)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions of section 3049, chapter 356, Laws of 2020.

Reappropriation:

Outdoor Recreation Account—State  
(~~(\$132,000)~~)

\$497,000

State Building Construction Account—  
State (~~(\$5,859,000)~~)

\$8,050,000

Subtotal Reappropriation  
(~~(\$5,991,000)~~)

\$8,547,000

Prior Biennia (Expenditures)  
(~~(\$28,790,000)~~)

\$26,234,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$34,781,000

**Sec. 3048.** 2021 c 332 s 3218 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

2021-23 - Aquatic Lands Enhancement Account (40000029)

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

(1) The state building construction account—state appropriation in this section is provided solely for projects approved by the legislature, as identified in LEAP capital document No. RCO-3.1-HB-2021, developed April 15, 2021.

(2) The aquatic lands enhancement account—state appropriation in this section is provided solely for the following project:

Dash Point Park and Pier (Tacoma)  
\$418,000

Appropriation:

Aquatic Lands Enhancement Account—  
State \$418,000

State Building Construction Account—  
State \$9,100,000

Subtotal Appropriation \$9,518,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$36,400,000

TOTAL (~~(\$45,500,000)~~)

\$45,918,000

**NEW SECTION. Sec. 3049.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE RECREATION AND CONSERVATION OFFICE**

Springwood Ranch in Kittitas County (91001663)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the acquisition of the Springwood Ranch in Kittitas county for the Kittitas County Riparian Protection and Water Storage Facility Project, which must include the following elements: Protection of riparian habitat; conservation of agricultural lands; provision of public recreational access; and siting of a water storage facility to improve Yakima river instream flows. If title to the real property purchased under this section is not held by the state, the recreation and conservation office shall enter into appropriate agreements to protect the public investment pursuant to the appropriation in this section. The agency may use up to one percent of the appropriation, if necessary, to recover its administrative costs.

Appropriation:

State Building Construction Account—  
State \$10,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$12,000,000

TOTAL \$22,000,000

**NEW SECTION. Sec. 3050.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE STATE CONSERVATION COMMISSION**

2021-2023 Farmland Protection and Land Access (40000020)

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



provided solely for the state conservation commission to implement and administer the farmland protection and land access program. In administering this program, the state conservation commission shall support opportunities for all producers but shall prioritize: (a) Conservation of high priority agricultural land at imminent risk of development; and (b) grants for the purchase of agricultural easements to historically underserved producers, as defined in 7 C.F.R. Sec. 1470.3 (2022), including young and beginning farmers, people of color, and veterans.

(2) In contracts for grants authorized under this section, the state conservation commission must include provisions that require that easements be held by the grantee for a specified period, appropriate to protect the public investment and to the conservation purpose of the grant. If the state conservation commission finds the grantee to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Appropriation:

State Building Construction Account—  
State \$2,000,000  
Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs)  
\$2,000,000  
TOTAL \$4,000,000

**Sec. 3051.** 2021 c 332 s 3253 (uncodified) is amended to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**

CREP PIP Loan Program 2017-19  
(92000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 6019, chapter 413, Laws of 2019.

Reappropriation:

Conservation Assistance Revolving  
Account—State (\$350,000)  
\$270,000

Prior Biennia (Expenditures)  
\$50,000  
Future Biennia (Projected Costs)  
\$0  
TOTAL ((~~\$400,000~~))  
\$320,000

**NEW SECTION. Sec. 3052.** A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE STATE CONSERVATION COMMISSION**

Voluntary Stewardship Program  
(92000016)  
Appropriation:  
State Building Construction Account—  
State \$3,000,000  
Prior Biennia (Expenditures) \$0  
Future Biennia (Projected Costs)  
\$0  
TOTAL \$3,000,000

**Sec. 3053.** 2021 c 332 s 3254 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Deschutes Watershed Center (20062008)  
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3063, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—  
State \$2,387,000  
Appropriation:  
State Building Construction Account—  
State \$2,200,000

Prior Biennia (Expenditures)  
((~~\$13,108,000~~))  
\$13,191,000  
Future Biennia (Projected Costs)  
((~~\$36,000,000~~))  
\$48,616,000  
TOTAL ((~~\$51,495,000~~))  
\$66,394,000

**Sec. 3054.** 2021 c 332 s 3255 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Migratory Waterfowl Habitat (20082045)

~~((Reappropriation:~~~~Limited Fish and Wildlife Account—  
State \$350,000))~~

Appropriation:

Limited Fish and Wildlife Account—  
State ~~((600,000))~~\$752,000Prior Biennia (Expenditures)  
~~((1,923,000))~~\$2,336,000Future Biennia (Projected Costs)  
\$1,800,000TOTAL ~~((4,673,000))~~\$4,888,000

NEW SECTION. **Sec. 3055.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Beaver Creek Hatchery - Renovation  
(30000680)

Appropriation:

State Building Construction Account—  
State \$135,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$22,337,000

TOTAL \$22,472,000

**Sec. 3056.** 2021 c 332 s 3273 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**Hurd Creek - Relocate Facilities out  
of Floodplain (30000830)

Reappropriation:

State Building Construction Account—  
State \$200,000

Appropriation:

State Building Construction Account—  
State \$11,894,000Prior Biennia (Expenditures)  
~~((577,000))~~\$504,000Future Biennia (Projected Costs)  
\$0TOTAL ~~((12,671,000))~~\$12,598,000

**Sec. 3057.** 2021 c 332 s 3274 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**Dungeness Hatchery - Replace Main  
Intake (30000844)

Reappropriation:

State Building Construction Account—  
State \$300,000Prior Biennia (Expenditures)  
~~((3,606,000))~~\$3,102,000Future Biennia (Projected Costs)  
\$0TOTAL ~~((3,906,000))~~\$3,402,000

**Sec. 3058.** 2021 c 332 s 3281 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**Toutle River Fish Collection Facility  
- Match (40000021)

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

(1) The reappropriation in this section is provided solely for the department to purchase fee-title and/or easements as ((part of)) necessary for sediment abatement, fish release and collection sites, and for project obligations related to the state's participation in design review and design cost share of the fish collection facility.

(2) The appropriation in this section is provided solely for project obligations related to modular housing replacement.

Reappropriation:

State Building Construction Account—  
State ~~((6,371,000))~~\$2,066,000

Appropriation:

State Building Construction Account—  
State \$239,000

Prior Biennia (Expenditures)  
\$404,000

Future Biennia (Projected Costs)  
\$4,312,000

TOTAL ((~~\$11,326,000~~))

\$7,021,000

**NEW SECTION. Sec. 3059.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Klickitat WLA - Simcoe Fencing  
(40000161)

Appropriation:

State Building Construction Account—  
State \$450,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$450,000

**NEW SECTION. Sec. 3060.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Taneum Creek Property Acquisition Post  
Closing Activities (40000162)

Appropriation:

State Building Construction Account—  
State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$200,000

**NEW SECTION. Sec. 3061.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Western Pond Turtle Nest Hill  
Restoration (91000161)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the restoration of the western pond turtle nest hill at the Pierce county recovery site.

Appropriation:

State Building Construction Account—  
State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$200,000

**NEW SECTION. Sec. 3062.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Kalama Creek Hatchery (91000160)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to provide a grant to the Nisqually Tribe for the Kalama Creek Hatchery project.

Appropriation:

State Building Construction Account—  
State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$3,000,000

**Sec. 3063.** 2021 c 332 s 3292 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Leque Island Highway 532 Road  
Protection (92000019)

Reappropriation:

State Building Construction Account—  
State \$160,000

Prior Biennia (Expenditures)  
((~~\$520,000~~))

\$519,000

Future Biennia (Projected Costs)  
\$0

TOTAL ((~~\$680,000~~))

\$679,000

**NEW SECTION. Sec. 3064.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Recreational Fishing Access on the  
Grande Ronde River (92000051)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department to develop or establish an alternative recreational access point for anglers along the Grande Ronde river with the express purpose of alleviating tensions between property owners who own river frontage and the general public who may interfere with the owners' private enjoyment of their property. The department may not develop access requiring expenditure of state moneys that interferes with an owner's private property rights and may not develop access to easement 106165 or easement 113860 in Anatone, Washington, commonly referred to as the Dreamz Road easements.

Appropriation:

State Building Construction Account—  
State \$500,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$500,000</b>

**NEW SECTION. Sec. 3065.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Upper Indian Creek Fish Screen Removal (92001248)

Appropriation:

State Building Construction Account—  
State \$65,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$65,000</b>

**Sec. 3066.** 2021 c 332 s 3298 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Structurally Deficient Bridges (40000086)

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

The appropriation in this section is provided solely for the following projects: (a) The Naked Falls/Stebbins Creek bridge replacement in Skamania

county; (b) the Shale Creek timber bridge repair in Jefferson county; ~~((and))~~ (c) the Coal Creek bridge replacement in Clallam county; (d) the Shale Creek concrete bridge repair in Jefferson county; (e) the 5970 #1 bridge replacement in Pacific county; (f) the Rock Creek bridge replacement in Skamania county; (g) the EF Dickey River bridge design in Clallam county; (h) the Steep Creek bridge replacement in Skamania county; (i) the Sollecks High bridge repair in Jefferson county; (j) the 5973 bridge replacement in Pacific county; (k) the Cedar Creek bridge repair in Grays Harbor county; (l) the Arvid Creek bridge replacement in Jefferson county; (m) the Susie Creek bridge repair in Jefferson county; (n) the YR-Jones bridge replacement in Yakima county; (o) the Middle Creek railcar bridge replacement in Pend Oreille county; and (p) the Butler Mill bridge replacement in Grays Harbor county.

Appropriation:

State Building Construction Account—  
State \$1,050,000

Access Road Revolving Account—State  
\$2,250,000

Subtotal Appropriation \$3,300,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
<b>TOTAL</b>	<b><del>(\$11,050,000)</del></b>

\$13,300,000

**Sec. 3067.** 2021 c 332 s 3305 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Omak Consolidation, Expansion and Relocation (40000033)

Reappropriation:

State Building Construction Account—  
State ~~(\$107,000)~~

\$108,000

Prior Biennia (Expenditures)	<del>(\$1,000)</del>
<b>TOTAL</b>	<b>\$0</b>

Future Biennia (Projected Costs)	\$0
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**TOTAL** \$108,000

**Sec. 3068.** 2021 c 332 s 3306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Trust Land Transfer Program (40000034)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 3281, chapter 413, Laws of 2019.

Reappropriation:

State Building Construction Account—State (~~(\$1,675,000)~~)

\$1,696,000

Prior Biennia (Expenditures) (~~(\$4,725,000)~~)

\$4,704,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,400,000

**Sec. 3069.** 2021 c 332 s 3308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Teanaway (40000038)

Reappropriation:

State Building Construction Account—State (~~(\$1,220,000)~~)

\$1,305,000

Prior Biennia (Expenditures) (~~(\$636,000)~~)

\$551,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,856,000

**Sec. 3070.** 2021 c 332 s 3313 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Natural Areas Facilities 2019-21 (40000046)

Reappropriation:

State Building Construction Account—State (~~(\$295,000)~~)

\$527,000

Prior Biennia (Expenditures) (~~(\$1,705,000)~~)

\$1,473,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**Sec. 3071.** 2021 c 332 s 3317 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Grouse Ridge Fish Barriers & RMAP Compliance (40000056)

Reappropriation:

State Building Construction Account—State (~~(\$3,210,000)~~)

\$3,217,000

Appropriation:

State Building Construction Account—State \$1,730,000

Prior Biennia (Expenditures) (~~(\$35,000)~~)

\$28,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,975,000

**Sec. 3072.** 2021 c 332 s 3319 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

2021-23 Minor Works Preservation (40000070)

The appropriation in this section is subject to the following conditions and limitations: \$205,000 of the appropriation in this section is provided solely for communication site preservation and repairs.

Appropriation:

State Building Construction Account—State (~~(\$2,183,000)~~)

\$3,122,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$2,183,000~~))

\$3,122,000

**Sec. 3073.** 2021 c 332 s 3328 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Rural Broadband Investment (40000082)

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

(1) \$600,000 of the appropriation in this section is provided solely for installation of new communication towers at Ellis Peak, Striped Peak, and Paradise Peak.

(2) \$400,000 of the appropriation in this section is provided solely for communication tower upgrades at Blyn Mountain and Capitol Peak.

(3) \$20,000 of the appropriation in this section is provided solely for a new generator in Okanogan county.

(4) \$5,000 of the appropriation in this section is provided solely for a utility connection project in Clallam county.

Appropriation:

~~((Coronavirus Capital Projects Account—~~

~~Federal \$2,000,000))~~

~~State Building Construction Account—~~  
State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

**Sec. 3074.** 2021 c 332 s 3332 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

DNR and Camp Colman Collaboration (92000037)

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

(1) ~~((~~\$100,000~~))~~ \$20,000 is provided solely for the department to contract with a third party facilitator for the purpose of collaborating with the YMCA of

greater Seattle, Camp Colman, on finding solutions for maintaining a high-quality camp experience while establishing a barrier free passage for migrating fish species at Whiteman cove.

(2) \$500,000 is provided solely for the department to grant to the YMCA of greater Seattle to retain expertise to scope, plan, and advance the future of the Camp Colman experience given the restoration of the Whiteman cove estuary. The planning process should be inclusive of tribal input, with an open invitation for their participation, and must include department technical experts, participation from the departments of ecology and fish and wildlife, and any other resources needed. The plan should include a vision for how the cove can be returned to a fully functioning estuary, benefiting native flora and fauna, as well as serve as an environmental outdoor educational opportunity that will serve youth and families, especially those from historically marginalized and underrepresented communities, and include educational opportunities for youth and families to learn of native cultural heritage unique and specific to the natural and human history of the site. The plan must identify specific projects and estimated costs, given estuary restoration, for physical improvements for the camp, such as water access structures or swimming facilities, with recommendations for funding. The department, on behalf of the YMCA, must submit the plan in a report to the fiscal committees of the legislature by December 31, 2021.

(3) ~~((~~\$300,000~~))~~ \$450,000 is provided solely for the department to design the fish blockage removal and predesign enhancements for a new bridge and roadway across Whiteman cove that are part of the fish blockage removal project and necessary as part of maintaining the route as access to the camp. The predesign must take into consideration the means to maintain continuous road access to Camp Colman for campers and camp staff without disruption, ensure the continuation, mitigation and innovation of Camp Colman's recreational, water safety, and environmental education programs in the salt water estuary, and maintain the critical outdoor experiences for historically marginalized and underrepresented communities.

Appropriation:

State Building Construction Account—  
State (~~(\$900,000)~~)

\$970,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL (~~(\$900,000)~~)

\$970,000

**NEW SECTION. Sec. 3075.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Camp Colman Cabin Preservation and Upgrades (92000039)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a grant for the YMCA Camp Colman cabin preservation and system upgrades at Whiteman Cove.

Appropriation:

State Building Construction Account—  
State \$1,400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$1,400,000

#### **PART 4**

#### **TRANSPORTATION**

**NEW SECTION. Sec. 4001.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE WASHINGTON STATE PATROL**

Crime Laboratory I-5 Corridor Consolidated Facility (30000290)

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

(1) The appropriation is provided solely for a predesign.

(2) The predesign must include:

(a) An assessment of current forensic services operations, including volumes processed by sample type (e.g., DNA, material analysis, firearms, latent prints), locations from which evidentiary samples and materials were sent to the lab, how samples are processed, how results are delivered, and other duties conducted by forensic

services staff as part of their operations that impact availability for forensic analysis including, but not limited to, evidence collection and testimony;

(b) An evaluation of a consolidated lab model compared to distributed lab models, including an examination of advantages and disadvantages associated with each model, which model is preferred, and why. The evaluation should include an analysis on the impacts of the factors listed in subsection (2)(a) of this section, including the impacts on the delivery of samples and materials to the lab and staffing impacts, including for responsibilities such as testimony and evidence collection;

(c) An evaluation of state-owned compared to leased lab approach, including costs associated with each approach, the anticipated source of funds for each option, which approach is preferred, and why; and

(d) A projected volume of evidentiary samples able to be processed in the preferred alternative and a comparison to the current processing model.

(3) The predesign must align with the most recent master plan.

Appropriation:

State Building Construction Account—  
State \$333,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$333,000

#### **PART 5**

#### **EDUCATION**

**Sec. 5001.** 2021 c 332 s 5002 (uncodified) is amended to read as follows:

#### **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2013-15 School Construction Assistance Program - Maintenance (30000145)

Reappropriation:

State Building Construction Account—  
State \$1,529,000

Prior Biennia (Expenditures)  
~~(\$385,701,000)~~

\$385,645,000

Future Biennia (Projected Costs)  
 \$0  
 TOTAL ((~~\$387,230,000~~)  
\$387,174,000

**Sec. 5002.** 2021 c 332 s 5005 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Skill Centers - Minor Works (30000187)  
 Reappropriation:  
 School Construction and Skill Centers Building  
 Account—Bonds—State ((~~\$521,000~~)  
\$512,000  
 Prior Biennia (Expenditures)  
 \$2,479,000  
 Future Biennia (Projected Costs)  
 \$0  
 TOTAL ((~~\$3,000,000~~)  
\$2,991,000

**Sec. 5003.** 2021 c 332 s 5010 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

West Sound Technical Skills Center Modernization (40000015)

The ~~((reappropriation))~~ appropriations in this section ~~((is))~~ are subject to the following conditions and limitations: ~~((The reappropriation is subject to provisions of section 5002, chapter 356, Laws of 2020.))~~

(1) The appropriations in this section are provided solely for grant funding to the Bremerton school district to complete design and begin construction of a new career and technical education facility at the West Sound technical skills center in Bremerton.

(2) In coordination with the office of the superintendent of public instruction, the Bremerton school district's West Sound technical skills center must: (a) Ensure the career and technical programs planned for in the design of the skills center support high-demand and high-wage sector program needs; (b) ensure that space needs are reasonable and appropriate for the programs planned and enrollment

projections; (c) evaluate the proposed project budget using value engineering and life-cycle cost analysis techniques; and (d) use this information to inform the proposed design.

(3) The office of the superintendent of public instruction must approve the skill center programs, design, and budget before requesting allotment of construction phase funding.

Reappropriation:

State Building Construction Account—  
 State \$274,000

Appropriation:

State Building Construction Account—  
 State \$10,900,000

Prior Biennia (Expenditures)  
 \$226,000

Future Biennia (Projected Costs)  
 ((~~\$0~~)  
\$39,443,000

TOTAL ((~~\$500,000~~)  
\$50,843,000

**Sec. 5004.** 2021 c 332 s 5015 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 School Construction Assistance Program (40000034)

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

(1) ((~~\$727,780,000~~)) \$537,824,000 of the appropriation in this section is provided solely for school construction assistance grants for qualifying public school construction projects.

(2) \$2,836,000 of the appropriation in this section is provided solely for study and survey grants and for completing inventory and building condition assessments for public school districts every six years.

(3) \$20,000 of the appropriations in this section is provided solely for the Sunnyside School District for the transfer of the Yakima Valley Technical Skills Center Sunnyside Satellite Campus and its related property and equipment.

Appropriation:



State Building Construction Account—  
State (~~(\$702,657,000)~~)

\$505,306,000

Common School Construction Account—  
State (~~(\$24,959,000)~~)

\$29,374,000

Common School Construction Account—  
Federal (~~(\$3,000,000)~~)

\$6,000,000

Subtotal Appropriation  
(~~(\$730,616,000)~~)

\$540,680,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$3,899,490,000

TOTAL (~~(\$4,630,106,000)~~)

\$4,440,170,000

**Sec. 5005.** 2021 c 332 s 5018  
(uncodified) is amended to read as  
follows:

**FOR THE SUPERINTENDENT OF PUBLIC  
INSTRUCTION**

2021-23 Small District and Tribal  
Compact Schools Modernization (40000039)

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

(1) \$3,000,000 of the state building  
construction account—state  
appropriation in this section is provided  
solely for a modernization grant to the  
Mount Adams school district to complete  
the replacement of Harrah Elementary  
School.

(2) (a) (~~(\$21,795,000)~~) \$33,795,000 of  
the state building construction account—  
state appropriation (~~and \$12,000,000 of  
the coronavirus capital projects  
account federal appropriation in this  
section are~~) is provided solely for  
modernization grants for small school  
districts with total enrollments of 1,000  
students or less with significant  
building system deficiencies and limited  
financial capacity as approved by the  
superintendent of public instruction's  
small district modernization grant  
advisory committee.

(b) The superintendent of public  
instruction must submit a list of small  
school district modernization projects,  
as prioritized by the advisory committee,

to the legislature by January 15, 2023.  
The list must include: (i) A description  
of the project; (ii) the proposed state  
funding level, not to exceed \$5,000,000;  
(iii) estimated total project costs; and  
(iv) local funding resources.

(3) \$1,100,000 of the state building  
construction account—state  
appropriation in this section is provided  
solely for planning grants for small  
school districts with enrollments of  
1,000 students or less interested in  
seeking modernization grants. The  
superintendent of public instruction may  
prioritize planning grants for school  
districts with the most serious building  
deficiencies and the most limited  
financial capacity. Planning grants may  
not exceed \$50,000 per district. Planning  
grants may only be awarded to school  
districts with an estimated total project  
cost of \$5,000,000 or less.

(4) (a) \$4,218,000 of the state  
building construction account—state  
appropriation in this section is provided  
solely for planning grants and  
modernization grants to state tribal  
compact schools. The superintendent may  
prioritize planning grants for state  
tribal compact schools with the most  
serious building deficiencies and the  
most limited financial capacity.

(b) The superintendent of public  
instruction must submit a prioritized  
list of state-tribal compact school  
modernization projects to the  
legislature by January 15, 2023. The list  
must include: (i) A description of the  
project; (ii) the planning grant amount;  
and (iii) estimated total project costs.

(5) The appropriated funds in this  
section may be awarded only to projects  
approved by the legislature, as  
identified in LEAP capital document No.  
OSPI-1.1-CD-2021, developed April 15,  
2021.

Appropriation:

State Building Construction Account—  
State (~~(\$30,113,000)~~)

\$42,113,000

(~~Coronavirus Capital Projects  
Account—~~)

Federal \$12,000,000

Subtotal Appropriation \$42,113,000)

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$290,592,000

TOTAL \$332,705,000

**Sec. 5006.** 2021 c 332 s 5019 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Skills Centers Minor Works (40000040)

The appropriations in this section are subject to the following conditions and limitations: In addition to the conditions and limitations specified in section 7019 of this act, no skill center shall receive funding for more than two minor works projects within the 2021-2023 fiscal biennium.

Appropriation:

State Building Construction Account—State (~~(\$1,556,000)~~)

\$3,388,000

~~((Coronavirus Capital Projects Account—~~

Federal \$1,832,000

Subtotal Appropriation \$3,388,000))

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$3,388,000

**Sec. 5007.** 2021 c 332 s 5023 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 School District Health and Safety (40000052)

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

(1) \$643,000 of the common school construction account—state appropriation and (~~(\$1,357,000)~~) \$3,057,000 of the state building construction account—state appropriation in this section are provided solely for emergency repair grants to address unexpected and imminent health and safety hazards at K-12 public schools, including skill centers, that will impact the day-to-day operations of the school facility, and this is the

maximum amount that may be spent for this purpose. For emergency repair grants only, an emergency declaration must be signed by the school district board of directors and submitted to the superintendent of public instruction for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable.

(2) \$965,000 of the common school construction account—state appropriation (~~(, \$2,035,000)~~) and \$3,228,000 of the state building construction account—state appropriation (~~(, and \$1,193,000 of the coronavirus capital projects account—federal appropriation))~~) in this section are provided solely for urgent repair grants to address nonrecurring urgent small repair projects at K-12 public schools, excluding skill centers, that could impact the health and safety of students and staff if not completed, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting school districts to one grant, not to exceed \$200,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a comprehensive description of the health and safety issues to be addressed, a detailed description of the remedy, including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Grants may be used for, but

are not limited to: Repair or replacement of failing building systems, abatement of potentially hazardous materials, and safety-related structural improvements.

(3) \$322,000 of the common school construction account—state appropriation and \$678,000 of the state building construction account—state appropriation in this section are provided solely for equal access grants for facility repairs and alterations at K-12 public schools, including skills centers, to improve compliance with the Americans with disabilities act and individuals with disabilities education act, and this is the maximum amount that may be spent for this purpose. The office of the superintendent of public instruction shall develop criteria and assurances for providing funding for specific projects through a competitive grant program. The criteria and assurances must include, but are not limited to, the following: (a) Limiting districts to one grant, not to exceed \$100,000, per three-year period; (b) prioritizing applications based on limited school district financial resources for the project; and (c) requiring recipient districts to demonstrate a consistent commitment to addressing school facility needs. The grant applications must include a description of the Americans with disabilities act or individuals with disabilities education act compliance deficiency, a comprehensive description of the facility accessibility issues to be addressed, a detailed description of the remedy including a detailed cost estimate of the repair or replacement work to be performed, and identification of local funding, if any, which will be applied to the project. Priority for grant funding must be given to school districts that demonstrate a lack of capital resources to address the compliance deficiencies outlined in the grant application.

(4) The superintendent of public instruction must notify the office of financial management, the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as projects described in subsection (1) of this section are approved for funding.

Appropriation:

~~((Coronavirus Capital Projects Account—~~

~~Federal \$1,193,000))~~

Common School Construction Account—  
State \$1,930,000

State Building Construction Account—  
State ~~((4,070,000))~~

\$6,963,000

Subtotal Appropriation  
~~((7,193,000))~~

\$8,893,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$52,000,000

TOTAL ~~((59,193,000))~~

\$60,893,000

**NEW SECTION. Sec. 5008.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 School Seismic Safety Grant Program (5933) (92000923)

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

(1) Except as provided in subsection (2) of this section, the appropriation in this section is provided solely for the implementation of Substitute Senate Bill No. 5933 (school seismic safety grant program).

(2) In addition to grants awarded under Substitute Senate Bill No. 5933 (school seismic safety grant program), the office of the superintendent of public instruction may award school seismic safety grant funding appropriated in this section to the following projects that were previously identified as having very high seismic risk: (a) North Beach, Pacific Beach Elementary; (b) South Bend, South Bend Junior/Senior High School; (c) Boistfort, Boistfort Elementary; (d) Cosmopolis, Cosmopolis Elementary; and (e) Marysville, Totem Middle School. The total amount awarded under subsection (2) of this section may not exceed \$8,561,000.

(3) If Substitute Senate Bill No. 5933 is not enacted by June 30, 2022, \$91,439,000 of the amount provided in this section shall lapse.

## Appropriation:

State Building Construction Account—  
State \$100,000,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000,000
<b>TOTAL</b>	<b>\$500,000,000</b>

NEW SECTION. **Sec. 5009.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Healthy Kids / Healthy Schools - T-12 Lighting (91000483)

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

(1) \$1,500,000 of the appropriation in this section is provided solely for grants to public schools, including charter schools and state-tribal education compact schools, for the removal, disposal, and replacement of T-12 lighting fixtures and ballasts manufactured in or before 1979 with energy-efficient LED lighting. State grant funding provided under this section may be used for all school district, state-tribal education compact, and charter school buildings, but must be prioritized for buildings that are not under contract to be replaced or modernized. State grant funding provided under this section may only be expended after all applicable funding from utility company rebate programs available to schools in the state has been exhausted.

(2) The office of the superintendent of public instruction must provide information to state grant applicants under this section related to identifying the year of T-12 lighting fixture and ballast manufacture, which may include pertinent information developed by the United States environmental protection agency. In order to receive a state grant under this section, grant applicants must provide, as determined by the office of the superintendent of public instruction, supporting documentation that includes: (a) The number of T-12 lighting fixtures and ballasts manufactured before 1979 and after 1979 in their facilities; and (b) the age and primary use of each facility where the T-12 lighting fixtures and ballasts under (a) of this subsection are located. The office of the superintendent of public

instruction may adopt rules to administer this section.

## Appropriation:

State Building Construction Account—  
State \$1,500,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
<b>TOTAL</b>	<b>\$1,500,000</b>

**Sec. 5010.** 2021 c 332 s 5038 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2021-23 Distressed Schools (92000917)

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

(1) \$7,000,000 of the appropriation in this section is provided solely for a 12-classroom addition at Green Lake Elementary School in Seattle public schools.

(2) \$940,000 of the appropriation in this section is provided solely for the Healthy Schools pilot to reduce exposure to air pollution and improve air quality in schools.

(3) \$772,000 of the appropriation in this section is provided solely for a school-based health center at Spanaway Middle School.

(4) \$12,993,000 of the appropriation in this section is provided solely for the Almira school district to replace the Almira elementary school destroyed by fire. The appropriation must be combined with insurance proceeds to meet the project costs. The office of the superintendent of public instruction must expedite allocation and distribution of state funding under this section for this use.

(5) \$2,850,000 of the appropriation in this section is provided solely for the Republic school district to complete design and renovation projects at Republic junior high school and Republic senior high school.

(6) \$2,600,000 of the appropriation in this section is provided solely for the completion of a two-classroom early learning addition at the John Muir

Elementary School in Seattle public schools.

(7) \$2,000,000 of the appropriation in this section is provided solely for the Nooksack valley school district for facilities improvements responding to flood damage and future flood risks. State funding provided under this subsection must be repaid to the office of the superintendent of public instruction to the extent that the Nooksack valley school district receives an insurance settlement or federal emergency management agency funding for flood damage and future flood risks.

(8) \$750,000 of the appropriation in this section is provided for a roof replacement project at Oakview Elementary School in the Centralia school district.

(9) \$515,000 of the appropriation in this section is provided solely for a facilities accessibility and security improvement project in the Wahkiakum school district.

Appropriation:

State Building Construction Account—  
State ~~(\$8,712,000)~~

\$30,420,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL ~~(\$8,712,000)~~

\$30,420,000

**NEW SECTION. Sec. 5011.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2022 Small District and Tribal Compact Schools Modernization (92000925)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following list of projects:

SD Brewster School District  
\$933,000

SD Creston School District  
\$5,018,000

SD Oroville School District  
\$1,661,000

Appropriation:

State Building Construction Account—  
State \$7,612,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$7,612,000

**NEW SECTION. Sec. 5012.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Pierce College at New Bethel High School (92000036)

The appropriation in this section is subject to the following conditions and limitations: \$1,600,000 of the state building construction account—state appropriation in this section is provided solely for Bethel school district to begin construction on four classrooms and an office for operations by Pierce College within the new Bethel High School. If Pierce College does not occupy this space and offer college credit classes to the community at large as well as Running Start opportunities for Bethel High School students by June 30, 2025, any funds expended under this appropriation must be repaid to the state of Washington.

Appropriation:

State Building Construction Account—  
State \$1,600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$1,600,000

TOTAL \$3,200,000

**Sec. 5013.** 2021 c 332 s 5044 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Major Infrastructure (30000808)

Reappropriation:

University of Washington Building  
Account—State \$7,000,000

Appropriation:

University of Washington Building  
Account—State \$8,000,000

State Building Construction Account—  
State \$2,000,000

Subtotal Appropriation \$10,000,000

Prior Biennia (Expenditures)  
\$25,500,000

Future Biennia (Projected Costs)  
~~((34,300,000))~~

\$32,300,000

TOTAL \$74,800,000

**Sec. 5014.** 2021 c 332 s 5046 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Behavioral Health Teaching Facility (40000038)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are subject to the provisions of section 6042 of this act.

Reappropriation:

State Building Construction Account—  
State \$6,000,000

Appropriation:

State Building Construction Account—  
State \$200,750,000

Capital Community Assistance Account—  
State \$10,000,000

Subtotal Appropriation \$210,750,000

Prior Biennia (Expenditures)  
\$27,250,000

Future Biennia (Projected Costs)  
\$0

TOTAL ~~((234,000,000))~~

\$244,000,000

**NEW SECTION. Sec. 5015.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE UNIVERSITY OF WASHINGTON**

UW Clean Energy Testbeds (40000098)

The appropriation in this section is subject to the following conditions and limitations: \$7,500,000 of the general fund—federal appropriation in this section is provided solely as expenditure authority for grant funding received by the department for battery and energy research, development, and demonstration projects under P.L. 117-58 (infrastructure investment and jobs act), not to exceed the actual amount of grant funding awarded. Expenditure of the amount in this section is contingent on the receipt of this grant funding. If the

department does not receive grant funding by June 30, 2023, the expenditure authority in this section shall lapse.

Appropriation:

General Fund—Federal \$7,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$7,500,000

**Sec. 5016.** 2021 c 332 s 5051 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

Ctr for Advanced Materials and Clean Energy Research Test Beds (91000016)

Reappropriation:

State Building Construction Account—  
State ~~((15,000,000))~~

\$15,076,000

Prior Biennia (Expenditures)  
~~((13,988,000))~~

\$13,912,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$28,988,000

**Sec. 5017.** 2021 c 332 s 5054 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

UW Tacoma Campus Soil Remediation (92000002)

Reappropriation:

Model Toxics Control Capital Account—  
State ~~((600,000))~~

\$1,142,000

Appropriation:

Model Toxics Control Capital Account—  
State \$2,000,000

Prior Biennia (Expenditures)  
~~((7,658,000))~~

\$7,116,000

Future Biennia (Projected Costs)  
\$8,000,000

TOTAL \$18,258,000

**NEW SECTION. Sec. 5018.** A new section is added to 2021 c 332 (uncodified) to

read as follows: **FOR WASHINGTON STATE UNIVERSITY**

Pullman Student Success Center Phase 1  
(40000339)

Appropriation:

State Building Construction Account—  
State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$2,000,000

**Sec. 5019.** 2021 c 332 s 5070  
(uncodified) is amended to read as  
follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

Interdisciplinary Science Center  
(30000001)

Reappropriation:

State Building Construction Account—  
State \$3,000,000

Prior Biennia (Expenditures)  
~~(\$69,200,000)~~

\$66,690,000

Future Biennia (Projected Costs)  
\$0

TOTAL ~~(\$72,200,000)~~

\$69,690,000

**Sec. 5020.** 2021 c 332 s 5083  
(uncodified) is amended to read as  
follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

Health Education (40000009)

Reappropriation:

State Building Construction Account—  
State \$1,800,000

Appropriation:

State Building Construction Account—  
State ~~(\$55,505,000)~~

\$57,205,000

Prior Biennia (Expenditures)  
\$3,200,000

Future Biennia (Projected Costs)  
\$0

TOTAL ~~(\$60,505,000)~~

\$62,205,000

**NEW SECTION. Sec. 5021.** A new section  
is added to 2021 c 332 (uncodified) to  
read as follows: **FOR CENTRAL WASHINGTON  
UNIVERSITY**

Electrical Grid Security (40000121)

Appropriation:

State Building Construction Account—  
State \$754,000

Central Washington University Capital  
Projects

Account—State \$754,000

Subtotal Appropriation \$1,508,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$1,508,000

**NEW SECTION. Sec. 5022.** A new section  
is added to 2021 c 332 (uncodified) to  
read as follows: **FOR THE EVERGREEN STATE  
COLLEGE**

Health and Counseling Center  
(30000614)

Reappropriation:

State Building Construction Account—  
State \$380,000

Prior Biennia (Expenditures)  
\$5,362,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$5,742,000

**Sec. 5023.** 2021 c 332 s 5093  
(uncodified) is amended to read as  
follows:

**FOR THE EVERGREEN STATE COLLEGE**

Minor Works Preservation (40000034)

Appropriation:

The Evergreen State College Capital  
Projects

Account—State ~~(\$3,580,000)~~

\$2,580,000

State Building Construction Account—  
State ~~(\$1,945,000)~~

\$2,945,000

Subtotal Appropriation \$5,525,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$77,500,000

TOTAL \$83,025,000

**Sec. 5024.** 2021 c 332 s 5094 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Lab II HVAC Upgrades (40000047)

Appropriation:

((~~Coronavirus Capital Projects Account—~~

Federal \$4,000,000))

Coronavirus State Fiscal Recovery Fund—Federal \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$4,000,000

**NEW SECTION. Sec. 5025.** A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE EVERGREEN STATE COLLEGE**

Recreation and Athletic Center Critical Repairs (40000082)

Appropriation:

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

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 5026.** A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE EVERGREEN STATE COLLEGE**

Emergency Dispatch & Communication System Replacement (40000084)

Appropriation:

The Evergreen State College Capital Projects

Account—State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs)  
\$0

TOTAL \$1,000,000

**Sec. 5027.** 2021 c 332 s 5096 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Preservation: 2019-21 (91000031)

Reappropriation:

The Evergreen State College Capital Projects

Account—State \$900,000

State Building Construction Account—  
State \$107,000

Subtotal Reappropriation  
\$1,007,000

Prior Biennia (Expenditures)  
((~~\$4,966,000~~))

\$4,859,000

Future Biennia (Projected Costs)  
\$0

TOTAL \$5,866,000

**Sec. 5028.** 2021 c 332 s 5101 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

Electrical Engineering/Computer Science Building (30000872)

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

(1) The reappropriation is subject to the provisions of section 5089, chapter 413, Laws of 2019.

(2) The University may pursue the living building challenge petal certification for this project instead of the LEED silver certification required by RCW 39.35D.030.

Reappropriation:

State Building Construction Account—  
State \$500,000

Appropriation:

State Building Construction Account—  
State \$51,000,000

Western Washington University Capital Projects

Account—State \$1,500,000

Subtotal Appropriation \$52,500,000



Prior Biennia (Expenditures)	\$1,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	<del>((53,000,000))</del>
	<u>\$54,500,000</u>

**Sec. 5029.** 2021 c 332 s 5107 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

Minor Works - Program 2021-2023 (30000918)

Appropriation:

Western Washington University Capital Projects

Account—State \$1,000,000

State Building Construction Account—State \$557,000

Subtotal Appropriation \$1,557,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,000,000

TOTAL ~~((8,000,000))~~

\$8,557,000

**Sec. 5030.** 2021 c 332 s 5104 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

2021-23 Classroom & Lab Upgrades (30000911)

Appropriation:

State Building Construction Account—State ~~((2,500,000))~~

\$3,850,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$10,500,000

TOTAL ~~((13,000,000))~~

\$14,350,000

**Sec. 5031.** 2021 c 332 s 5111 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Heritage Capital Grants Projects (30000297)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5054, chapter 2, Laws of 2018.

Reappropriation:

State Building Construction Account—State \$1,800,000

Prior Biennia (Expenditures) ~~((7,186,000))~~

\$6,579,000

Future Biennia (Projected Costs) \$0

TOTAL ~~((8,986,000))~~

\$8,379,000

**Sec. 5032.** 2021 c 332 s 5112 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Heritage Capital Grant Projects: 2019-21 (40000014)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5020, chapter 356, Laws of 2020.

Reappropriation:

State Building Construction Account—State \$4,400,000

Prior Biennia (Expenditures) ~~((4,777,000))~~

\$4,731,000

Future Biennia (Projected Costs) \$0

TOTAL ~~((9,177,000))~~

\$9,131,000

**Sec. 5033.** 2021 c 332 s 5115 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Preservation - Minor Works 2021-23 (40000136)

Appropriation:

State Building Construction Account—State ~~((2,500,000))~~

\$4,697,000

Prior Biennia (Expenditures) \$0  
 Future Biennia (Projected Costs) \$8,298,000  
 TOTAL ((~~\$10,798,000~~)  
\$12,995,000

**NEW SECTION. Sec. 5034.** A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Complete HVAC Controls Replacement (40000052)

Appropriation:

State Building Construction Account—State \$290,000

Prior Biennia (Expenditures) \$0  
 Future Biennia (Projected Costs) \$0  
 TOTAL \$290,000

**NEW SECTION. Sec. 5035.** A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

Garage and Emergency Exit Concrete Remediation (40000053)

Appropriation:

State Building Construction Account—State \$901,000

Prior Biennia (Expenditures) \$0  
 Future Biennia (Projected Costs) \$0  
 TOTAL \$901,000

**Sec. 5036.** 2021 c 332 s 5153 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Facility Repairs (40000169)

Reappropriation:

Community and Technical College Capital Projects

Account—State \$2,826,000

State Building Construction Account—State \$2,627,000

Subtotal Reappropriation \$5,453,000

Prior Biennia (Expenditures) ((~~\$33,074,000~~)

\$32,587,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$38,527,000~~)

\$38,040,000

**NEW SECTION. Sec. 5037.** A new section is added to 2021 c 332 (uncodified) to read as follows:**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Minor Works - Infrastructure (40000431)

The appropriations in this section are subject to the following conditions and limitations: \$56,000 of the state building construction account—state appropriation in this section is provided solely for the following list of projects:

Yakima Valley Community College Gas Meter Replacement \$31,000

Yakima Valley Community College Potable Water Meter

Replacement \$25,000

Appropriation:

State Building Construction Account—State \$8,517,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$8,517,000

**NEW SECTION. Sec. 5038.** A new section is added to 2021 c 332 (uncodified) to read as follows: **FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Olympic South Asbestos Abatement and Restoration (40000516)

Appropriation:

State Building Construction Account—State \$13,159,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$13,159,000

**Sec. 5039.** 2021 c 332 s 5170 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

Yakima Sun Dome Reflectors (92000002)

Reappropriation:

State Building Construction Account—  
State \$14,000

## Appropriation:

State Building Construction Account—  
State \$508,000

Prior	Biennia	(Expenditures)
	<del>(\$80,000)</del>	

\$66,000

Future	Biennia	(Projected Costs)
	\$0	

TOTAL \$588,000

NEW SECTION. **Sec. 5040.** 2021 c 332 s 5024 (uncodified) is repealed.

**PART 6****RESERVED****PART 7****MISCELLANEOUS PROVISIONS**

**Sec. 7001.** 2021 c 332 s 7001 (uncodified) is amended to read as follows:

RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are (~~(\$46,768,901)~~ \$46,810,631 for the 2021-2023 biennium, (~~(\$314,662,796)~~ \$324,599,260 for the 2023-2025 biennium, and (~~(\$447,088,148)~~ 466,702,535 for the 2025-2027 biennium.

**Sec. 7002.** 2021 c 332 s 7002 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes

before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Secretary of state: Enter into a financing contract for up to \$119,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a new library-archives building.

(4) Washington state patrol: Enter into a financing contract for up to \$7,706,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a burn building for live fire training.

(5) Department of social and health services: Enter into a financing contract for up to \$115,700,000 plus costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a nursing facility on the fircrest residential habilitation center campus. The department may contract to lease develop or lease purchase the facility. Before entering into a contract, the department must consult with the office of financial management and the office of the state treasurer. Should the department of social and health services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of

this subsection, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Grays Harbor College for up to \$3,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a student services and instructional building.

(b) Enter into a financing contract on behalf of Shoreline Community College for up to \$3,128,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an allied health, science, and manufacturing replacement building.

(c) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate a health education building.

(d) Enter into a financing contract on behalf of Bates Technical College for up to \$1,350,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and facilities.

(7) The department of ecology: ~~((Submit a financing contract proposal to fully fund the Lacey headquarters parking garage preservation project, including financing expenses and required reserves pursuant to chapter 39.94 RCW, in the department's 2022 supplemental capital budget request))~~ Enter into a financing contract for up to \$3,797,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Lacey headquarters parking garage preservation project.

**Sec. 7003.** 2021 c 332 s 7012 (uncodified) is amended to read as follows:

Executive Order No. 21-02, archaeological and cultural resources, was issued effective ~~((November 10, 2005))~~ April 7, 2021. Agencies shall comply with the requirements set forth in this executive order and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of projects on cultural resources and historic properties proposed in state-

funded construction or acquisition projects, including grant or pass-through funding that culminates in construction or land acquisitions. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated early in the project planning process, prior to construction or taking title.

**NEW SECTION. Sec. 7004.** A new section is added to 2021 c 332 (uncodified) to read as follows:

The public works board created in RCW 43.155.030 shall develop recommendations for a program design and administration, including but not limited to, prioritization and selection criteria, operation, and funding structure and levels for the types of innovative infrastructure projects that conserve water and energy, reduce greenhouse gas emissions, or reduce pollution and waste with a focus on those projects that achieve multiple benefits. In developing recommendations, the public works board shall, at a minimum, collaborate with the interagency, multijurisdictional system improvement team established by RCW 43.155.150, the department of commerce's state energy office, the industrial waste coordination program established by RCW 43.31.625, and local governments to evaluate barriers and gaps in incentives and funding for advancing innovative systems and technologies in public infrastructure that promote community and ecosystem resilience. Examples of innovative project types that should be addressed by the program include water reuse or reclaimed water systems, projects that integrate energy generation or water collection from waste products, and projects that reduce pollution discharges, treat or store water through green, or nature-based, infrastructure. The public works board shall provide recommendations to the governor's office, office of financial management, the senate ways and means committee and the house capital budget committee by October 1, 2022.

**Sec. 7005.** RCW 43.63A.125 and 2019 c 413 s 7030 are each amended to read as follows:

(1) The department shall establish the building communities fund program. Under the program, capital and technical assistance grants may be made to nonprofit organizations for acquiring, constructing, or rehabilitating facilities used for the delivery of

nonresidential community services, including social service centers and multipurpose community centers, including those serving a distinct or ethnic population. Such facilities must be located in a distressed community or serve a substantial number of low-income or disadvantaged persons.

(2) The department shall establish a competitive process to solicit, evaluate, and rank applications for the building communities fund program as follows:

(a) The department shall conduct a statewide solicitation of project applications from nonprofit organizations.

(b) The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. To be considered qualified, applicants must demonstrate that the proposed project:

(i) Will increase the range, efficiency, or quality of the services provided to citizens;

(ii) Will be located in a distressed community or will serve a substantial number of low-income or disadvantaged persons;

(iii) Will offer three or more distinct activities that meet a single community service objective or offer a diverse set of activities that meet multiple community service objectives, including but not limited to: Providing social services; expanding employment opportunities for or increasing the employability of community residents; or offering educational or recreational opportunities separate from the public school system or private schools, as long as recreation is not the sole purpose of the facility;

(iv) Reflects a long-term vision for the development of the community, shared by residents, businesses, leaders, and partners;

(v) Requires state funding to accomplish a discrete, usable phase of the project;

(vi) Is ready to proceed and will make timely use of the funds;

(vii) Is sponsored by one or more entities that have the organizational and financial capacity to fulfill the terms

of the grant agreement and to maintain the project into the future;

(viii) Fills an unmet need for community services;

(ix) Will achieve its stated objectives; and

(x) Is a community priority as shown through tangible commitments of existing or future assets made to the project by community residents, leaders, businesses, and government partners.

(c)(i) The evaluation and ranking process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed ~~((twenty-five))~~ 25 percent of the total cost of the project, ~~except ((, under))~~ as provided in (c)(ii) and (iii) of this subsection (2).

(ii) For project lists submitted during the 2021-2023 fiscal biennium, grant assistance under this section may not exceed:

(A) One hundred percent of the total cost for projects up to \$100,000;

(B) Seventy-five percent of the total cost for projects that exceed \$100,000, up to \$250,000;

(C) Fifty percent of the total cost for projects that exceed \$250,000, up to \$500,000.

(iii) Under exceptional circumstances, the department may reduce the amount of nonstate match required. However, during the 2019-2021 biennium, the legislature may waive the match required for the projects specified in section 1009, chapter 413, Laws of 2019. No more than ~~((ten))~~ 10 percent of the total granted amount may be awarded to qualified eligible projects that meet the definition of exceptional circumstances defined in this subsection. For project lists submitted during the 2021-2023 fiscal biennium, there is no limit to the total granted amount awarded to qualified eligible projects that meet the definition of exceptional circumstances defined in this subsection. For purposes of this subsection, exceptional circumstances include but are not limited to: Natural disasters affecting projects; emergencies beyond an applicant's control, such as a fire or an unanticipated loss of a lease where services are currently provided; or a delay that could result in a threat to

public health or safety. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(d) The department may not set a monetary limit to funding requests.

(3) The department shall submit biennially to the governor and the legislature in the department's capital budget request a ranked list of the qualified eligible projects for which applications were received. The list must include a description of each project, its total cost, and the amount of state funding requested. The appropriate fiscal committees of the legislature shall use this list to determine building communities fund projects that may receive funding in the capital budget. The total amount of state capital funding available for all projects on the biennial list shall be determined by the capital budget beginning with the 2009-2011 biennium and thereafter. In addition, if cash funds have been appropriated, up to ~~((three million dollars))~~ \$3,000,000 may be used for technical assistance grants. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(4) In addition to the list of ranked qualified eligible projects, the department shall submit to the appropriate fiscal committees of the legislature a summary report that describes the solicitation and evaluation processes, including but not limited to the number of applications received, the total amount of funding requested, issues encountered, if any, and any recommendations for process improvements.

(5) After the legislature has approved a specific list of projects in law, the department shall develop and manage appropriate contracts with the selected applicants; monitor project expenditures and grantee performance; report project and contract information; and exercise due diligence and other contract management responsibilities as required.

(6) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant

and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

**Sec. 7006.** 2021 c 332 s 7020 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

(1) Public Works Assistance Account:  
For

transfer to the drinking water assistance account,

up to \$5,500,000 for fiscal year 2022 and up to

~~((5,500,000))~~ \$14,900,000 for fiscal year 2023 ~~((11,000,000))~~

\$20,400,000

(2) Public Works Assistance Account:  
For

transfer to the water pollution control revolving

account, up to \$7,500,000 for fiscal year 2022 and

up to ~~((7,500,000))~~ \$10,500,000 for fiscal year

2023 ~~((15,000,000))~~

\$18,000,000

(3) Public Works Assistance Account:  
For

transfer to the statewide broadband account, up to

\$7,000,000 for fiscal year 2022 and up to \$7,000,000

for fiscal year 2023 \$14,000,000

(4) Capital Community Assistance Account: For

transfer to the apple health and homes account,

\$60,000,000 for fiscal year 2023  
\$60,000,000

**Sec. 7007.** 2021 c 332 s 7041 (uncodified) is amended to read as follows:

(1) The department of enterprise services shall convene a construction industry work group to recommend how to apply successful carbon reduction strategies, incorporate necessary parameters of design and construction considerations, and allow for efficient and cost effective state construction projects. The work group must be comprised of construction industry professionals as recommended by a leading association on Washington business in design, specification, construction, and material supply and construction professionals that have successfully realized real and measurable results. The work group must also include a representative from the department of enterprise services, representatives from environmental groups, and someone of applicable expertise from the Washington academy of sciences.

(2) The work group shall identify and recommend carbon reduction strategies and environmental product declaration principles to successfully apply in state construction projects and:

(a) Clarify the definition of environmental product declaration to ensure that environmental product declarations (EPD) are applied properly, consistently, and as intended and provide a baseline of understanding based on accepted metrics to obtain measurable results for state construction projects;

(b) Suggest a pilot project or project review to apply construction industry recommendations and create an education and standards brief that accompanies the report required under subsection (3) of this section;

(c) Outline the environmental project review data collection process in functional detail and use existing data gathering resources such as EC3; and

(d) Identify measurable outcome criteria to establish a project baseline summary for use during design from estimated project material quantities using industry average environmental product declarations.

(3) The work group shall provide their recommendations in a report to the fiscal committees of the legislature by ~~(January 1, 2022)~~ June 30, 2022.

(d) Identify measurable outcome criteria to establish a project baseline summary for use during design from estimated project material quantities

using industry average environmental product declarations; and

(e) Identify sustainable and low-carbon emitting building materials, including but not limited to, aggregate and recycled concrete materials, as described in subsection (4) of this section.

(3) The work group shall provide their recommendations in a report to the fiscal committees of the legislature by January 1, 2022.

(4)(a) The legislature continues to prioritize Washington state's sustainability goals and reaffirms its determination that recyclable construction aggregate and recycled concrete materials are too valuable to be wasted and landfilled. The legislature further finds that the reuse of construction aggregate and recycled concrete materials into construction projects is known to:

(i) Reduce the need for consumption of new construction aggregate materials and conserves existing aggregate resources;

(ii) Encourages reuse and recycling, reduces waste, and discourages landfilling of readily available natural resources;

(iii) Reduces truck trips and related transportation emissions; and

(iv) Reduces greenhouse gases related to the construction of state funded construction projects, reduce embodied energy, and improve and advance the sustainable principles and practices of Washington state.

(b) These recyclable materials have well established markets, are substantially a primary or secondary product of necessary construction processes and production, as a commodity substantially meets widely recognized international, national, and local standards and specifications, and are managed as an item of commercial value.

**Sec. 7008.** RCW 43.83B.430 and 2020 c 168 s 6 are each amended to read as follows:

The state drought preparedness and response account is created in the state treasury. All receipts from appropriated funds designated for the account and all cost recovery revenues collected under RCW 43.83B.410(5) must be deposited into the account. Expenditures from the

account may be used for drought preparedness and response activities under this chapter, including grants issued under RCW 43.83B.415. Moneys in the account may be spent only after appropriation. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the account for activities related to water banking.

**Sec. 7009.** RCW 43.155.050 and 2021 c 334 s 979 and 2021 c 332 s 7031 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and grants and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated or transferred to the water pollution control revolving fund and the drinking water assistance account to provide for state match requirements under federal law. Not more than twenty percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans and grants, emergency loans and grants, or loans and grants for capital facility planning under this chapter. Not more than ten percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated as grants for preconstruction, emergency, capital facility planning, and construction projects. During the 2017-2019 and 2019-2021 fiscal biennia, the legislature may appropriate moneys from the account for activities related to rural economic development, the growth management act, the aviation revitalization loan program, the community economic revitalization board broadband program, and the voluntary stewardship program. During the 2021-2023 biennium, the legislature may appropriate moneys from the account for activities related to the aviation revitalization board. During the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the public works assistance account to the education legacy trust account. During the 2019-2021 and 2021-2023 fiscal biennia, the legislature may direct the state treasurer to make transfers of

moneys in the public works assistance account to the statewide broadband account. During the 2021-2023 fiscal biennium, the legislature may appropriate moneys from the public works assistance account for activities related to the voluntary stewardship program, rural economic development, and the growth management act. During the 2021-2023 biennium, the legislature may appropriate moneys from the account for projects identified in section 1033 of this act.

NEW SECTION. **Sec. 7010.** The energy efficiency revolving loan capitalization account is created in the state treasury. All moneys received by the state from the energy efficiency revolving loan fund capitalization grant program created in section 40502 of P.L. 117-58 (infrastructure investment and jobs act) must be deposited into the account. The account may also receive legislative transfers and appropriations and all other revenues directed for deposit into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to make grants or loans, and to provide technical assistance, to conduct energy audits and to implement audit strategies to increase the energy efficiency of residential and commercial buildings and facilities.

**Sec. 7011.** RCW 43.19.501 and 2021 c 332 s 7013 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department in Thurston county.

During the 2019-2021 and 2021-2023 fiscal biennia, the Thurston county capital facilities account may be appropriated for costs associated with staffing to support capital budget and project activities and lease and facility oversight activities. During the 2021-2023 fiscal biennium, the Thurston county capital facilities account may be appropriated for activities related to Capitol Lake long-term management planning, as provided in section 1057 of this act.

NEW SECTION. **Sec. 7012.** The state board for community and technical



colleges was tasked by the legislature in section 7038, chapter 332, Laws of 2021 to report on alternative methods of prioritizing and presenting the list of requested capital projects for community and technical colleges in the 2023-2025 fiscal biennium. The state board for community and technical colleges shall implement for the 2023-2025 fiscal biennium the report's option of a single prioritized request with minor projects above major projects and with all of the funding needed for design and construction included in a single biennium. However, in recognition of the transition to this new prioritized request method, projects that received funding for design only in the 2019-2021 or 2021-2023 fiscal biennia must receive priority over new major project requests in the 2023-2025 fiscal biennium request.

NEW SECTION. Sec. 7013. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7014. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Tharinger and Steele spoke in favor of the adoption of the striking amendment.

Striking amendment (1374) was adopted.

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

Representatives Tharinger, Abbarno, Callan, McEntire, Steele and Hackney spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5651, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5651, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody,

Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

SUBSTITUTE SENATE BILL NO. 5651, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5488, by Senate Committee on Transportation (originally sponsored by Randall, Rolfes, Billig, Dhingra, Nobles, Van De Wege and Wilson, C.)**

**Completing outstanding financial obligations regarding the Tacoma Narrows toll bridge project. Revised for 1st Substitute: Concerning state contributions in support of the Tacoma Narrows toll bridge.**

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 57, March 7, 2022).

Representative Young moved the adoption of amendment (1375) to the committee striking amendment:

On page 1, line 20 of the striking amendment, after "bridge;" strike "and"

On page 1, line 25 of the striking amendment, after "subsection" strike "is \$130,000,000" and insert "(f) is \$130,000,000; and

(g) By the last day of July 2027, the state treasurer shall transfer \$57,593,000 from the general fund as an additional contribution to the account"

On page 4, after line 6 of the striking amendment, insert the following:

"NEW SECTION. Sec. 3. In the 2027-2029 biennium, the legislature shall appropriate \$57,593,000, or as much thereof as may be necessary, from the Tacoma Narrows toll bridge account to the department of transportation for the purpose of making full payment of deferred sales taxes under RCW 47.46.060 regarding construction of the Tacoma

Narrows public-private initiative project under chapter 47.46 RCW.

NEW SECTION. **Sec. 4.** (1) The legislature recognizes the following facts with respect to making additional contributions for the payment of deferred sales taxes pursuant to section 2 of this act regarding the Tacoma Narrows toll bridge project under RCW 47.56.165:

(a) Washington state sales tax may not be forgiven due to federal rules and must therefore be paid;

(b) Though the Tacoma Narrows toll bridge project may not be paid off early due to its unique financing structure, including noncallable bonds, the state portion of the deferred sales taxes may be paid off early without penalty;

(c) While the state is, in effect, both taxing itself in transportation budget appropriations and paying itself in the omnibus operating appropriations act, should the omnibus operating appropriations act transfer money back to the Tacoma Narrows toll bridge account following payment of the deferred sales tax through transportation budget appropriations, the following would be achieved:

- (i) Satisfaction of federal rules;
- (ii) Forgiveness of the deferred sales tax; and
- (iii) Imposition of a net zero fiscal impact to the state.

(2) The legislature finds that by planning the transaction beyond the budgetary cumulative forecast required under RCW 43.88A.020, the transaction is secured with a more technically accurate fiscal impact of zero cost, that:

(a) Directs taxes generated by transportation projects toward funding transportation projects; and

(b) Directs Tacoma Narrows toll bridge revenue toward Tacoma Narrows toll bridge payments for debt service.

(3) The legislature also finds that paying the state portion of the deferred sales taxes earlier than required under RCW 47.46.060 brings another level of equity to a toll payer project that received no upfront state investments, unlike other state tolling projects that received substantial state support of approximately 30 percent of project costs, and therefore:

(a) Makes an additional contribution to correct a wrong; and

(b) Prudently pays off the deferred sales tax toll debt earlier than scheduled."

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

Representative Young spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fey spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1375) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (1372) to the committee striking amendment:

On page 3, line 30 of the striking amendment, after "47.46.100" insert "with the intended goal of maintaining two-axle toll rates at no more than 75 cents lower than the toll rates in effect as of January 1, 2020"

On page 3, line 33 of the striking amendment, after "repaid." insert "The legislature acknowledges that the fiscal year 2022 increase in rates by 25 cents would diminish the relief otherwise intended, and so a true 75 cent reduction recognizes the toll rate prior to the fiscal year 2022 increase. In addition, the intent in this subsection shall not be construed to mean that toll rates for vehicles with three or more axles should be reduced."

On page 4, beginning on line 13 of the striking amendment, after "maintain" strike all material through "~~maintaining~~)" on line 15 and insert "~~((tolls))~~ toll rates at no more than ~~((twenty five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022, while also maintaining"

On page 4, beginning on line 23 of the striking amendment, after "loans" strike all material through "~~level~~)" on line 25 and insert "while maintaining ~~((tolls))~~ toll rates at no more than ~~((twenty five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022"

Representative Young and Young (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fey spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1372) to the committee striking amendment was not adopted.

Representative Young moved the adoption of amendment (1373) to the committee striking amendment:

On page 3, line 30 of the striking amendment, after "47.46.100" insert "with the requirement that two-axle toll rates be no more than 75 cents lower than the toll rates in effect as of October 1, 2021"

On page 3, line 33 of the striking amendment, after "repaid." insert "The intent in this subsection shall not be construed to mean that toll rates for vehicles with three or more axles should be reduced."

On page 4, beginning on line 13 of the striking amendment, after "maintain" strike all material through "~~maintaining~~)" on line 15 and insert "~~((tolls))~~ toll rates at no more than ~~((twenty five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022, while also maintaining"

On page 4, beginning on line 23 of the striking amendment, after "loans" strike all material through "~~level))~~" on line 25 and insert "while maintaining ~~((tolls))~~ toll rates at no more than ~~((twenty five cents higher than the toll rates effective at the fiscal year 2018 level))~~ the amount in effect as of October 1, 2022"

Representative Young and Young (again) spoke in favor of the adoption of the amendment to the committee striking amendment.

Representative Fey spoke against the adoption of the amendment to the committee striking amendment.

Amendment (1373) to the committee striking amendment was not adopted.

The committee striking amendment 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 Bronoske, Caldier and Young spoke in favor of the passage of the bill.

Representative Barkis spoke against the passage of the bill.

### MOTION

On motion of Representative Griffey, Representative Klippert was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5488, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5488, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Chopp, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Frame, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, MacEwen, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Ryu, Santos, Sells, Senn, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Chambers, Chandler, Chase, Cody, Corry, Dent, Dufault, Dye, Eslick, Fitzgibbon, Gilday, Goehner, Graham, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rule, Schmick, Shewmake, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox and Ybarra.

Excused: Representative Klippert.

SUBSTITUTE SENATE BILL NO. 5488, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND SUBSTITUTE SENATE BILL NO. 5085, by Senate Committee on Transportation (originally sponsored by Rolfes and Lovelett)**

**Modifying certain alternative fuel vehicles fees. Revised for 2nd Substitute: Modifying the alternative fuel vehicle fee for electric motorcycles.**

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 Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5085.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5085, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft and McCaslin.

Excused: Representative Klippert.

SECOND SUBSTITUTE SENATE BILL NO. 5085, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 5898, by Senators Liias, King and Saldaña

#### Concerning the use of vehicle-related fees to fulfill certain state general obligation bonds.

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 Fey and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5898.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5898, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chandler, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goodman, Graham, Gregerson, Hackney, Hansen, Harris-

Talley, Hoff, J. Johnson, Kirby, Klicker, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Abbarno, Boehnke, Caldier, Chambers, Chase, Corry, Dent, Dufault, Goehner, Griffey, Harris, Jacobsen, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Steele, Sutherland, Vick and Walsh.

Excused: Representative Klippert.

SENATE BILL NO. 5898, having received the necessary constitutional majority, was declared passed.

### SUBSTITUTE SENATE BILL NO. 5741, by Senate Committee on Transportation (originally sponsored by Lovick, Pedersen, Conway, Nobles, Saldaña, Wellman and Wilson, C.)

#### Creating Patches pal special license plates.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 48, February 26, 2022).

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5741, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5741, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Dent, MacEwen, McCaslin, Robertson, Rude, Steele, Stokesbary, Sutherland, Volz and Young.

Excused: Representative Klippert.

SUBSTITUTE SENATE BILL NO. 5741, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

#### MESSAGE FROM THE SENATE

February 25, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1430 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.13.060 and 2016 c 109 s 3 are each amended to read as follows:

(1) State lands may be leased not to exceed ten years with the following exceptions:

(a) The lands may be leased for agricultural purposes not to exceed twenty-five years, except:

(i) Leases that authorize tree fruit or grape production may be for up to fifty-five years;

(ii) Share crop leases may not exceed ten years;

(b) The lands may be leased for commercial, industrial, business, or recreational purposes not to exceed fifty-five years, except:

(i) Leases for commercial, industrial, or business purposes may extend to 99 years;

(ii) All leases for commercial, industrial, or business purposes that extend beyond 55 years must provide for periodic rental reevaluation and adjustment, except leases with rentals based on a percentage of income;

(iii) All leases for commercial, industrial, or business purposes that extend terms beyond 55 years must be reported to the office of financial management and the appropriate committees of the legislature within 30

days of the date of execution of the lease. The report must include a financial analysis that justifies the financial benefit for the added term and the schedule for periodic rental adjustments;

(c) The lands may be leased for public school, college, or university purposes not to exceed seventy-five years;

(d) The lands may be leased for residential purposes not to exceed ninety-nine years; and

(e) The lands and development rights on state lands held for the benefit of the common schools may be leased to public agencies, as defined in RCW 79.17.200, not to exceed ninety-nine years. The leases may include provisions for renewal of lease terms.

(2) No lessee of state lands may remain in possession of the land after the termination or expiration of the lease without the written consent of the department.

(a) The department may authorize a lease extension for a specific period beyond the term of the lease for cropping improvements for the purpose of crop rotation. These improvements shall be deemed authorized improvements under RCW 79.13.030.

(b) Upon expiration of the lease term, the department may allow the lessee to continue to hold the land for a period not exceeding one year upon such rent, terms, and conditions as the department may prescribe, if the leased land is not otherwise utilized.

(c) Upon expiration of the one-year lease extension, the department may issue a temporary permit to the lessee upon terms and conditions it prescribes if the department has not yet determined the disposition of the land for other purposes.

(d) The temporary permit shall not extend beyond a five-year period.

(3) If during the term of the lease of any state lands for agricultural, grazing, commercial, residential, business, or recreational purposes, in the opinion of the department it is in the best interest of the state so to do, the department may, on the application of the lessee and in agreement with the lessee, alter and amend the terms and conditions of the lease. The sum total of the original lease term and any extension

thereof shall not exceed the limits provided in this section.

(4) The department must include in the text of any grazing leases language that explains the right of access, and associated assumption of liability, created in RCW 76.04.021."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "and amending RCW 79.13.060."

and the same is herewith transmitted.

Sarah Bannister, Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1430 and advanced the bill, as amended by the Senate, to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kloba and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1430, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1430, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Kraft.

Excused: Representative Klippert.

HOUSE BILL NO. 1430, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 2, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1655 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** Commercial motor vehicle parking shortages are a national safety concern. Washington state has exacerbated the problem in the fall of 2021 by the closure of many state-owned and operated safety rest areas. All vehicle drivers need safe places to stop when they are tired to prevent serious and fatal injuries. Washington's target zero plan reports that drowsy driving was a factor in 44 deaths and 236 serious injuries from 2015-2017. One of the ways Washington's target zero plan addresses this issue is having available rest areas. The closure of state-owned safety rest areas is contrary to state policy to have zero deaths on the roadways.

In addition, commercial truck drivers are required to take federally mandated rest breaks that leads to the need for there to be parking available in many locations throughout the highway system. Safety rest areas are important for supply line integrity and the use by the traveling public. The legislature believes it is essential for this public service to be restored and maintained in the future as quickly as possible.

NEW SECTION. **Sec. 2.** A new section is added to chapter 47.38 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department is directed to reconfigure its maintenance operations to assure that its owned and operated safety rest areas are open for use except for seasonal closures or cleaning, maintenance, and repairs.

(2) The department may initiate a strategic planning process that addresses the maintenance, operation, and safety of its owned and operated safety rest areas. At a minimum, this plan shall evaluate operations, maintenance, safety, and commercial motor vehicle parking at safety rest areas. The department must engage members

from the freight community and other stakeholders for recommendations and solutions. The department must also coordinate with the office of intergovernmental coordination on public right-of-way homeless encampments established in Engrossed Second Substitute Senate Bill No. 5662 (right-of-way camping/housing). The plan must identify strategies that the department can employ to ensure commercial motor vehicle parking is available at state-owned and operated safety rest areas. The department shall prioritize the planning effort to conclude by the end of the 2021-2023 biennium.

(3) The department must report to the transportation committees of the legislature the changes that have been made to or are planned to be made to operation of the safety rest areas by January 15, 2023, including recommendations related to commercial vehicle parking."

On page 1, line 2 of the title, after "possible;" strike the remainder of the title and insert "adding a new section to chapter 47.38 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1655 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Griffey and Wicks spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1655, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1655, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye,

Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

SUBSTITUTE HOUSE BILL NO. 1655, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691 with the following amendment:

On page 9, line 8, after "exceed" strike "five" and insert "15"

On page 9, line 18, after "exceed" strike "15" and insert "25"

On page 10, line 4, after "certificate." insert "It is in the interest of the state to issue and manage certificates of financial responsibility in a manner that does not create or contribute to delays in commerce for vessels and facilities subject to the requirements of this chapter. The department is directed to adopt rules to implement this chapter accordingly."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Fitzgibbon and Dye spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1691, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1691, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wilcox, Wylie, Young and Mme. Speaker.

Voting nay: Representatives Dent, Harris, Hoff, Kraft, McCaslin, McEntire, Orcutt, Robertson, Sutherland, Vick, Volz, Walsh and Ybarra.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1691, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

February 25, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1748 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.805 and 2020 c 322 s 1 are each amended to read as follows:

(1) The department is responsible for determining eligibility for referral for essential needs and housing support under RCW 43.185C.220. Persons eligible are persons who:

(a) Have been determined to be eligible for the pregnant women assistance program under RCW 74.62.030 or are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days. The standard for incapacity in this subsection, as evidenced by the ninety-day duration

standard, is not intended to be as stringent as federal supplemental security income disability standards;

(b) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or are victims of human trafficking as defined in RCW 74.04.005;

(c) (i) Have furnished the department with their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number must be made prior to authorization of benefits, and the social security number must be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human trafficking as defined in RCW 74.04.005 if they have not been issued a social security number;

(d) (i) Have countable income as described in RCW 74.04.005 at or below four hundred twenty-eight dollars for a married couple or at or below three hundred thirty-nine dollars for a single individual; or

(ii) Have income that meets the standard established by the department, who are eligible for the pregnant women assistance program;

(e) Do not have countable resources in excess of those described in RCW 74.04.005; and

(f) Are not eligible for federal aid assistance, other than basic food benefits transferred electronically and medical assistance.

(2) Recipients of aged, blind, or disabled assistance program benefits who meet other eligibility requirements in this section are eligible for a referral for essential needs and housing support services within funds appropriated for the department of commerce.

(3) Recipients of pregnant women assistance program benefits who meet other eligibility requirements in this section are eligible for referral for essential needs and housing support services, within funds appropriated for the department of commerce, for twenty-four consecutive months from the date the department determines pregnant women assistance program eligibility.



(4) The following persons are not eligible for a referral for essential needs and housing support:

(a) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

(b) Persons who refuse or fail without good cause to participate in ~~((drug or alcohol))~~ substance use treatment if an assessment by a certified ~~((chemical dependency counselor))~~ substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in ~~((drug or alcohol dependency))~~ substance use treatment, when needed outpatient ~~((drug or alcohol))~~ treatment is not available to the person in the county of ~~((his or her))~~ their residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(c) Persons who are fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or who are violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(5) For purposes of determining whether a person is incapacitated from gainful employment under subsection (1) of this section:

(a) The department shall adopt by rule medical criteria for incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(b) The process implementing the medical criteria must involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(6) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program,

persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

(7) The department must review the cases of all persons who have received benefits under the essential needs and housing support program for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

**Sec. 2.** RCW 74.62.030 and 2018 c 48 s 2 are each amended to read as follows:

(1)(a) The aged, blind, or disabled assistance program shall provide financial grants to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance;

(ii) Meet the eligibility requirements of subsection (3) of this section; and

(iii) Are aged, blind, or disabled. For purposes of determining eligibility for assistance for the aged, blind, or disabled assistance program, the following definitions apply:

(A) "Aged" means age sixty-five or older.

(B) "Blind" means statutorily blind as defined for the purpose of determining eligibility for the federal supplemental security income program.

(C) "Disabled" means likely to meet the federal supplemental security income disability standard. In making this determination, the department should give full consideration to the cumulative impact of an applicant's multiple impairments, an applicant's age, and vocational and educational history.

In determining whether a person is disabled, the department may rely on, but is not limited to, the following:

(I) A previous disability determination by the social security administration or the disability determination service entity within the department; or

(II) A determination that an individual is eligible to receive optional categorically needy medicaid as a disabled person under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a) (3) and 210.

(b) The following persons are not eligible for the aged, blind, or disabled assistance program:

(i) Persons who are not able to engage in gainful employment due primarily to ~~((alcohol or drug addiction))~~ a substance use disorder. These persons shall be referred to appropriate assessment, treatment, or shelter ~~((, or supplemental security income referral services as authorized under chapter 74.50 RCW))~~ services. Referrals shall be made at the time of application or at the time of eligibility review. This subsection may not be construed to prohibit the department from granting aged, blind, or disabled assistance benefits to ~~((alcoholics and drug addicts))~~ persons with a substance use disorder who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the aged, blind, or disabled assistance program; or

(ii) Persons for whom there has been a final determination of ineligibility based on age, blindness, or disability for federal supplemental security income benefits.

(c) Persons may receive aged, blind, or disabled assistance benefits and essential needs and housing program support under RCW 43.185C.220 concurrently while pending application for federal supplemental security income benefits. The monetary value of any aged, blind, or disabled assistance benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(2) The pregnant women assistance program shall provide financial grants to persons who:

(a) Are not eligible to receive federal aid assistance other than basic food benefits or medical assistance; and

(b) Are pregnant and in need, based upon the current income and resource standards of the federal temporary assistance for needy families program,

but are ineligible for federal temporary assistance for needy families benefits for a reason other than failure to cooperate in program requirements; and

(c) Meet the eligibility requirements of subsection (3) of this section.

(3) To be eligible for the aged, blind, or disabled assistance program under subsection (1) of this section or the pregnant women assistance program under subsection (2) of this section, a person must:

(a) Be a citizen or alien lawfully admitted for permanent residence or otherwise residing in the United States under color of law, or be a victim of human trafficking as defined in RCW 74.04.005;

(b) Meet the income and resource standards described in RCW 74.04.805(1) (d) and (e);

(c) (i) Have furnished the department ~~((his or her))~~ with their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(ii) This requirement does not apply to victims of human trafficking as defined in RCW 74.04.005 if they have not been issued a social security number;

(d) Not have refused or failed without good cause to participate in ~~((drug or alcohol))~~ substance use treatment if an assessment by a certified ~~((chemical dependency counselor))~~ substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in ~~((drug or alcohol dependency))~~ substance use treatment, when needed outpatient ~~((drug or alcohol))~~ treatment is not available to the person in the county of ~~((his or her))~~ their residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(e) Not have refused or failed to cooperate in obtaining federal aid assistance, without good cause.

(4) Referrals for essential needs and housing support under RCW 43.185C.220

shall be provided to persons found eligible under RCW 74.04.805.

(5) No person may be considered an eligible individual for benefits under this section with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) The department must share client data for individuals eligible for essential needs and housing support with the department of commerce and designated essential needs and housing support entities as required under RCW 43.185C.230.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2022."

On page 1, line 2 of the title, after "trafficking;" strike the remainder of the title and insert "amending RCW 74.04.805 and 74.62.030; 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 HOUSE BILL NO. 1748 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Entenman and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1748, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1748, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Sutherlin, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

HOUSE BILL NO. 1748, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1751 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.10.900 and 1993 c 514 s 1 are each amended to read as follows:

As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any ~~((method of))~~ act committed as part of a person's recruitment, initiation ((inte)), pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious ((mental)) psychological or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic

events or other similar contests or competitions.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each public and private institution of higher education shall prohibit in its code of conduct hazing off campus as well as on campus.

(2) Beginning with the 2022 fall term, each public and private institution of higher education shall provide students with an educational program on hazing and the dangers of and prohibition on hazing, which shall include information regarding hazing awareness, prevention, intervention, and the institution's policy on hazing. The educational program may be offered in person or electronically. The institution must incorporate the educational program as part of new student orientation sessions. The educational program must be posted on each institution's public website for parents, legal guardians, and volunteers to view.

(3) Institutional materials on student rights and responsibilities given to student organizations, athletic teams, or living groups, either electronically or in hard copy form, shall include a statement on the institution's antihazing policy and on the dangers of hazing.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10 RCW to read as follows:

Each public institution of higher education shall establish a hazing prevention committee to promote and address hazing prevention. The committee shall have a minimum of six members including a designated chair appointed by the president of the institution. Fifty percent of the committee positions shall include students currently attending the higher education institution with at least one position filled by a student from a student organization, athletic team, or living group. The other fifty percent of the committee positions shall include at least one faculty or staff member and one parent or legal guardian of a student currently enrolled at the institution. Student input shall be considered for committee membership. A student who is a member of a student organization, athletic team, or living group that was affiliated with a finding of a hazing violation within the last

twelve months may not participate in or be a member of the hazing prevention committee.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning with the 2022-23 academic year, each public and private institution of higher education shall maintain and publicly report actual findings of violations by any student organization, athletic team, or living group of the public or private institution of higher education's code of conduct, antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault.

(2) The report shall include the following:

(a) The name of the student organization, athletic team, or living group;

(b) The date the investigation was initiated;

(c) The date on which the investigation ended with a finding that a violation occurred;

(d) A description of the incident or incidents, including the date of the initial violation, and the violations, findings, and sanctions placed on the student organization, athletic team, or living group;

(e) The details of the sanction or sanctions imposed, including the beginning and end dates of the sanction or sanctions; and

(f) The date the student organization, athletic team, or living group was charged with a violation.

(3) Investigations that do not result in a finding of formal violations of the student code of conduct or state or federal law shall not be included in the report. The report shall not include any personal or identifying information of individual student members and shall be subject to the requirements of the federal family education rights and privacy act of 1974, 20 U.S.C. Sec. 1232g.

(4) Public and private institutions of higher education shall make reports under this section available on their websites in a prominent location clearly labeled

and easily accessible from the institution's website.

(5) Each public and private institution of higher education shall maintain reports as they are updated for five years and shall post them on their respective websites at least 45 calendar days before the start of each fall academic term and at least 10 days before the start of all other academic terms.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning in the 2022 fall academic term, each public and private institution of higher education shall provide hazing prevention education on the signs and dangers of hazing as well as the institution's prohibition on hazing to employees, including student employees, either in person or electronically. The prevention education shall be provided to employees at the beginning of each academic year and for new employees at the beginning of each academic term.

(2) If, as a result of observations or information received in the course of employment or volunteer service, any employee, including a student employee, or volunteer at a public or private institution of higher education has reasonable cause to believe that hazing has occurred, the employee or volunteer shall report the incident, or cause a report to be made, to a designated authority at the institution. The employee or volunteer shall make the report at the first opportunity to do so.

(3) "Reasonable cause" means a person who witnesses hazing or receives a credible written or oral report alleging hazing or potential or planned hazing activity.

(4) A person who witnesses hazing or has reasonable cause to believe hazing has occurred or will occur and makes a report in good faith may not be sanctioned or punished for the violation of hazing unless the person is directly engaged in the planning, directing, or act of hazing reported.

(5) Nothing in this section shall preclude a person from independently reporting hazing or suspected hazing activity to law enforcement.

(6) As used in this section, "employee" means a person who is

receiving wages from the institution of higher education and is in a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee" does not include a person employed as medical staff or with an affiliated organization, entity, or extension of a postsecondary educational institution, unless the employee has a supervisory role or position of authority over students. "Employee" does not include confidential employees.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Social fraternity and sorority organizations shall notify the public or private institution of higher education before chartering, rechartering, opening, or reopening a local chapter or operating at the public or private institution of higher education.

(2) Social fraternity and sorority organizations shall notify the public or private institution of higher education when the organization instigates an investigation of a local chapter at the public or private institution of higher education for hazing or other activity that includes an element of hazing, such as furnishing alcohol to minors. The organization shall provide the results of such investigation and a copy of the full findings report to the public or private institution of higher education's student conduct office.

(3) Beginning in the 2022 fall academic term, any local social fraternity or sorority chapter seeking to obtain or maintain registration with any public or private institution of higher education in the state must certify in writing and provide weblinks to that institution showing that the landing pages of all websites owned or maintained by the local chapter contain a full list for the previous five years of all findings of violations of antihazing policies, state or federal laws relating to hazing, alcohol, drugs, sexual assault, or physical assault, or the institution's code of conduct against the local chapter.

(4) Failure of a social fraternity or sorority organization to comply with subsections (1) through (3) of this section shall result in automatic loss of recognition until such time that the organization comes into compliance with those subsections.

NEW SECTION. **Sec. 7.** This act may be known and cited as the Sam's law act.

NEW SECTION. **Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.10.900; adding new sections to chapter 28B.10 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1751 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Leavitt and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1751, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1751, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 1751, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that landfills are a significant source of emissions of methane, a potent greenhouse gas. Among other economic and environmental benefits, the diversion of organic materials to productive uses will reduce methane emissions.

(2) In order to reduce methane emissions associated with organic materials, the legislature finds that it will be beneficial to improve a variety of aspects of how organic materials and organic material wastes are reduced, managed, incentivized, and regulated under state law. Therefore, it is the intent of the legislature to support the diversion of organic materials from landfills through a variety of interventions to support productive uses of organic material wastes, including by:

(a) Requiring some local governments to begin providing separated organic material collection services within their jurisdictions in order to increase volumes of organic materials collected and delivered to composting and other organic material management facilities and reduce the volumes of organic materials collected in conjunction with other solid waste and delivered to landfills;

(b) Requiring local governments to consider state organic material management goals and requirements in the development of their local solid waste plans;

(c) Requiring some businesses to manage their organic material wastes in a manner that does not involve landfilling them, in order to address one significant source of organic materials that currently frequently end up in landfills;

(d) Reducing legal liability risk barriers to the donation of edible food in order to encourage the recovery of foods that might otherwise be landfilled;

(e) Establishing the Washington center for sustainable food management within the department of ecology in order to coordinate and improve statewide food waste reduction and diversion efforts;

(f) Establishing various new funding and financial incentives intended to increase composting and other forms of productive organic materials management, helping to make the responsible management of organic materials more cost-competitive with landfilling of organic material wastes;

(g) Facilitating the siting of organic material management facilities in order to ensure that adequate capacity exists to process organic materials at the volumes necessary to achieve state organic material diversion goals;

(h) Encouraging cities and counties to procure more of the compost and finished products created from their organic material wastes in order to support the economic viability of processes to turn organic materials into finished products, and increasing the likelihood that composting and other responsible organic material management options are economically viable; and

(i) Amending standards related to the labeling of plastic and compostable products in order to reduce contamination of the waste streams handled by compost and organic material management facilities and improve the economic viability of those responsible organic material management options.

#### **PART 1**

#### **State Targets and Organic Material Waste Collection Requirements**

NEW SECTION. Sec. 101. A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) The state establishes a goal for the landfill disposal of organic materials at a level representing a 75 percent reduction by 2030 in the statewide disposal of organic material waste, relative to 2015 levels.

(b) The state establishes a goal that no less than 20 percent of the volume of edible food that was disposed of as of

2015 be recovered for human consumption by 2025.

(2) The provisions of subsection (1) of this section are in addition to the food waste reduction goals of RCW 70A.205.715(1).

NEW SECTION. Sec. 102. A new section is added to chapter 70A.205 RCW to read as follows:

(1) Beginning January 1, 2027, in each jurisdiction that implements a local solid waste plan under RCW 70A.205.040:

(a) Source-separated organic solid waste collection services must be provided at least every other week or at least 26 weeks annually to:

(i) All residents; and

(ii) Nonresidential customers that generate more than .25 cubic yard per week of organic materials for management; and

(b) All organic solid waste collected from residents and businesses under (a) of this subsection must be managed through organic materials management.

(2) A jurisdiction may charge and collect fees or rates for the services provided under subsection (1) of this section, consistent with the jurisdiction's authority to impose fees and rates under chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

(3)(a) Except as provided in (d) of this subsection, the requirements of this section do not apply in a jurisdiction if the department determines that the following apply:

(i) The jurisdiction disposed of less than 5,000 tons of solid waste in the most recent year for which data is available;

(ii) The jurisdiction has a total population of less than 25,000 people; or

(iii) The jurisdiction has a total population between 25,000 and 50,000 people and curbside organic solid waste collection services are not offered in any area within the jurisdiction, as of July 1, 2022.

(b) The requirements of this section do not apply:

(i) In census tracts that have a population density of less than 75 people per square mile that are serviced by the jurisdiction and located in

unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW; and

(ii) Outside of urban growth areas designated pursuant to RCW 36.70A.110 in unincorporated portions of a county planning under chapter 36.70A RCW.

(c) In addition to the exemptions in (a) and (b) of this subsection, the department may issue a renewable waiver to jurisdictions or portions of a jurisdiction under this subsection for up to five years, based on consideration of factors including the distance to organic materials management facilities, the sufficiency of the capacity to manage organic materials at facilities to which organic materials could feasibly and economically be delivered from the jurisdiction, and restrictions in the transport of organic materials under chapter 17.24 RCW. The department may adopt rules to specify the type of information that a waiver applicant must submit to the department and to specify the department's process for reviewing and approving waiver applications.

(d) Beginning January 1, 2030, the department may adopt a rule to require that the provisions of this section apply in the jurisdictions identified in (b) and (c) of this subsection, but only if the department determines that the goals established in section 101(1) of this act have not or will not be achieved.

(4) Any city that newly begins implementing an independent solid waste plan under RCW 70A.205.040 after July 1, 2022, must meet the requirements of subsection (1) of this section.

**Sec. 103.** RCW 70A.205.040 and 2010 c 154 s 2 are each amended to read as follows:

(1) Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties. The purpose is to plan for solid waste and materials reduction, collection, and handling and management services and programs throughout the state, as designed to meet the unique needs of each county and city in the state. When updating a solid waste management plan developed under this chapter, after June 10, 2010, local comprehensive plans must consider and

plan for the following handling methods or services:

(a) Source separation of recyclable materials and products, organic materials, and wastes by generators;

(b) Collection of source separated materials;

(c) Handling and proper preparation of materials for reuse or recycling;

(d) Handling and proper preparation of organic materials for ~~((composting or anaerobic digestion))~~ organic materials management; and

(e) Handling and proper disposal of nonrecyclable wastes.

(2) When updating a solid waste management plan developed under this chapter, after June 10, 2010, each local comprehensive plan must, at a minimum, consider methods that will be used to address the following:

(a) Construction and demolition waste for recycling or reuse;

(b) Organic material including yard debris, food waste, and food contaminated paper products for ~~((composting or anaerobic digestion))~~ organic materials management;

(c) Recoverable paper products for recycling;

(d) Metals, glass, and plastics for recycling; and

(e) Waste reduction strategies.

(3)(a) When newly developing, updating, or amending a comprehensive solid waste management plan developed under this chapter, after July 1, 2024, each local comprehensive solid waste management plan must consider the transition to the requirements of section 102 of this act, and each comprehensive solid waste management plan implemented by a county must identify:

(i) The priority areas within the county for the establishment of organic materials management facilities. Priority areas must be in industrial zones, agricultural zones, or rural zones, and may not be located in overburdened communities identified by the department of ecology under chapter 70A.02 RCW. Priority areas should be designated with an attempt to minimize incompatible uses and potential impacts on residential areas; and



(ii) Organic materials management facility volumetric capacity required to manage the county's organic materials in a manner consistent with the goals of section 101 of this act.

(b) When newly developing, updating, or amending a comprehensive solid waste management plan developed under this chapter, after January 1, 2027, each local comprehensive solid waste management plan must be consistent with the requirements of section 102 of this act.

(c)(i) Notwithstanding (a) and (b) of this subsection, and except as provided in (c)(ii) of this subsection, a jurisdiction implementing a local comprehensive solid waste management plan under this chapter may not site the increase or expansion of any existing organic materials management facility that processed more than 200,000 tons of material, relative to 2019 levels.

(ii) The limitation in (c)(i) of this subsection does not apply to the siting of any anaerobic digester or anaerobic digestion facility.

(4) Each city shall:

(a) Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan;

(b) Enter into an agreement with the county pursuant to which the city shall participate in preparing a joint city-county plan for solid waste management; or

(c) Authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county plan.

~~((4))~~ (5) Two or more cities may prepare a plan for inclusion in the county plan. With prior notification of its home county of its intent, a city in one county may enter into an agreement with a city in an adjoining county, or with an adjoining county, or both, to prepare a joint plan for solid waste management to become part of the comprehensive plan of both counties.

~~((5))~~ (6) After consultation with representatives of the cities and counties, the department shall establish a schedule for the development of the comprehensive plans for solid waste management. In preparing such a schedule,

the department shall take into account the probable cost of such plans to the cities and counties.

~~((6))~~ (7) Local governments shall not be required to include a hazardous waste element in their solid waste management plans.

**NEW SECTION. Sec. 104.** (1) The department of ecology must contract with a third-party consultant to conduct a study of the adequacy of local government solid waste management funding, including options and recommendations to provide funding for solid waste programs in the future if significant statewide policy changes are enacted. The department must include the Washington association of county solid waste managers, the association of Washington cities, an association that represents the private sector solid waste industry, and other stakeholders in scoping the study and reviewing the consultant's findings and recommendations prior to submittal to the legislature.

(2) The study must include:

(a) Consideration for jurisdictional type, location, size, service level, and other relevant differences between cities and counties;

(b) A review and update of current funding types and levels available, and their rate of adoption;

(c) The funding needs to implement the solid waste core services model developed by the Washington association of county solid waste managers;

(d) Alternative funding models utilized by other publicly managed solid waste programs in other states or countries that may be relevant to Washington; and

(e) An evaluation of the impacts on solid waste funding resources available to cities and counties from statewide solid waste management policy proposals considered by the legislature or enacted in the last four years, including proposals to:

(i) Reduce the quantity of organic waste to landfills;

(ii) Manage products through product stewardship or extended producer responsibility programs;

(iii) Improve or install new or updated methane capture systems;

(iv) Increase postconsumer content requirements for materials collected in solid waste programs; and

(v) Other related proposals that may impact solid waste funding resources.

(3) The study must evaluate a range of forecasted fiscal impacts for each type of policy change on local government solid waste management programs, including:

(a) The level of service provided by local government;

(b) Costs to the local government;

(c) Existing revenue levels; and

(d) The need for additional revenue.

(4) The department must submit the report, including findings and any recommendations, to the appropriate committees of the legislature by July 1, 2023.

**Sec. 105.** RCW 70A.205.015 and 2020 c 20 s 1161 are each amended to read as follows:

~~((As used in this chapter, unless the context indicates otherwise.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

(4) "Department" means the department of ecology.

(5) "Director" means the director of the department of ecology.

(6) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(7) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(8) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(9) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(10) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70A.205.030, and includes facilities that use inert wastes as a component of fill.

(11) "Jurisdictional health department" means city, county, city-county, or district public health department.

(12) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(13) "Local government" means a city, town, or county.

(14) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(15) "Multiple-family residence" means any structure housing two or more dwelling units.

(16) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(17) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70A.205.075(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(18) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use

other than landfill disposal or incineration.

(19) "Residence" means the regular dwelling place of an individual or individuals.

(20) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70A.226 RCW.

(21) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70A.226 RCW and wastewater as regulated in chapter 90.48 RCW.

(22) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(23) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(24) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(25) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(26) "Waste-derived soil amendment" means any soil amendment as defined in

this chapter that is derived from solid waste as defined in this section, but does not include biosolids or biosolids products regulated under chapter 70A.226 RCW or wastewaters regulated under chapter 90.48 RCW.

(27) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(28) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

(29)(a)(i) "Organic materials" means any solid waste that is a biological substance of plant or animal origin capable of microbial degradation.

(ii) Organic materials include, but are not limited to, manure, yard debris, food waste, food processing waste, wood waste, and garden waste.

(b) "Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use.

(30) "Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies.

## **PART 2**

### **Requirements for Organics Management by Businesses**

NEW SECTION. Sec. 201. A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) Beginning July 1, 2023, and each July 1st thereafter, the department must determine which counties and any cities preparing independent solid waste management plans:

(i) Provide for businesses to be serviced by providers that collect food waste and organic material waste for delivery to solid waste facilities that provide for the organic materials

management of organic material waste and food waste; and

(ii) Are serviced by solid waste facilities that provide for the organic materials management of organic material waste and food waste and have capacity to accept increased volumes of organic materials deliveries.

(b) (i) The department must determine and designate that the restrictions of this section apply to businesses in a jurisdiction unless the department determines that the businesses in some or all portions of the city or county have:

(A) No available businesses that collect and deliver organic materials to solid waste facilities that provide for the organic materials management of organic material waste and food waste; or

(B) No available capacity at the solid waste facilities to which businesses that collect and deliver organic materials could feasibly and economically deliver organic materials from the jurisdiction.

(ii) (A) In the event that a county or city provides written notification to the department indicating that the criteria of (b) (i) (A) of this subsection are met, then the restrictions of this section apply only in those portions of the jurisdiction that have available service-providing businesses.

(B) In the event that a county or city provides written notification to the department indicating that the criteria of (b) (i) (B) of this subsection are met, then the restrictions of this section do not apply to the jurisdiction.

(c) The department must make the result of the annual determinations required under this section available on its website.

(d) The requirements of this section may be enforced by jurisdictional health departments consistent with this chapter, except that:

(i) A jurisdictional health department may not charge a fee to permit holders to cover the costs of the jurisdictional health department's administration or enforcement of the requirements of this section; and

(ii) Prior to issuing a penalty under this section, a jurisdictional health department must provide at least two written notices of noncompliance with the requirements of this section to the owner

or operator of a business subject to the requirements of this section.

(2) (a) (i) Beginning January 1, 2024, a business that generates at least eight cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste;

(ii) Beginning January 1, 2025, a business that generates at least four cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste; and

(iii) Beginning January 1, 2026, a business that generates at least four cubic yards of solid waste per week shall arrange for organic materials management services specifically for organic material waste, unless the department determines, by rule, that additional reductions in the landfilling of organic materials would be more appropriately and effectively achieved, at reasonable cost to regulated businesses, through the establishment of a different volumetric threshold of solid waste or organic material waste than the threshold of four cubic yards of solid waste per week.

(b) The following wastes do not count for purposes of determining waste volumes in (a) of this subsection:

(i) Wastes that are managed on-site by the generating business;

(ii) Wastes generated from the growth and harvest of food or fiber that are managed off-site by another business engaged in the growth and harvest of food or fiber;

(iii) Wastes that are managed by a business that enters into a voluntary agreement to sell or donate organic materials to another business for off-site use; and

(iv) Wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event.

(3) A business may fulfill the requirements of this section by:

(a) Source separating organic material waste from other waste, subscribing to a service that includes organic material waste collection and organic materials management, and using such a service for organic material waste generated by the business;

(b) Managing its organic material waste on-site or self-hauling its own organic material waste for organic materials management;

(c) Qualifying for exclusion from the requirements of this section consistent with subsection (1)(b) of this section; or

(d) For a business engaged in the growth, harvest, or processing of food or fiber, entering into a voluntary agreement to sell or donate organic materials to another business for off-site use.

(4)(a) A business generating organic material waste shall arrange for any services required by this section in a manner that is consistent with state and local laws and requirements applicable to the collection, handling, or recycling of solid and organic material waste.

(b) Nothing in this section requires a business to dispose of materials in a manner that conflicts with federal or state public health or safety requirements. Nothing in this section requires businesses to dispose of wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event through the options established in subsection (3) of this section.

(5) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service must require that the organic material waste generated by those services be managed in compliance with this chapter.

(6)(a) This section does not limit the authority of a local governmental agency to adopt, implement, or enforce a local organic material waste recycling requirement, or a condition imposed upon a self-hauler, that is more stringent or comprehensive than the requirements of this chapter.

(b) This section does not modify, limit, or abrogate in any manner any of the following:

(i) A franchise granted or extended by a city, county, city and county, or other local governmental agency;

(ii) A contract, license, certificate, or permit to collect solid waste previously granted or extended by a city,

county, city and county, or other local governmental agency;

(iii) The right of a business to sell or donate its organic materials; and

(iv) A certificate of convenience and necessity issued to a solid waste collection company under chapter 81.77 RCW.

(c) Nothing in this section modifies, limits, or abrogates the authority of a local jurisdiction with respect to land use, zoning, or facility siting decisions by or within that local jurisdiction.

(d) Nothing in this section changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

(7) The definitions in this subsection apply throughout this section unless the context clearly indicates otherwise.

(a)(i) "Business" means a commercial or public entity including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.

(ii) "Business" does not include a multifamily residential entity.

(b) "Food waste" has the same meaning as defined in RCW 70A.205.715.

### PART 3

#### Updates to the Washington Good Samaritan Act

**Sec. 301.** RCW 69.80.031 and 1994 c 299 s 36 are each amended to read as follows:

(1) This section may be cited as the "good samaritan food donation act."

(2) ~~((As used in this section:))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Apparently fit grocery product" means a grocery product that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the product may not be

readily marketable due to appearance, age, freshness, grade, size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(b) "Apparently wholesome food" means food that meets ~~((all quality and))~~ safety and safety-related labeling standards imposed by federal, state, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, passage of a date on a date label other than a safety or safety-related labeling of a date, or other conditions.

(c) "Donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

(d) "Food" means a raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(e) "Gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(f) "Grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(g) "Gross negligence" means voluntary and conscious conduct by a person with knowledge, at the time of the conduct, that the conduct is likely to be harmful to the health or well-being of another person.

(h) "Intentional misconduct" means conduct by a person with knowledge, at the time of the conduct, that the conduct is harmful to the health or well-being of another person.

(i) "Nonprofit organization" means an incorporated or unincorporated entity that:

(i) Is operating for religious, charitable, or educational purposes; and

(ii) Does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(j) "Person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, councilmember, or other elected or appointed individual responsible for the governance of the entity.

(k) "Qualified direct donor" means any person required to obtain a food establishment permit under chapter 246-215 WAC, as it existed as of January 1, 2022, including a retail grocer, wholesaler, agricultural producer, restaurant, caterer, school food authority, or institution of higher education as defined in RCW 28B.10.016.

(l)(i) "Safety and safety-related labeling" means a marking intended to communicate information to a consumer related to a food product's safety. "Safety and safety-related labeling" includes any marking that federal or state law requires to be affixed to a food product including, but not limited to, markings placed on infant formula consistent with 21 C.F.R. Sec. 107.20, as that regulation existed as of January 1, 2021.

(ii) "Safety and safety-related labeling" does not include a pull date required to be placed on perishable packaged food under RCW 15.130.300 or a "best by," "best if used by," "use by," or "sell by" date or similarly phrased date intended to communicate information to a consumer regarding the freshness or quality of a food product.

(3)(a) A person or gleaner is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this subsection does not apply to an injury to or death

of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(b) A qualified direct donor may donate food directly to end recipients for consumption. A qualified direct donor is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the qualified direct donor donates in good faith to a needy individual. The donation of nonperishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section.

(c) The donation of perishable food that is fit for human consumption, but that has exceeded the labeled shelf-life date recommended by the manufacturer, is an activity covered by the exclusion from civil or criminal liability under this section if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.

(4) A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners, or paid or unpaid representatives of a nonprofit organization, for ultimate distribution to needy individuals is not subject to civil or criminal liability that arises due to the injury or death of the gleaner or representative, except that this subsection does not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

(5) If some or all of the donated food and grocery products do not meet ((~~all quality and~~) safety and safety-related labeling standards imposed by federal, state, and local laws and regulations, the person or gleaner who donates the food and grocery products is not subject to civil or criminal liability in accordance with this section if the nonprofit organization or other end recipient that receives the donated food or grocery products:

(a) Is informed by the donor of the distressed or defective condition of the donated food or grocery products;

(b) Agrees to recondition the donated food or grocery products to comply with all the ((~~quality and~~) safety and safety-related labeling standards prior to distribution; and

(c) Is knowledgeable of the standards to properly recondition the donated food or grocery product.

(6) This section may not be construed to create liability.

#### **PART 4**

#### **Washington Center for Sustainable Food Management**

NEW SECTION. Sec. 401. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Center" means the Washington center for sustainable food management.

(2) "Department" means the department of ecology.

(3) "Organic material" has the same definition as provided in RCW 70A.205.015.

(4) "Plan" means the use food well Washington plan developed under RCW 70A.205.715.

NEW SECTION. Sec. 402. (1) The Washington center for sustainable food management is established within the department, to begin operations by January 1, 2024.

(2) The purpose of the center is to help coordinate statewide food waste reduction.

(3) The center may perform the following activities:

(a) Coordinate the implementation of the plan;

(b) Draft plan updates and measure progress towards actions, strategies, and the statewide goals established in section 101 of this act and RCW 70A.205.715(1);

(c) Maintain a website with current food waste reduction information and guidance for food service establishments, consumers, food processors, hunger relief organizations, and other sources of food waste;

(d) Provide staff support to multistate food waste reduction initiatives in which the state is participating;

(e) Maintain the consistency of the plan and other food waste reduction activities with the work of the Washington state conservation commission's food policy forum;

(f) Facilitate and coordinate public-private and nonprofit partnerships focused on food waste reduction, including through voluntary working groups;

(g) Collaborate with federal, state, and local government partners on food waste reduction initiatives;

(h) Develop and maintain maps or lists of locations of the food systems of Washington that identify food flows, where waste occurs, and opportunities to prevent food waste;

(i)(i) Collect and maintain data on food waste and wasted food in a manner that is generally consistent with the methods of collecting and maintaining such data used by federal agencies or in other jurisdictions, or both, to the greatest extent practicable;

(ii) Develop measurement methodologies and tools to uniformly track food donation data, food waste prevention data, and associated climate impacts resultant from food waste reduction efforts;

(j) Research and develop emerging organic materials and food waste reduction markets;

(k)(i) Develop and maintain statewide food waste reduction and food waste contamination reduction campaigns, in consultation with other state agencies and other stakeholders, including the development of waste prevention and food waste recovery promotional materials for distribution. These promotional materials may include online information, newsletters, bulletins, or handouts that inform food service establishment operators about the protections from civil and criminal liability under federal law and under RCW 69.80.031 when donating food; and

(ii) Develop guidance to support the distribution of promotional materials, including distribution by:

(A) Local health officers, at no cost to regulated food service establishments, including as part of normal, routine inspections of food service establishments; and

(B) State agencies, including the department of health and the department of agriculture, in conjunction with their statutory roles and responsibilities in regulating, monitoring, and supporting safe food supply chains and systems;

(l) Distribute and monitor grants dedicated to food waste prevention, rescue, and recovery; and

(m) Research and provide education, outreach, and technical assistance to local governments in support of the adoption of solid waste ordinances or policies that establish a financial disincentive for the generation of organic waste and for the ultimate disposal of organic materials in landfills.

(4) The department may enter into an interagency agreement with the department of health, the department of agriculture, or other state agencies as necessary to fulfill the responsibilities of the center.

(5) The department may adopt any rules necessary to implement this chapter including, but not limited to, measures for the center's performance.

**NEW SECTION. Sec. 403.** A new section is added to chapter 70A.205 RCW to read as follows:

(1) In order to obtain data as necessary to support the goals of the Washington center for sustainable food management created in section 402 of this act and to achieve the goals of RCW 70A.205.715(1), the department may establish a voluntary reporting protocol for the receipt of reports by businesses that donate food under RCW 69.80.031 and recipients of the donated food, and may encourage the use of this voluntary reporting protocol by the businesses and recipients. The department may also request that a donating business or recipient of donated food provide information to the department regarding the volumes, types, and timing of food managed by the donating facility or business, and food waste and wasted food generated by the donating facility or business. To the extent practicable, the department must seek to obtain information under this section in a manner compatible with any information reported to the department of agriculture under RCW 43.23.290, and in a manner that minimizes the reporting and information-provision burdens of donating businesses and recipients.



(2) For the purposes of this subsection, "food waste" and "wasted food" have the same meaning as defined in RCW 70A.205.715.

**Sec. 404.** RCW 69.80.040 and 1983 c 241 s 4 are each amended to read as follows:

The department of agriculture shall maintain an information and referral service for persons and organizations that have notified the department of their desire to participate in the food donation program under this chapter. The department must coordinate with the department of ecology to ensure that the information and referral service required under this section is implemented in a manner consistent with the activities of sections 402 and 403 of this act.

**NEW SECTION. Sec. 405.** (1) By January 1, 2025, and in consultation with the office of the attorney general, the department must research and adopt several model ordinances for optional use by counties and cities that provide for model mechanisms for commercial solid waste collection and disposal that are designed, in part, to establish a financial disincentive or other disincentives for the generation of organic waste and for the ultimate disposal of organic materials in landfills. The model ordinances must be designed to provide options that might be preferred by jurisdictions of different sizes and consider other key criteria applicable to local solid waste management circumstances.

(2)(a) The department must review the model ordinances created in this section under the provisions of chapter 43.21C RCW.

(b) A county or city that adopts a model ordinance created by the department under this section and that has been reviewed by the department under the provisions of chapter 43.21C RCW is not required to review the ordinance under the provisions of chapter 43.21C RCW.

(3) No city, town, or county is required to adopt the model ordinances created in this section.

**NEW SECTION. Sec. 406.** A new section is added to chapter 43.21C RCW to read as follows:

Amendments to regulations and other nonproject actions taken by a city or

county to adopt or implement the model ordinance created by the department under section 405 of this act is not subject to the requirements of this chapter.

#### **PART 5**

#### **Funding and Incentives for Methane Emissions Reduction Activities Associated with Organic Materials Management**

**Sec. 501.** RCW 89.08.615 and 2020 c 351 s 3 are each amended to read as follows:

(1) The commission shall develop a sustainable farms and fields grant program in consultation with the department of agriculture, Washington State University, and the United States department of agriculture natural resources conservation service.

(2) As funding allows, the commission shall distribute funds, as appropriate, to conservation districts and other public entities to help implement the projects approved by the commission.

(3) No more than (~~fifteen~~) 15 percent of the funds may be used by the commission to develop, or to consult or contract with private or public entities, such as universities or conservation districts, to develop:

(a) An educational public awareness campaign and outreach about the sustainable farm and field program; or

(b) The grant program, including the production of analytical tools, measurement estimation and verification methods, cost-benefit measurements, and public reporting methods.

(4) No more than five percent of the funds may be used by the commission to cover the administrative costs of the program.

(5) No more than (~~twenty~~) 20 percent of the funds may be awarded to any single grant applicant.

(6) Allowable uses of grant funds include:

(a) Annual payments to enrolled participants for successfully delivered carbon storage or reduction;

(b) Up-front payments for contracted carbon storage;

(c) Down payments on equipment;

(d) Purchases of equipment;

(e) Purchase of seed, seedlings, spores, animal feed, and amendments;

(f) Services to landowners, such as the development of site-specific conservation plans to increase soil organic levels or to increase usage of precision agricultural practices, or design and implementation of best management practices to reduce livestock emissions; ~~((and))~~

(g) The purchase of compost spreading equipment, or financial assistance to farmers to purchase compost spreading equipment, for the annual use for at least three years of volumes of compost determined by the commission to be significant from materials composted at a site that is not owned or operated by the farmer;

(h) Scientific studies to evaluate and quantify the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock or to identify management practices that increase the greenhouse gas emissions avoided as a result of using crop residues as a biofuel feedstock;

(i) Efforts to support the farm use of anaerobic digester digestate, including scientific studies, education and outreach to farmers, and the purchase or lease of digestate spreading equipment; and

(j) Other equipment purchases or financial assistance deemed appropriate by the commission to fulfill the intent of RCW 89.08.610 through 89.08.635.

(7) Grant applications are eligible for costs associated with technical assistance.

(8) Conservation districts and other public entities may apply for a single grant from the commission that serves multiple farmers.

(9) Grant applicants may apply to share equipment purchased with grant funds. Applicants for equipment purchase grants issued under this grant program may be farm, ranch, or aquaculture operations coordinating as individual businesses or as formal cooperative ventures serving farm, ranch, or aquaculture operations. Conservation districts, separately or jointly, may also apply for grant funds to operate an equipment sharing program.

(10) No contract for carbon storage or changes to management practices may

exceed ~~((twenty-five))~~ 25 years. Grant contracts that include up-front payments for future benefits must be conditioned to include penalties for default due to negligence on the part of the recipient.

(11) The commission shall attempt to achieve a geographically fair distribution of funds across a broad group of crop types, soil management practices, and farm sizes.

(12) Any applications involving state lands leased from the department of natural resources must include the department's approval.

**NEW SECTION. Sec. 502.** A new section is added to chapter 15.04 RCW to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department must establish and implement a compost reimbursement program to reimburse farming operations in the state for purchasing and using compost products that were not generated by the farming operation, including transportation, spreading equipment, labor, fuel, and maintenance costs associated with spreading equipment. The grant reimbursements under the program begin July 1, 2023.

(b) For the purposes of this program, "farming operation" means: A commercial agricultural, silvicultural, or aquacultural facility or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

(2) To be eligible to participate in the reimbursement program, a farming operation must complete an eligibility review with the department prior to transporting or applying any compost products for which reimbursement is sought under this section. The purpose of the review is for the department to ensure that the proposed transport and application of compost products is consistent with the department's agricultural pest control rules established under chapter 17.24 RCW. A farming operation must also verify that it will allow soil sampling to be conducted by the department upon request

before compost application and until at least 10 years after the last grant funding is used by the farming operation, as necessary to establish a baseline of soil quality and carbon storage and for subsequent department evaluations to assist the department's reporting requirements under subsection (8) of this section.

(3) The department must create a form for eligible farming operations to apply for cost reimbursement for costs from purchasing and using compost from facilities with solid waste handling permits, including transportation, equipment, spreading, and labor costs. All applications for cost reimbursement must be submitted on the form along with invoices, receipts, or other documentation acceptable to the department of the costs of purchasing and using compost products for which the applicant is requesting reimbursement, as well as a brief description of what each purchased item will be used for. The department may request that an applicant provide information to verify the source, size, sale weight, or amount of compost products purchased and the cost of transportation, equipment, spreading, and labor. The applicant must also declare that it is not seeking reimbursement for purchase or labor costs for:

(a) Its own compost products; or

(b) Compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation.

(4) A farming operation may submit only one application per fiscal year in which the program is in effect for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th. Applications for reimbursement must be filed before the end of the fiscal year in which purchases were made and usage costs incurred.

(5) The department must distribute reimbursement funds, subject to the following limitations:

(a) A farming operation is not eligible to receive reimbursement if the farming operation's application was not found eligible for reimbursement by the department under subsection (2) of this section prior to the transport or use of compost;

(b) A farming operation is not eligible to receive reimbursement for more than 50 percent of the costs it incurs each fiscal year for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;

(c) A farming operation is not eligible to receive more than \$10,000 per fiscal year;

(d) A farming operation is not eligible to receive reimbursement for its own compost products or compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; and

(e) A farming operation is not eligible to receive reimbursement for compost products that were not purchased from a facility with a solid waste handling permit.

(6) The applicant shall indemnify and hold harmless the state and its officers, agents, and employees from all claims arising out of or resulting from the compost products purchased that are subject to the compost reimbursement program under this section.

(7) There is established within the department a compost reimbursement program manager position. The compost reimbursement program manager must possess knowledge and expertise in the area of program management necessary to carry out the duties of the position, which are to:

(a) Facilitate the division and distribution of available costs for reimbursement; and

(b) Manage the day-to-day coordination of the compost reimbursement program.

(8) In compliance with RCW 43.01.036, the department must submit an annual report to the appropriate committees of the legislature by January 15th of each year of the program in which grants have been issued or completed. The report must include:

(a) The amount of compost for which reimbursement was sought under the program;

(b) The qualitative or quantitative effects of the program on soil quality and carbon storage; and

(c) A periodically updated evaluation of the benefits and costs to the state of

expanding or furthering the strategies promoted in the program.

**Sec. 503.** RCW 43.155.020 and 2017 3rd sp.s. c 10 s 2 are each amended to read as follows:

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

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the growth management act, a plan required by the public works board.

(3) "Department" means the department of commerce.

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems, lead remediation of drinking water systems, and solid waste facilities, including recycling facilities and composting and other organic materials management facilities. A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

(7) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste

transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(8) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans, grants, and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

(9) "Value planning" means a uniform approach to assist in decision making through systematic evaluation of potential alternatives to solving an identified problem.

#### **PART 6**

#### **Organic Materials Management Facility Siting**

**Sec. 601.** RCW 36.70.330 and 1985 c 126 s 3 are each amended to read as follows:

The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of groundwater used for public water supplies and shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound. Development regulations to implement comprehensive plans under this chapter that are newly developed, updated, or amended after January 1,

2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii);

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

NEW SECTION. Sec. 602. A new section is added to chapter 36.70A RCW to read as follows:

Development regulations to implement comprehensive plans under this chapter that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified in RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

NEW SECTION. Sec. 603. A new section is added to chapter 35.63 RCW to read as follows:

For cities not planning under RCW 36.70A.040, development regulations to implement comprehensive plans under RCW 35.63.100 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

NEW SECTION. Sec. 604. A new section is added to chapter 35A.63 RCW to read as follows:

For cities not planning under RCW 36.70A.040, development regulations to implement comprehensive plans required under RCW 35A.63.060 that are newly developed, updated, or amended after January 1, 2025, must allow for the siting of organic materials management facilities in the areas identified by the county in which the city is located under RCW 70A.205.040(3)(a)(i) to the extent necessary to provide for the establishment of the organic materials management volumetric capacity identified under RCW 70A.205.040(3)(a)(ii).

## **PART 7**

### **Organic Materials Procurement**

NEW SECTION. Sec. 701. A new section is added to chapter 43.19A RCW to read as follows:

(1) By January 1, 2023, the following cities or counties shall adopt a compost procurement ordinance to implement RCW 43.19A.120:

(a) Each city or county with a population greater than 25,000 residents as measured by the office of financial management using the most recent population data available; and

(b) Each city or county in which organic material collection services are provided under chapter 70A.205 RCW.

(2) A city or county that newly exceeds a population of 25,000 residents after January 1, 2023, as measured by the office of financial management, must adopt an ordinance under this subsection no later than 12 months after the office of financial management's determination that the local government's population has exceeded 25,000.

(3) In developing a compost procurement ordinance, each city and county shall plan for the use of compost in the following categories:

(a) Landscaping projects;

(b) Construction and postconstruction soil amendments;

(c) Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and

(d) Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

(4) Each city or county that adopts an ordinance under subsection (1) or (2) of this section must develop strategies to inform residents about the value of compost and how the jurisdiction uses compost in its operations in the jurisdiction's comprehensive solid waste management plan pursuant to RCW 70A.205.045.

(5) By December 31, 2024, and each December 31st of even-numbered years thereafter, each city or county that adopts an ordinance under subsection (1) or (2) of this section must submit a report covering the previous year's compost procurement activities to the department of ecology that contains the following information:

(a) The total tons of organic material diverted throughout the year;

(b) The volume and cost of compost purchased throughout the year; and

(c) The source or sources of the compost.

(6) Cities and counties that are required to adopt an ordinance under subsection (1) or (2) of this section shall give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

(7) Cities and counties may enter into collective purchasing agreements if doing so is more cost-effective or efficient.

(8) Nothing in this section requires a compost processor to:

(a) Enter into a purchasing agreement with a city or county;

(b) Sell finished compost to meet this requirement; or

(c) Accept or process food waste or compostable products.

**Sec. 702.** RCW 39.30.040 and 2013 c 24 s 1 are each amended to read as follows:

(1) Whenever a unit of local government is required to make purchases from the lowest bidder or from the supplier offering the lowest price for

the items desired to be purchased, the unit of local government may, at its option when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within its boundaries. The unit of local government must award the purchase contract to the lowest bidder after such tax revenue has been considered. However, any local government may allow for preferential purchase of products made from recycled materials or products that may be recycled or reused. Any local government may allow for preferential purchase of compost to meet the requirements of RCW 43.19A.120. Any unit of local government which considers tax revenue it would receive from the imposition of taxes upon a supplier located within its boundaries must also consider tax revenue it would receive from taxes it imposes upon a supplier located outside its boundaries.

(2) A unit of local government may award a contract to a bidder submitting the lowest bid before taxes are applied. The unit of local government must provide notice of its intent to award a contract based on this method prior to bids being submitted. For the purposes of this subsection (2), "taxes" means only those taxes that are included in "tax revenue" as defined in this section.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Tax revenue" means sales taxes that units of local government impose upon the sale of supplies, materials, or equipment from the supplier to units of local government, and business and occupation taxes that units of local government impose upon the supplier that are measured by the gross receipts of the supplier from the sale.

(b) "Unit of local government" means any county, city, town, metropolitan municipal corporation, public transit benefit area, county transportation authority, or other municipal or quasi-municipal corporation authorized to impose sales and use taxes or business and occupation taxes.

NEW SECTION. **Sec. 703.** A new section is added to chapter 43.19A RCW to read as follows:

A contract by a local government or state agency must require the use of compost products to the maximum extent

economically feasible to meet the requirements established in RCW 43.19A.120.

#### PART 8

##### Product Degradability Labeling

**Sec. 801.** RCW 70A.455.010 and 2019 c 265 s 1 are each amended to read as follows:

(1) The legislature finds and declares that it is the public policy of the state that:

(a) Environmental marketing claims for plastic products, whether implicit or implied, should adhere to uniform and recognized standards for "compostability" and "biodegradability," since misleading, confusing, and deceptive labeling can negatively impact local composting programs and compost processors. Plastic products marketed as being "compostable" should be readily and easily identifiable as meeting these standards;

(b) Legitimate and responsible packaging and plastic product manufacturers are already properly labeling their compostable products, but many manufacturers are not. Not all compost facilities and their associated processing technologies accept or are required to accept compostable packaging as feedstocks. However, implementing a standardized system and test methods may create the ability for them to take these products in the future.

(2) Therefore, it is the intent of the legislature to authorize the (~~state's attorney general and local governments~~) department of ecology, cities, and counties to pursue false or misleading environmental claims and "greenwashing" for plastic products claiming to be "compostable" or "biodegradable" when in fact they are not.

**Sec. 802.** RCW 70A.455.020 and 2019 c 265 s 2 are each amended to read as follows:

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

(1) "ASTM" means the American society for testing and materials.

(2) "Biodegradable mulch film" means film plastic used as a technical tool in commercial farming applications that biodegrades in soil after being used, and:

(a) The film product fulfills plant growth and regulated metals requirements of ASTM D6400; and

(b) (i) Meets the requirements of Vincotte's "OK Biodegradable Soil" certification scheme, as that certification existed as of January 1, 2019;

(ii) At ambient temperatures and in soil, shows at least (~~ninety~~) 90 percent biodegradation absolute or relative to microcrystalline cellulose in less than two years' time, tested according to ISO 17556 or ASTM 5988 standard test methods, as those test methods existed as of January 1, 2019; or

(iii) Meets the requirements of EN 17033 "plastics-biodegradable mulch films for use in agriculture and horticulture" as it existed on January 1, 2019.

(3) "Federal trade commission guides" means the United States federal trade commission's guides for the use of environmental marketing claims (Part 260, commencing at section 260.1), compostability claims, including section 260.8, and degradation claims (subchapter B of chapter I of Title 16 of the Code of Federal Regulations), as those guides existed as of January 1, 2019.

(4) "Film product" means a bag, sack, wrap, or other sheet film product.

(5) "Food service product" (~~means a product including, but not limited to, containers, plates, bowls, cups, lids, meat trays, straws, deli rounds, cocktail picks, splash sticks, condiment packaging, clam shells and other hinged or lidded containers, sandwich wrap, utensils, sachets, portion cups, and other food service products that are intended for one-time use and used for food or drink offered for sale or use~~) has the same meaning as defined in RCW 70A.245.010.

(6) (~~"Manufacturer" means a person, firm, association, partnership, or corporation that produces a product.~~

~~(7)~~) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(~~(8)~~) (7) "Plastic food packaging and food service products" means food

packaging and food service products that is composed of:

(a) Plastic; or

(b) Fiber or paper with a plastic coating, window, component, or additive.

~~((9))~~ (8) "Plastic product" means a product made of plastic, whether alone or in combination with another material including, but not limited to, paperboard. A plastic product includes, but is not limited to, any of the following:

(a) A product or part of a product that is used, bought, or leased for use by a person for any purpose;

(b) A package or a packaging component including, but not limited to, packaging peanuts;

(c) A film product; or

(d) Plastic food packaging and food service products.

~~((10))~~ (9) "Standard specification" means either:

(a) ASTM D6400 - standard specification labeling of plastics designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019; or

(b) ASTM D6868 - standard specification for labeling of end items that incorporate plastics and polymers as coatings or additives with paper and other substrates designed to be aerobically composted in municipal or industrial facilities, as it existed as of January 1, 2019.

~~((11)(a) "Supplier" means a person, firm, association, partnership, company, or corporation that sells, offers for sale, offers for promotional purposes, or takes title to a product.~~

~~(b) "Supplier" does not include a person, firm, association, partnership, company, or corporation that sells products to end users as a retailer.~~

~~((12))~~ (10) "Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

(11) "Department" means the department of ecology.

(12) "Producer" means the following person responsible for compliance under this chapter for a product sold, offered for sale, or distributed in or into this state:

(a) If the product is sold under the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the product;

(b) If the product is manufactured by a person other than the brand owner, the producer is the person that is the licensee of a brand or trademark under which a product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state, unless the manufacturer or brand owner of the product has agreed to accept responsibility under this chapter; or

(c) If there is no person described in (a) and (b) of this subsection over whom the state can constitutionally exercise jurisdiction, the producer is the person who imports or distributes the product in or into the state.

**Sec. 803.** RCW 70A.455.040 and 2019 c 265 s 4 are each amended to read as follows:

(1)~~((a))~~ A product labeled as "compostable" that is sold, offered for sale, or distributed for use in Washington by a ~~((supplier or manufacturer))~~ producer must:

~~((i))~~ (a) Meet ASTM standard specification D6400;

~~((ii))~~ (b) Meet ASTM standard specification D6868; or

~~((iii))~~ (c) Be comprised of wood, which includes renewable wood, or fiber-based substrate only;

~~((b))~~ (2) A product described in ~~((a)(i) or (ii) of this))~~ subsection (1)(a) or (b) of this section must:

~~((i))~~ (a) Meet labeling requirements established under the United States federal trade commission's guides; and

~~((ii))~~ (b) Feature labeling that:

~~((A))~~ (i) Meets industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;



~~((B))~~ (ii) Uses a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ASTM standard specification; ~~(and~~

~~(C))~~ (iii) Displays the word "compostable," where possible, indicating the product has been tested by a recognized third-party independent body and meets the ASTM standard specification; and

(iv) Uses green, beige, or brown labeling, color striping, or other green, beige, or brown symbols, colors, tinting, marks, or design patterns that help differentiate compostable items from noncompostable items.

~~((2) A compostable product described in subsection (1)(a)(i) or (ii) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.)~~

**Sec. 804.** RCW 70A.455.050 and 2019 c 265 s 5 are each amended to read as follows:

(1) A ~~((manufacturer or supplier))~~ producer of a film bag that meets ASTM standard specification D6400 and is distributed or sold by retailers must ensure that the film bag is readily and easily identifiable from other film bags in a manner that is consistent with the federal trade commission guides.

(2) For purposes of this section, "readily and easily identifiable" products must meet the following requirements:

(a) Be labeled with a certification logo indicating the bag meets the ASTM D6400 standard specification if the bag has been certified as meeting that standard by a recognized third-party independent verification body;

(b) Be labeled in accordance with one of the following:

(i) The bag is tinted or made of a uniform color of green, beige, or brown and labeled with the word "compostable"

on one side of the bag and the label must be at least one inch in height; or

(ii) Be labeled with the word "compostable" on both sides of the bag and the label must be one of the following:

(A) Green, beige, or brown color lettering at least one inch in height; or

(B) Within a contrasting green, beige, or brown color band of at least one inch in height on both sides of the bag with color contrasting lettering of at least one-half inch in height; and

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities.

(3) If a bag is smaller than ~~((fourteen))~~ 14 inches by ~~((fourteen))~~ 14 inches, the lettering and stripe required under subsection (2)(b)(ii) of this section must be in proportion to the size of the bag.

(4) A film bag that meets ASTM standard specification D6400 that is sold or distributed in this state may not display a chasing arrow resin identification code or recycling type of symbol in any form.

(5) A ~~((manufacturer or supplier))~~ producer is required to comply with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

**Sec. 805.** RCW 70A.455.060 and 2020 c 20 s 1446 are each amended to read as follows:

(1)(a) A ~~((manufacturer or supplier))~~ producer of plastic food service products or film products that meet ASTM standard specification D6400 or ASTM standard specification D6868 must ensure that the items are readily and easily identifiable from other plastic food service products or plastic film products in a manner that is consistent with the federal trade commission guides.

(b) Film bags are exempt from the requirements of this section, and are instead subject to the requirements of RCW 70A.455.050.

(2) For the purposes of this section, "readily and easily identifiable" products must:

(a) Be labeled with a logo indicating the product has been certified by a recognized third-party independent

verification body as meeting the ASTM standard specification;

(b) Be labeled with the word "compostable," where possible, indicating the food packaging or film product has been tested by a recognized third-party independent body and meets the ASTM standard specification; ~~((and))~~

(c) Meet industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;

(d) If the product is a plastic food service product or food contact film product, be at least partially colored or partially tinted green, beige, or brown, or have a green, beige, or brown stripe or band at least .25 inches wide; and

(e) If the product is a nonfood contact film product, be at least partially colored or partially tinted green or have a green stripe or band at least .25 inches wide and display the word "compostable".

~~(3) ((A compostable product described in subsection (1) of this section must be considered compliant with the requirements of this section if it:~~

~~(a) Has green or brown labeling;~~

~~(b) Is labeled as compostable; and~~

~~(c) Uses distinctive color schemes, green or brown color striping, or other adopted symbols, colors, marks, or design patterns that help differentiate compostable items from noncompostable materials.~~

~~(4)) It is encouraged that each product described in subsection (1) of this section(~~+~~~~

~~(a) Display)) display labeling language via printing, embossing, or compostable adhesive stickers using, when possible, either the colors green, beige, or brown that contrast with background product color for easy identification(~~+~~ or~~

~~(b) Be tinted green or brown)).~~

~~((+5)) (4) Graphic elements are encouraged to increase legibility of the word "compostable" and overall product distinction that may include text boxes, stripes, bands, or a green, beige, or brown tint of the product.~~

~~((+6)) (5) A ((manufacturer or supplier)) producer is required to comply~~

with this section only to the extent that the labeling requirements do not conflict with the federal trade commission guides.

**Sec. 806.** RCW 70A.455.070 and 2020 c 20 s 1447 are each amended to read as follows:

(1) A ((~~manufacturer or supplier of film products or food service products~~)) producer of plastic film bags sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.050 ((~~and 70A.455.060~~)) is:

~~((+1)) (a) Prohibited from using tinting, color schemes, labeling, ((and)) or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.050 ((and 70A.455.060));~~

~~((+2)) (b) Discouraged from using ((coloration,)) labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable ((bags and food service packaging)) products are compostable; and~~

~~((+3)) (c) Encouraged to use ((coloration,)) labeling, images, and terms to help consumers identify noncompostable bags ((and food service packaging)) as either: ((+a)) (i) Suitable for recycling; or ((+b)) (ii) necessary to dispose as waste.~~

(2) A producer of food service products, or plastic film products other than plastic film bags subject to subsection (1) of this section, sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.060 is:

(a) Prohibited from using labeling, or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.060;

(b) Discouraged from using labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable products are compostable; and

(c) Encouraged to use tinting, coloration, labeling, images, and terms to help consumers identify film products and food service packaging as either: (i) Suitable for recycling; or (ii) necessary to dispose as waste.

**Sec. 807.** RCW 70A.455.080 and 2019 c 265 s 8 are each amended to read as follows:

(1) Upon the request by a person, including the department, a ~~((manufacturer or supplier))~~ producer shall submit to that person or the department, within ~~((ninety))~~ 90 days of the request, nonconfidential business information and documentation demonstrating compliance with this chapter, in a format that is easy to understand and scientifically accurate.

(2) Upon request by a commercial compost processing facility, ~~((manufacturers))~~ producers of compostable products are encouraged to provide the facility with information regarding the technical aspects of a commercial composting environment, such as heat or moisture, in which the ~~((manufacturer's))~~ producer's product has been field tested and found to degrade.

**Sec. 808.** RCW 70A.455.090 and 2020 c 20 s 1448 are each amended to read as follows:

(1) (a) The ((state, acting through the attorney general,)) department and cities and counties have concurrent authority to enforce this chapter and to issue and collect civil penalties for a violation of this chapter, subject to the conditions in this section and RCW 70A.455.100. An enforcing government entity may impose a civil penalty in the amount of up to ((two thousand dollars)) \$2,000 for the first violation of this chapter, up to ((five thousand dollars)) \$5,000 for the second violation of this chapter, and up to ((ten thousand dollars)) \$10,000 for the third and any subsequent violation of this chapter. If a ((manufacturer or supplier)) producer has paid a prior penalty for the same violation to a different government entity with enforcement authority under this subsection, the penalty imposed by a government entity is reduced by the amount of the payment.

(b) The enforcement of this chapter must be based primarily on complaints filed with the department and cities and counties. The department must establish a forum for the filing of complaints. Cities, counties, or any person may file complaints with the department using the forum, and cities and counties may review complaints filed with the department via the forum. The forum established by the

department may include a complaint form on the department's website, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department, in collaboration with the cities and counties, must provide education and outreach activities to inform retail establishments, consumers, and producers about the requirements of this chapter.

(2) ~~((Any civil penalties collected pursuant to this section must be paid to the office of the city attorney, city prosecutor, district attorney, or attorney general, whichever office brought the action. Penalties collected by the attorney general on behalf of the state must be deposited in the compostable products revolving account created in RCW 70A.455.110)) Penalties issued by the department are appealable to the pollution control hearings board established in chapter 43.21B RCW.~~

(3) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other consumer protection laws, if applicable.

(4) In addition to penalties recovered under this section, the enforcing ~~((government entity))~~ city or county may recover reasonable enforcement costs and attorneys' fees from the liable ~~((manufacturer or supplier))~~ producer.

**Sec. 809.** RCW 70A.455.100 and 2020 c 20 s 1449 are each amended to read as follows:

~~((Manufacturers and suppliers))~~ (1) Producers who violate the requirements of this chapter are subject to civil penalties described in RCW 70A.455.090. A specific violation is deemed to have occurred upon the sale of noncompliant product by stock-keeping unit number or unique item number. The repeated sale of the same noncompliant product by stock-keeping unit number or unique item number is considered a single violation. ((A city, county, or the state))

(2)(a) A city or county enforcing a requirement of this chapter must send a written notice and a copy of the requirements to a noncompliant ((manufacturer or supplier)) producer of an alleged violation, who will have ((ninety)) 90 days to become compliant. ((A city, county, or the state may assess a first penalty if the manufacturer or

~~supplier has not met the requirements ninety days following the date the notification was sent. A city, county, or the state)~~

(b) A city or county enforcing a requirement of this chapter may assess a first penalty if the producer has not met the requirements 90 days following the date the notification was sent. A city or county may impose second, third, and subsequent penalties on a ((~~manufacturer or supplier~~) producer that remains noncompliant with the requirements of this chapter for every month of noncompliance.

(3) The department may only impose penalties under this chapter consistent with the standards established in RCW 43.21B.300.

NEW SECTION. Sec. 810. A new section is added to chapter 70A.455 RCW to read as follows:

(1) The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(2) Producers of a product subject to RCW 70A.455.040, 70A.455.050, or 70A.455.060 must submit, under penalty of perjury, a declaration that the product meets the standards established under those sections of this chapter for the product. This declaration must be submitted to the department:

(a) By January 1, 2024, for a product that is or will be sold or distributed into Washington beginning January 1, 2024;

(b) Prior to the sale or distribution of a product newly sold or distributed into Washington after January 1, 2024; and

(c) Prior to the sale or distribution of a product whose method of compliance with the standards established in RCW 70A.455.040, 70A.455.050, or 70A.455.060 is materially changed from the method of compliance used at the last declaration submission under this section.

(3) The department must begin enforcing the requirements of this chapter by July 1, 2024.

**Sec. 811.** RCW 70A.455.030 and 2019 c 265 s 3 are each amended to read as follows:

(1) Except as provided in this chapter, no ((~~manufacturer or supplier~~))

producer may sell, offer for sale, or distribute for use in this state a plastic product that is labeled with the term "biodegradable," "degradable," "decomposable," "oxo-degradable," or any similar form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade, or decompose in a landfill or other environment.

(2) This section does not apply to biodegradable mulch film that meets the required testing and has the appropriate third-party certifications.

**Sec. 812.** RCW 43.21B.110 and 2021 c 316 s 41 and 2021 c 313 s 16 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 813.** RCW 43.21B.300 and 2021 c 316 s 42 and 2021 c 313 s 17 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within (~~thirty~~) 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts

regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority (~~(thirty)~~) 30 days after the date of receipt by the person penalized of the notice imposing the penalty or (~~(thirty)~~) 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within (~~(thirty)~~) 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within (~~(thirty)~~) 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the

disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090.

## PART 9

### Miscellaneous

NEW SECTION. **Sec. 901.** Sections 401, 402, and 405 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 902.** Nothing in this act changes or limits the authority of the Washington utilities and transportation commission to regulate the collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

NEW SECTION. **Sec. 903.** The following acts or parts of acts are each repealed:

(1) RCW 70A.455.110 (Compostable products revolving account) and 2020 c 20 s 1450 & 2019 c 265 s 11; and

(2) RCW 70A.455.900 (Effective date— 2019 c 265) and 2019 c 265 s 13.

NEW SECTION. **Sec. 904.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 905.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 70A.205.040, 70A.205.015, 69.80.031, 69.80.040, 89.08.615, 43.155.020, 36.70.330, 39.30.040, 70A.455.010,

70A.455.020, 70A.455.040, 70A.455.050, 70A.455.060, 70A.455.070, 70A.455.080, 70A.455.090, 70A.455.100, and 70A.455.030; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding new sections to chapter 70A.205 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 15.04 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding new sections to chapter 43.19A RCW; adding a new section to chapter 70A.455 RCW; adding a new chapter to Title 70A RCW; creating new sections; repealing RCW 70A.455.110 and 70A.455.900; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799 and advanced the bill, as amended by the Senate, to final passage.

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

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

Representative Dye spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1799, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1799, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Kloba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen,

Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1799, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1800 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 71.34 RCW to read as follows:

The authority shall dedicate at least one full-time employee to:

(1) Connecting families, behavioral health providers, educators, and other stakeholders with current information about law and policy related to behavioral health services for minors;

(2) Creating shareable content appropriate for communicating policy and resources related to behavioral health services for minors;

(3) Designing and maintaining a communications plan related to behavioral health services for minors involving social media and other forms of direct outreach to providers, families, and youth; and

(4) Monitoring the health care authority website to make sure that the information included on the website is accurate and designed in a manner that is accessible to families.

NEW SECTION. **Sec. 2.** A new section is added to chapter 71.34 RCW to read as follows:

(1) The authority shall convene stakeholders to design, further define, and implement a parent portal. The authority shall work with stakeholders including Washington state community connectors and consider the website prototype already under development by that organization. The stakeholders convened must additionally include other

parents and young adults with relevant lived experience.

(2) As used in this section, "parent portal" means a method for connecting families to their community's service and education infrastructure related to behavioral health services for minors, including services supported or provided by:

(a) A behavioral health provider as defined in RCW 71.24.025 that provides services to minors;

(b) A licensed or certified behavioral health agency as defined in RCW 71.24.025 that provides behavioral health services to minors;

(c) A long-term care facility as defined in RCW 43.190.020 in which minors with behavioral health conditions reside;

(d) The child study and treatment center as identified in RCW 71.34.380;

(e) A facility or agency that receives state funding to provide behavioral health treatment services to minors with a behavioral health condition;

(f) The department of children, youth, and families;

(g) The office of the superintendent of public instruction; and

(h) The department.

(3) By November 1, 2022, the authority shall provide a report to the governor and the appropriate committees of the legislature detailing:

(a) The stakeholder engagement conducted under this section;

(b) The design and further definition of the parent portal; and

(c) Other relevant information about successfully implementing the parent portal, including needed legislative changes or support.

**Sec. 3.** RCW 71.34.3871 and 2019 c 381 s 24 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the authority must conduct ~~((an annual survey of a sample group of))~~ stakeholder engagement efforts with parents, youth, and behavioral health providers to measure the impacts of implementing policies resulting from chapter 381, Laws of 2019 during the

first three years of implementation and sections 1 and 2 of this act. The stakeholder engagement efforts required under this subsection must include live events soliciting feedback from stakeholders and alternative methods for stakeholders to submit feedback. The first ~~((survey))~~ stakeholder engagement efforts must be complete by ~~((July 1, 2020))~~ October 1, 2022, followed by subsequent annual ~~((surveys))~~ stakeholder engagement efforts completed by July 1, ~~((2021))~~ 2023, and by July 1, ~~((2022))~~ 2024. The authority must report on the results of the ~~((surveys))~~ stakeholder engagement efforts annually to the governor and the legislature beginning November 1, ~~((2020))~~ 2022. The final report is due November 1, ~~((2022))~~ 2024, and must include any recommendations for statutory changes identified as needed based on ~~((survey))~~ stakeholder engagement efforts results.

(2) This section expires December 31, ~~((2022))~~ 2024.

**Sec. 4.** RCW 71.40.040 and 2021 c 202 s 4 are each amended to read as follows:

The state office of behavioral health consumer advocacy shall assure performance of the following activities, as authorized in contract:

(1) Selection of a name for the contracting advocacy organization to use for the advocacy program that it operates pursuant to contract with the office. The name must be selected by the statewide advisory council established in this section and must be separate and distinguishable from that of the office;

(2) Certification of behavioral health consumer advocates by October 1, 2022, and coordination of the activities of the behavioral health consumer advocates throughout the state according to standards adopted by the office;

(3) Provision of training regarding appropriate access by behavioral health consumer advocates to behavioral health providers or facilities according to standards adopted by the office;

(4) Establishment of a toll-free telephone number, website, and other appropriate technology to facilitate access to contracting advocacy organization services for patients, residents, and clients of behavioral health providers or facilities;



(5) Establishment of a statewide uniform reporting system to collect and analyze data relating to complaints and conditions provided by behavioral health providers or facilities for the purpose of identifying and resolving significant problems, with permission to submit the data to all appropriate state agencies on a regular basis;

(6) Establishment of procedures consistent with the standards adopted by the office to protect the confidentiality of the office's records, including the records of patients, residents, clients, providers, and complainants;

(7) Establishment of a statewide advisory council, a majority of which must be composed of people with lived experience, that shall include:

(a) Individuals with a history of mental illness including one or more members from the black community, the indigenous community, or a community of color;

(b) Individuals with a history of substance use disorder including one or more members from the black community, the indigenous community, or a community of color;

(c) Family members of individuals with behavioral health needs including one or more members from the black community, the indigenous community, or a community of color;

(d) One or more representatives of an organization representing consumers of behavioral health services;

(e) Representatives of behavioral health providers and facilities, including representatives of facilities offering inpatient and residential behavioral health services;

(f) One or more certified peer specialists;

(g) One or more medical clinicians serving individuals with behavioral health needs;

(h) One or more nonmedical providers serving individuals with behavioral health needs;

(i) One representative from a behavioral health administrative services organization;

(j) Two parents or caregivers of a child who received behavioral health services, including one parent or

caregiver of a child who received complex, multisystem behavioral health services, one parent or caregiver of a child ages one through 12, or one parent or caregiver of a child ages 13 through 17;

(k) Two representatives of medicaid managed care organizations, one of which must provide managed care to children and youth receiving child welfare services;

(l) Other community representatives, as determined by the office; and

~~((k))~~ (m) One representative from a labor union representing workers who work in settings serving individuals with behavioral health conditions;

(8) Monitoring the development of and recommend improvements in the implementation of federal, state, and local laws, rules, regulations, and policies with respect to the provision of behavioral health services in the state and advocate for consumers;

(9) Development and delivery of educational programs and information statewide to patients, residents, and clients of behavioral health providers or facilities, and their families on topics including, but not limited to, the execution of mental health advance directives, wellness recovery action plans, crisis services and contacts, peer services and supports, family advocacy and rights, family-initiated treatment and other behavioral health service options for minors, and involuntary treatment; and

(10) Reporting to the office, the legislature, and all appropriate public agencies regarding the quality of services, complaints, problems for individuals receiving services from behavioral health providers or facilities, and any recommendations for improved services for behavioral health consumers.

**Sec. 5.** RCW 71.40.090 and 2021 c 202 s 9 are each amended to read as follows:

The contracting advocacy organization shall develop and submit, for approval by the office, a process to train and certify all behavioral health consumer advocates, whether paid or volunteer, authorized by this chapter as follows:

(1) Certified behavioral health consumer advocates must have training or experience in the following areas:

(a) Behavioral health and other related social services programs, including behavioral health services for minors;

(b) The legal system, including differences in state or federal law between voluntary and involuntary patients, residents, or clients;

(c) Advocacy and supporting self-advocacy;

(d) Dispute or problem resolution techniques, including investigation, mediation, and negotiation; and

(e) All applicable patient, resident, and client rights established by either state or federal law.

(2) A certified behavioral health consumer advocate may not have been employed by any behavioral health provider or facility within the previous twelve months, except as a certified peer specialist or where prior to July 25, 2021, the person has been employed by a regional behavioral health consumer advocate.

(3) No certified behavioral health consumer advocate or any member of a certified behavioral health consumer advocate's family may have, or have had, within the previous twelve months, any significant ownership or financial interest in the provision of behavioral health services."

On page 1, line 2 of the title, after "miners;" strike the remainder of the title and insert "amending RCW 71.34.3871, 71.40.040, and 71.40.090; adding new sections to chapter 71.34 RCW; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1800 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Eslick and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1800, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1800, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin and Young.

Excused: Representative Klippert.

SUBSTITUTE HOUSE BILL NO. 1800, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 4, 2022

Madame Speaker:

The Senate has passed HOUSE BILL NO. 1805 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.145.010 and 2021 c 133 s 2 are each amended to read as follows:

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

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that shares a common border with Canada and has a population of over (~~one hundred twenty five thousand~~) 125,000.

(5) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

(6) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

(7) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(8)(a) "Eligible student" means a resident student who:

~~((i))~~ (i) (A) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree;

~~((ii))~~ (B) Received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

~~((iii))~~ (C) Received his or her high school diploma or equivalent and has been accepted at an institution of higher education into a professional-technical certificate or degree program in an eligible education program; or

~~((iv))~~ (D) Has been accepted at an institution of higher education into an eligible advanced degree program that leads to credentials in health professions;

~~((v))~~ (ii) Declares an intention to obtain a professional-technical certificate, professional-technical degree, baccalaureate degree, or an advanced degree; and

~~((vi))~~ (iii) Has a family income at or below (~~one hundred twenty five~~) 125 percent of the state median family income at the time the student applies for an opportunity scholarship. For the advanced degree program, family income may be greater than 125 percent if the eligible student can demonstrate financial need through other factors such as a history of prior household income, income loss caused by entering the advanced degree program, level of student debt at application and annually thereafter, or other factors determined by the program.

(b) To remain eligible for scholarship funds under the opportunity scholarship program the student must meet satisfactory academic progress toward completion of an eligible program as determined by the office of student financial assistance in the Washington college grant program under chapter 28B.92 RCW.

(9) "Gift aid" means financial aid received from the federal Pell grant, the Washington college grant program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(10) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

(11) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

(12) "Private sources," "private funds," "private contributions," or "private sector contributions" means donations from private organizations, corporations, federally recognized Indian tribes, municipalities, counties, and other sources, but excludes state dollars.

(13) "Professional-technical certificate" means a program as approved

by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(14) "Professional-technical degree" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education or an eligible registered apprenticeship program under chapter 28B.92 RCW.

(15) "Program administrator" means a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code.

(16) "Resident student" (~~has the same meaning as provided in RCW 28B.15.012~~) means a student meeting the requirements under RCW 28B.92.200(5)(c) as defined in the Washington college grant program.

(17) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter.

**Sec. 2.** RCW 28B.145.030 and 2021 c 170 s 5 are each amended to read as follows:

(1) The program administrator shall provide administrative support to execute the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage the specified accounts created in (b) of this subsection, into which to receive grants and contributions from private sources as well as state matching funds, and from

which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into any of the specified accounts created in this subsection (2)(b) upon the direction of the donor and in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed for baccalaureate programs beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "student support pathways account," whose principal may be invaded, and from which scholarships may be disbursed for professional-technical certificate or degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iii) The "advanced degrees pathways account," whose principal may be invaded, and from which scholarships may be disbursed for eligible advanced degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iv) The "endowment account," from which scholarship moneys may be disbursed for baccalaureate programs from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account; and

(B) The state appropriations for the Washington college grant program under chapter 28B.92 RCW meet or exceed state appropriations for the state need grant made in the 2011-2013 biennium, adjusted for inflation, and eligibility for Washington college grant recipients is at least seventy percent of state median family income;

(v) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship

account until such time as twenty million dollars have been deposited into the scholarship account, after which time the private donors may designate whether their contributions must be deposited to the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account. The board and the program administrator must work to maximize private sector contributions to these accounts to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the specified accounts created in this subsection (2)(b) in equal proportion to the private funds deposited in each account, except that no more than \$5,000,000 in state match shall be deposited into the advanced degrees pathways account in a single fiscal biennium; and

(vi) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses

associated with eligible education programs and eligible advanced degree programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Ensure that if the private source is from a federally recognized Indian tribe, municipality, or county, an amount at least equal to the value of the private source plus the state match is awarded to participants within that federally recognized Indian tribe, municipality, or county according to the federally recognized Indian tribe's, municipality's, or county's program rules;

(h) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in professional-technical certificate programs, professional-technical degree programs, baccalaureate degree programs, or eligible advanced degree programs identified by the board;

(i) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a free application for federal student aid (FAFSA) and for available federal education tax credits including, but not limited to, the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has ~~((taken the credit or~~

~~clock hour equivalent of one hundred twenty-five percent of the published length of time of the participant's program, whichever occurs first)) extended beyond five years or 125 percent of the published program length of the program in which the student is enrolled or the credit or clock-hour equivalent as defined in the Washington college grant program;~~

(j) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility; and

(k) For participants enrolled in an eligible advanced degree program, document each participant's employment following graduation.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

**Sec. 3.** RCW 28B.145.100 and 2021 c 133 s 3 are each amended to read as follows:

(1)(a) The rural county high employer demand jobs program is created to meet the workforce needs of business and industry in rural counties by assisting students in earning certificates, associate degrees, or other industry-recognized credentials necessary for employment in high employer demand fields.

(b) Subject to the requirements of this section, the rural jobs program provides selected students scholarship funds and support services, as determined by the board, to help students meet their eligible expenses when they enroll in a community or technical college program that prepares them for high employer demand fields.

(c) The source of funds for the rural jobs program shall be a combination of private donations, grants, and contributions and state matching funds.

(d) The state match must be based on donations and pledges received as of the date each official state caseload forecast is submitted by the caseload

forecast council to the legislative fiscal committees as provided under RCW 43.88C.020. The purpose of this subsection (1)(d) is to ensure the predictable treatment of the program in the budget process by clarifying the calculation process of the state match required by this section and to ensure the program is budgeted at maintenance level.

(2) The program administrator has the duties and responsibilities provided under this section, including but not limited to:

(a) Publicize the rural jobs program and conducting outreach to eligible counties;

(b) In consultation with the state board for community and technical colleges, any interested community or technical college located in an eligible county, and the county's workforce development council, identify high employer demand fields within the eligible counties. When identifying high employer demand fields, the board must consider:

(i) County-specific employer demand reports issued by the employment security department or the list of statewide high-demand programs for secondary career and technical education established under RCW 28A.700.020; and

(ii) The ability and capacity of the community and technical college to meet the needs of qualifying students and industry in the eligible county;

(c) Develop and implement an application, selection, and notification process for awarding rural jobs program scholarship funds. In making determinations on scholarship recipients, the board shall use county-specific employer high-demand data;

(d) Determine the annual scholarship fund amounts to be awarded to selected students;

(e) Distribute funds to selected students;

(f) Notify institutions of higher education of the rural jobs program recipients who will attend their institutions of higher education and inform them of the scholarship fund amounts and terms of the awards; and

(g) Establish and manage an account as provided under RCW 28B.145.110 to receive

donations, grants, contributions from private sources, and state matching funds, and from which to disburse scholarship funds to selected students.

(3) To be eligible for scholarship funds under the rural jobs program, a student must:

(a) Either:

(i) Be a resident of an eligible county ~~((and be enrolled in a community or technical college established under chapter 28B.50 RCW; or))~~;

(ii) Have attended and graduated from a school in an eligible school district ~~((and be))~~; or

(iii) Be enrolled in either a community or technical college established under chapter 28B.50 RCW ((that is)) located in an eligible county or participating in an eligible registered apprenticeship program under chapter 28B.92 RCW in an eligible county;

(b) Be a resident student as defined ~~((in RCW 28B.15.012;~~

~~(e))~~ in the Washington college grant program in RCW 28B.92.200(5)(c);

(c) Be in a certificate, degree, or other industry-recognized credential or training program that has been identified by the board as a program that prepares students for a high employer demand field;

(d) Have a family income that does not exceed seventy percent of the state median family income adjusted for family size; and

(e) Demonstrate financial need according to the free application for federal student aid or the Washington application for state financial aid.

(4) To remain eligible for scholarship funds under the rural jobs program, the student must ~~((maintain a cumulative grade point average of 2.0))~~ meet satisfactory academic progress toward completion of an eligible program as established by the program. Rural jobs program eligibility may not extend beyond five years or 125 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(5) A scholarship award under the rural jobs program may not result in a reduction of any gift aid. Nothing in

this section creates any right or entitlement."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 28B.145.010, 28B.145.030, and 28B.145.100."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1805 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Paul and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1805, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1805, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin and Young.

Excused: Representative Klippert.

HOUSE BILL NO. 1805, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that rates of catalytic converter theft have rapidly increased statewide and nationwide, due in part to existing challenges with accurately identifying stolen catalytic converters. The legislature further finds that victims of catalytic converter theft often incur costs that far exceed the monetary value of the catalytic converters themselves. The legislature further finds that catalytic converter theft is a multifaceted issue that requires collaborative effort between law enforcement agencies, insurance companies, scrap metal dealers, and other involved parties to identify comprehensive solutions.

Therefore, the legislature intends to carefully examine the catalytic converter theft issues in Washington state and conduct a study to make a variety of recommendations to the legislature, including recommendations for a potential pilot program, to reduce the occurrence of catalytic converter theft. The legislature further intends to provide funding for a grant program focused on metal theft and unlawfully obtained metal.

**NEW SECTION. Sec. 2.** (1) The Washington State University shall convene a catalytic converter theft work group to study and provide options and recommendations related to reducing catalytic converter theft in Washington state.

(2) The work group shall consist of, but is not limited to, members representing the following:

(a) One member representing the Washington state patrol;

(b) One member representing the Washington association of sheriffs and police chiefs;

(c) One member representing the Washington association of prosecuting attorneys;

(d) One member representing the office of public defense;

(e) One member representing the superior court judges' association;

(f) One member representing the district and municipal court judges' association;

(g) One member representing the association of Washington cities;

(h) One member representing the office of the attorney general;

(i) One member representing the property and casualty insurance industry;

(j) One member representing the scrap metal recycling industry;

(k) One member representing the auto dealer industry;

(l) One member representing the auto manufacturer industry;

(m) One member representing the catalytic converter manufacturer industry;

(n) One member representing the towing and recovery association of Washington;

(o) One member representing the Washington state independent auto dealers association;

(p) One member representing the Washington independent business association;

(q) One member representing the Washington organized retail crime association; and

(r) Two members representing individuals with lived experience being charged with, or convicted of, organized theft.

(3) The work group's study shall include, but is not limited to, the following:

(a) A review of state laws related to catalytic converter theft;

(b) A review of national efforts to address catalytic converter theft to determine whether there are best practices from other jurisdictions on how to effectively deter and end catalytic converter theft;

(c) Data collection and analysis of catalytic converter theft incidents across the state;



(d) Options to deter and end catalytic converter theft, including marking of catalytic converters;

(e) Options and opportunities to reduce costs to victims of catalytic converter theft; and

(f) A review of the effectiveness of the grant and training program created under RCW 36.28A.240.

(4) The work group's recommendations shall include, but are not limited to, the following:

(a) Changes to state law to reduce catalytic converter theft;

(b) A potential pilot program that could be implemented to decrease catalytic converter theft, including by prioritizing communities with the highest incidence of catalytic converter theft or communities experiencing the most financial impact due to catalytic converter theft; and

(c) Cost estimates for the pilot program and recommendations on evaluation criteria and metrics to determine the efficacy and benefits of the pilot program.

(5) The work group shall provide a preliminary report and recommendations to the transportation and public safety committees of the legislature by November 1, 2022. The work group shall provide a final report and recommendations, including recommendations on a potential pilot program, to the transportation and public safety committees of the legislature by January 1, 2023.

**Sec. 3.** RCW 19.290.020 and 2013 c 322 s 5 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving private metal property or nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the private metal property or nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; ~~((and))~~

(h) A description of the predominant types of private metal property or nonferrous metal property subject to the transaction, utilizing the institute of scrap recycling industries' generally accepted terminology, and including weight, quantity, or volume; and

(i) For every transaction specifically involving a catalytic converter that has been removed from a vehicle, documentation indicating that the private metal property in the seller's possession is the result of the seller replacing private metal property from a vehicle registered in the seller's name.

(2) For every transaction that involves private metal property or nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and

sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for five years following the date of the transaction.

**Sec. 4.** RCW 19.290.030 and 2013 c 322 s 6 are each amended to read as follows:

(1) No scrap metal business may enter into a transaction to purchase or receive private metal property or nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive private metal property or commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4) (a) No transaction involving private metal property or nonferrous metal property may be made in cash or with any person who does not provide a street address and photographic identification under the requirements of RCW 19.290.020(1) (d) and (g) except as described in (b) and (c) of this subsection. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under RCW 19.290.020, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 19.290.020.

(b) A scrap metal business that is in compliance with this chapter (~~that~~) may pay up to a maximum of \$30 in cash, stored value device, or electronic funds transfer for nonferrous metal property. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made if the scrap metal business digitally captures:

(i) A copy of one piece of current government-issued picture identification, including a current driver's license or identification card issued by any state; and

(ii) (~~either~~) Either a picture or video of either the material subject to the transaction in the form received or the material subject to the transaction within the vehicle which the material was transported to the scrap metal business(, may pay up to a maximum of thirty dollars in cash, stored value device, or electronic funds transfer. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made. A scrap metal business's usage of video surveillance shall be sufficient to comply with this subsection (4) (b) (ii) as long as the video captures the material subject to the transaction. A digital image or picture taken under this subsection must be available for two years from the date of transaction, while a video recording must be available for thirty days).

(c) Payment to individual sellers of private metal property as defined in this chapter may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made. Records of payment for private metal property as defined in this chapter must be kept in the same file or record as all records collected under this subsection and retained and be available for review for two years from the date of the transaction.

(5) (a) A scrap metal business's usage of video surveillance shall be sufficient to comply with subsection (4) (b) (ii) of this section so long as the video captures the material subject to the transaction.

(b) A digital image or picture taken under this section must be available for

two years from the date of transaction, while a video recording must be available for 30 days.

(6) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

**Sec. 5.** RCW 19.290.070 and 2013 c 322 s 10 are each amended to read as follows:

(1) It is a gross misdemeanor under chapter 9A.20 RCW for:

~~((1))~~ (a) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of private metal property, nonferrous metal property, or commercial metal property in order to deceive a scrap metal business;

~~((2))~~ (b) Any scrap metal business to enter into a transaction to purchase or receive any private metal property, nonferrous metal property, or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

~~((3))~~ (c) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

~~((4))~~ (d) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property from any person under the age of ~~((eighteen))~~ 18 years or any person who is discernibly under the influence of intoxicating liquor or drugs;

~~((5))~~ (e) Any scrap metal business to enter into a transaction to purchase or receive private metal property, nonferrous metal property, or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine,

or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past four years whether the person is acting in his or her own behalf or as the agent of another;

~~((6))~~ (f) Any person to sign the declaration required under RCW 19.290.020 knowing that the private metal property or nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under RCW 19.290.020 constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the private metal property or nonferrous metal property subject to the transaction was stolen;

~~((7))~~ (g) Any scrap metal business to possess private metal property or commercial metal property that was not lawfully purchased or received under the requirements of this chapter;

~~((8))~~ (h) Any scrap metal business to engage in a series of transactions valued at less than ~~((thirty dollars))~~ \$30 with the same seller for the purposes of avoiding the requirements of RCW 19.290.030(4); or

~~((9))~~ (i) Any person to knowingly make a false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, with the intent to deceive a scrap metal business as to the actual seller of the scrap metal.

(2) Notwithstanding any fines imposed as part of the sentence under this section, each offense is punishable by a \$1,000 fine per catalytic converter, 10 percent of which shall be directed to the no-buy list database program in RCW 43.43.885, and the remainder shall be directed to the Washington association of sheriffs and police chiefs solely for grants issued under RCW 36.28A.240.

(3) (a) Facilitating the offer of used catalytic converters for sale without first verifying proof of ownership of the catalytic converter, or failing to retain verified records of ownership of used catalytic converters offered for sale for at least two years, is an unfair or deceptive act or practice or unfair method of competition in the conduct of

trade or commerce for purposes of the consumer protection act, chapter 19.86 RCW.

(b) All damages awarded to the state of Washington under chapter 19.86 RCW shall be distributed as follows:

(i) Ninety percent to the grant and training program in RCW 36.28A.240; and

(ii) Ten percent to the no-buy list database program in RCW 43.43.885.

NEW SECTION. Sec. 6. A new section is added to chapter 46.80 RCW to read as follows:

Payment to individual sellers of private metal property as defined in RCW 19.290.010 may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made.

No transaction involving catalytic converters may be made in cash or with any person who does not provide a street address and photographic identification. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the licensed auto wrecker to a street address recorded according to RCW 46.80.080, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 46.80.080.

**Sec. 7.** RCW 46.80.080 and 1999 c 278 s 2 are each amended to read as follows:

(1) Every vehicle wrecker shall maintain books or files in which the wrecker shall keep a record and a description of:

(a) Every vehicle wrecked, dismantled, disassembled, or substantially altered by the wrecker; and

(b) Every major component part, including catalytic converters, acquired by the wrecker; together with a bill of sale signed by a seller whose identity has been verified and the name and address of the person, firm, or corporation from whom the wrecker purchased the vehicle or part. Major component parts other than cores shall be further identified by the vehicle identification number of the vehicle from which the part came.

(2) The record shall also contain the following data regarding the wrecked or acquired vehicle or vehicle that is the source of a major component part,

including catalytic converters, other than a core:

(a) The certificate of title number (if previously titled in this or any other state);

(b) Name of state where last registered;

(c) Number of the last license number plate issued;

(d) Name of vehicle;

(e) Motor or identification number and serial number of the vehicle;

(f) Date purchased;

(g) Disposition of the motor and chassis;

(h) Yard number assigned by the licensee to the vehicle or major component part, which shall also appear on the identified vehicle or part; and

(i) Such other information as the department may require.

(3) The records shall also contain a bill of sale signed by the seller for other minor component parts, including catalytic converters, acquired by the licensee, identifying the seller by name, address, and date of sale.

(4) The records shall be maintained by the licensee at his or her established place of business for a period of three years from the date of acquisition.

(5) The record is subject to inspection at all times during regular business hours by members of the police department, sheriff's office, members of the Washington state patrol, or officers or employees of the department.

(6) A vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his or her representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

(7) Failure to comply with this section is a gross misdemeanor.

**Sec. 8.** RCW 36.28A.240 and 2013 c 322 s 24 are each amended to read as follows:

(1) ~~((When funded))~~ To the extent funds are appropriated, the Washington association of sheriffs and police chiefs shall ~~((establish))~~ develop a comprehensive state law enforcement strategy targeting metal theft in consultation with the criminal justice training commission, including:

(a) Development of best practices for targeting illegal purchasers and sellers involved in metal theft, with specific enforcement focus on catalytic converter theft;

(b) Strategies for development and maintenance of relationships between local law enforcement agencies and licensed scrap metal recyclers, including recommendations for scheduled or regular interactions, with a focus on deterring unlawful purchases and identifying individuals suspected of involvement in unlawful metal theft and individuals who attempt to conduct a transaction while under the influence of controlled substances; and

(c) Establishment of a grant and training program to assist local law enforcement agencies in the support of special enforcement ~~((emphasis))~~ targeting metal theft. Grant applications shall be reviewed ~~((and awarded through peer review panels))~~ by the Washington association of sheriffs and police chiefs in consultation with other appropriate entities, such as those involved in enforcement against metal theft. Grant applicants with a demonstrated increase in metal theft over the previous 24 months are encouraged to ~~((utilize multijurisdictional efforts))~~ focus solely on metal theft and unlawful purchasing and selling of unlawfully obtained metal in their jurisdiction, but may coordinate with other jurisdictions.

(2) Each grant applicant shall:

(a) Show a significant metal theft problem in the jurisdiction or jurisdictions receiving the grant;

~~(b) ((Verify that grant awards are sufficient to cover increased investigation, prosecution, and jail costs;~~

~~(c) Design))~~ Propose an enforcement program that best suits the specific metal theft problem in the jurisdiction ~~((or jurisdictions receiving the grant)), including the number of enforcement stings to be conducted under the program;~~

~~((d))~~ (c) Demonstrate community coordination focusing on prevention, intervention, and suppression; and

~~((e))~~ (d) Collect data on performance, including the number of enforcement stings to be conducted.

~~(3) ((The cost of administering the grants shall not exceed sixty thousand dollars, or three percent of appropriated funding, whichever is greater.~~

~~(4))~~ Grant awards may not be used to supplant preexisting funding sources for special enforcement targeting metal theft.

**Sec. 9.** RCW 43.43.885 and 2013 c 322 s 31 are each amended to read as follows:

(1) Beginning on July 1, 2014, ~~((when funded))~~ to the extent funds are appropriated, the Washington association of sheriffs and police chiefs shall implement and operate an ongoing electronic statewide no-buy list database program.

(2) The database must be made available on a secured network or website.

(3) The no-buy list database program shall allow for any scrap metal business to enter a customer's name and date of birth into the database. The database must determine if the customer pursuing the transaction with the scrap metal business has been convicted in Washington of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years.

(4) If the customer has been convicted of any crime involving burglary, robbery, theft, or possession of or receiving stolen property within the past four years despite whether the person was acting in his or her own behalf or as the agent of another then, at a minimum, the no-buy list database program must immediately send an alert to the scrap metal business stating: (a) That the customer is listed on a current no-buy list, (b) the four-year expiration period for the customer's most recent crime listed, and (c) a notification that entering into a transaction with the customer is prohibited under RCW 19.290.070 (as recodified by this act).

(5) The database shall also include individuals who have attempted to purchase or sell unlawfully obtained metals at licensed scrap metal recyclers

and individuals who attempt to conduct a transaction while under the influence of controlled substances.

(6) Local jurisdictions applying for grants under RCW 36.28A.240 must provide updates to the no-buy list database annually and 120 days after a grant is distributed.

NEW SECTION. Sec. 10. RCW 19.290.070 is recodified as a section in chapter 9A.56 RCW.

NEW SECTION. Sec. 11. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2022.

NEW SECTION. Sec. 12. Except for sections 4 through 7 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.

NEW SECTION. Sec. 13. Sections 5 through 7 of this act take effect July 1, 2022."

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 19.290.020, 19.290.030, 19.290.070, 46.80.080, 36.28A.240, and 43.43.885; adding a new section to chapter 46.80 RCW; adding a new section to chapter 9A.56 RCW; creating new sections; recodifying RCW 19.290.070; prescribing penalties; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Ryu and Mosbrucker spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1815, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1815, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1815, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1835 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that, in 2020, Washington ranked 49th nationally for completion of the free application for federal student aid among high school seniors. The free application for federal student aid is the form that prospective and current postsecondary education students use to receive federal and state financial aid, such as the federal Pell grant, the Washington college grant, the college bound scholarship, the opportunity scholarship, federal student loans, and many other financial resources for college. For students who cannot file a free application for federal student aid, the state has an alternative financial aid application called the Washington

application for state financial aid. The free application for federal student aid is a strong indicator for college enrollment. Ninety-two percent of high school seniors who completed the free application for federal student aid enrolled in a postsecondary institution by the November following graduation versus 51 percent of students who did not complete a free application for federal student aid. In addition, the legislature recognizes that the pandemic has exacerbated equity gaps in college access as colleges and universities are experiencing decreases in enrollments among low-income students, despite having one of the largest and most generous need-based financial aid programs in the country. The legislature recognizes that the Washington college grant program established in chapter 28B.92 RCW, which education trust called "the most equity-focused free college program in the country" is a critical tool to address these equity gaps and help students enter college and apprenticeships. Therefore, it is the legislature's intent to establish an outreach initiative for the Washington college grant and an outreach and completion initiative for the free application for federal student aid and Washington application for state financial aid to help students succeed.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.77 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the student achievement council shall conduct a statewide marketing campaign to increase awareness of the Washington college grant program established in chapter 28B.92 RCW. The student achievement council shall issue a request for proposal for hiring a marketing firm that will produce high quality advertisements to promote the state's largest financial aid program. Advertisements should be marketed towards potential postsecondary students and their parents with the goal of increasing awareness of the Washington college grant program to further the state's educational attainment goals. The advertisements may include television commercials, billboards, advertisements on public transit, paid internet search advertisements, and social media marketing.

**NEW SECTION. Sec. 3.** A new section is added to chapter 28B.50 RCW to read as follows:

Subject to availability of amounts appropriated for this specific purpose, the college board shall administer a free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program.

(1) The college board shall select community or technical colleges to participate in the pilot program. The colleges selected to participate must each be located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to the effective date of this section. Colleges selected to participate shall employ outreach specialists to work directly with the high schools located in the corresponding educational service district. It is the legislature's intent that the outreach specialists be employed at a ratio of one to 600 high school seniors within the corresponding educational service district. The outreach specialists shall make significant contact with high school students and their families for the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates. The outreach specialists shall use the free application for federal student aid and Washington application for state financial aid data maintained by the student achievement council to conduct targeted outreach and free application for federal student aid and Washington application for state financial aid completion assistance to high school seniors. The outreach specialists shall also provide information on how to access private scholarships. The outreach specialists shall conduct other outreach as appropriate, including virtual or in-person presentations with students and families, announcements on school intercoms and social media channels, outreach to recent high school graduates as peer messengers, and events at school college or career fairs.

(2) The college board shall report annually to the appropriate committees of

the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the free application for federal student aid and Washington application for state financial aid outreach and completion initiative pilot program. The report must include details on how the colleges selected used the funding and how the initiatives worked to increase free application for federal student aid and Washington application for state financial aid completion rates. The report must also include before and after free application for federal student aid and Washington application for state financial aid completion data and specific details about the number of high school students assisted in completing the free application for federal student aid and Washington application for state financial aid.

**NEW SECTION. Sec. 4.** (1) Subject to availability of amounts appropriated for this specific purpose, the state library shall administer a grant pilot program with the purpose of increasing free application for federal student aid and Washington application for state financial aid completion rates.

(2) The state library shall administer grants to local public libraries located within educational service districts that are in the bottom two for free application for federal student aid completion rates when combining their respective school districts' free application for federal student aid completion rates over the past three completed academic years prior to the effective date of this section. The state library shall, as a condition of the grant pilot program, require local public libraries to partner with community-based organizations including, where appropriate, organizations with proven track records of working with historically underrepresented populations, to increase free application for federal student aid and Washington application for state financial aid completion. The organization or organizations selected shall:

(a) Be embedded in their respective community and have a strong foundation of trust among members of the community; and

(b) Be committed to working directly with individual members of their community to assist with one-on-one free application for federal student aid and Washington application for state

financial aid completion and to provide information on how to access private scholarships.

(3) The state library shall report annually to the appropriate committees of the legislature in accordance with RCW 43.01.036 beginning December 1, 2023, on the progress of the library outreach pilot project to boost free application for federal student aid and Washington application for state financial aid completion rates. The report must include the specific number of students that were assisted through the grant pilot program.

**Sec. 5.** RCW 28B.92.200 and 2019 c 406 s 19 are each amended to read as follows:

(1) The Washington college grant program is created to provide a statewide free college program for eligible participants and greater access to postsecondary education for Washington residents. The Washington college grant program is intended to increase the number of high school graduates and adults that can attain a postsecondary credential and provide them with the qualifications needed to compete for job opportunities in Washington.

(2) The office shall implement and administer the Washington college grant program and is authorized to establish rules necessary for implementation of the program.

(3) The legislature shall appropriate funding for the Washington college grant program. Allocations must be made on the basis of estimated eligible participants enrolled in eligible institutions of higher education or apprenticeship programs. All eligible students are entitled to a Washington college grant beginning in academic year 2020-21.

(4) The office shall award Washington college grants to all eligible students beginning in academic year 2020-21.

(5) To be eligible for the Washington college grant, students must meet the following requirements:

(a) (i) Demonstrate financial need under RCW 28B.92.205;

(ii) Receive one of the following types of public assistance:

(A) Aged, blind, or disabled assistance benefits under chapter 74.62 RCW;



(B) Essential needs and housing support program benefits under RCW 43.185C.220; or

(C) Pregnant women assistance program financial grants under RCW 74.62.030; or

(iii) Be a Washington high school student in the 10th, 11th, or 12th grade whose parent or legal guardian is receiving one of the types of public assistance listed in (a)(ii) of this subsection and have received a certificate confirming eligibility from the office in accordance with section 6 of this act;

(b)(i) Be enrolled or accepted for enrollment for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030; or

(ii) Be enrolled in a registered apprenticeship program approved under chapter 49.04 RCW;

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e);

(d) File an annual application for financial aid as approved by the office; and

(e) Must not have earned a baccalaureate degree or higher from a postsecondary institution.

(6) Washington college grant eligibility may not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Institutional aid administrators shall determine whether a student eligible for the Washington college grant in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than three percent.

(8) Qualifications for receipt and renewal include maintaining satisfactory academic progress toward completion of an eligible program as determined by the office and established in rule.

(9) Should a recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution of higher education according to the institution of higher education's policy

for issuing refunds, except as provided in RCW 28B.92.070.

(10) An eligible student enrolled on a part-time basis shall receive a prorated portion of the Washington college grant for any academic period in which he or she is enrolled on a part-time basis.

(11) The Washington college grant is intended to be used to meet the costs of postsecondary education for students with financial need. The student shall be awarded all need-based financial aid for which the student qualifies as determined by the institution.

(12) Students and participating institutions of higher education shall comply with all the rules adopted by the council for the administration of this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.92 RCW to read as follows:

(1) The office shall enter into a data-sharing agreement with the department of social and health services to facilitate the sharing of individual-level data. The department of social and health services shall send the office a list of all individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5) on at least an annual basis. The office shall use the list to confirm students' eligibility for the Washington college grant program, without requiring the student to fill out a separate financial aid form. The office may also use the information to conduct outreach promoting the Washington college grant.

(2) For high school students in 10th, 11th, and 12th grades whose families are receiving benefits under one of the public assistance programs listed under RCW 28B.92.200(5), the office shall issue a certificate to the student that validates the student's financial need eligibility for the Washington college grant program. The certificate is good for one year after high school graduation and may be used upon enrollment in an eligible institution of higher education, provided the student meets the other Washington college grant eligibility requirements. The office shall track and maintain records of students who were issued certificates under this section in order to confirm a student's financial need eligibility with an institution of higher education. A student does not need to produce the

certificate to receive the Washington college grant.

NEW SECTION. **Sec. 7.** A new section is added to chapter 28B.92 RCW to read as follows:

The office shall collaborate with the department of social and health services to facilitate individual-level outreach to individuals receiving benefits under the public assistance programs listed under RCW 28B.92.200(5), temporary assistance for needy families under chapter 74.08 RCW, the state family assistance program provided for in rule, and the basic food program to inform these individuals of their eligibility for the Washington college grant program.

**Sec. 8.** RCW 74.04.060 and 2017 3rd sp.s. c 6 s 817 are each amended to read as follows:

(1)(a) For the protection of applicants and recipients, the department, the authority, and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer.

(b) Unless prohibited by federal law, for the purpose of investigating and preventing child abuse and neglect and providing for the health care coordination and well-being of children in foster care, the department and the authority shall disclose to the department of children, youth, and families the following information: Developmental disabilities administration client records; home and community services client records; long-term care facility or certified community residential supports records; health care information; child support information; food assistance information; and public assistance information. Disclosure under this

subsection (1)(b) is mandatory for the purposes of the federal health insurance portability and accountability act.

(c) Upon written request of a parent who has been awarded visitation rights in an action for divorce or separation or any parent with legal custody of the child, the department shall disclose to him or her the last known address and location of his or her natural or adopted children. The secretary shall adopt rules which establish procedures for disclosing the address of the children and providing, when appropriate, for prior notice to the custodian of the children. The notice shall state that a request for disclosure has been received and will be complied with by the department unless the department receives a copy of a court order which enjoins the disclosure of the information or restricts or limits the requesting party's right to contact or visit the other party or the child. Information supplied to a parent by the department shall be used only for purposes directly related to the enforcement of the visitation and custody provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.

(d) Unless prohibited by federal law, the department is permitted to release individual-level data of state-funded public assistance programs listed under RCW 28B.92.200 to the student achievement council under chapter 28B.77 RCW for the purposes of section 6 of this act.

(e) The department shall review methods to improve the protection and confidentiality of information for recipients of welfare assistance who have disclosed to the department that they are past or current victims of domestic violence or stalking.

(2) The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

(3) The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when

performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: PROVIDED, HOWEVER, That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

(4) It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

**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, 2022, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "enrollment;" strike the remainder of the title and insert "amending RCW 28B.92.200 and 74.04.060; adding a new section to chapter 28B.77 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 28B.92 RCW; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1835 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Hansen and Chambers spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1835, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1835, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Boehnke, Chandler, Chase, Dufault, Graham, Hoff, Kraft, McCaslin, McEntire, Schmick, Sutherland, Vick, Walsh and Young.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 1835, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 3, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1860 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that social determinants of health, particularly housing, are highly correlated with long-term recovery from behavioral health conditions. Seeking inpatient treatment for a mental health or substance use challenge is an act of valor. Upon discharge from care, these individuals deserve a safe, stable place from which to launch their recovery. It is far easier and more cost-effective to help maintain a person's recovery after treatment than to discharge them into homelessness and begin the process anew amid another crisis. Sometimes, there may not be another chance.

(2) Therefore, it is the intent of the legislature to seize the incredible opportunity presented by a person seeking inpatient behavioral health care by ensuring that these courageous

individuals are discharged to appropriate housing.

**Sec. 2.** RCW 70.320.020 and 2021 c 267 s 2 are each amended to read as follows:

(1) The authority and the department shall base contract performance measures developed under RCW 70.320.030 on the following outcomes when contracting with service contracting entities: Improvements in client health status and wellness; increases in client participation in meaningful activities; reductions in client involvement with criminal justice systems; reductions in avoidable costs in hospitals, emergency rooms, crisis services, and jails and prisons; increases in stable housing in the community; improvements in client satisfaction with quality of life; and reductions in population-level health disparities.

(2) The performance measures must demonstrate the manner in which the following principles are achieved within each of the outcomes under subsection (1) of this section:

(a) Maximization of the use of evidence-based practices will be given priority over the use of research-based and promising practices, and research-based practices will be given priority over the use of promising practices. The agencies will develop strategies to identify programs that are effective with ethnically diverse clients and to consult with tribal governments, experts within ethnically diverse communities and community organizations that serve diverse communities;

(b) The maximization of the client's independence, recovery, and employment;

(c) The maximization of the client's participation in treatment decisions; and

(d) The collaboration between consumer-based support programs in providing services to the client.

(3) In developing performance measures under RCW 70.320.030, the authority and the department shall consider expected outcomes relevant to the general populations that each agency serves. The authority and the department may adapt the outcomes to account for the unique needs and characteristics of discrete subcategories of populations receiving services, including ethnically diverse communities.

(4) The authority and the department shall coordinate the establishment of the expected outcomes and the performance measures between each agency as well as each program to identify expected outcomes and performance measures that are common to the clients enrolled in multiple programs and to eliminate conflicting standards among the agencies and programs.

(5) (a) The authority and the department shall establish timelines and mechanisms for service contracting entities to report data related to performance measures and outcomes, including phased implementation of public reporting of outcome and performance measures in a form that allows for comparison of performance measures and levels of improvement between geographic regions of Washington.

(b) The authority and the department may not release any public reports of client outcomes unless the data has been deidentified and aggregated in such a way that the identity of individual clients cannot be determined through directly identifiable data or the combination of multiple data elements.

(6) (a) The performance measures coordinating committee must establish: (i) A performance measure to be integrated into the statewide common measure set which tracks effective integration practices of behavioral health services in primary care settings; ~~((and))~~ (ii) performance measures which track rates of criminal justice system involvement among ~~((public health system))~~ medical assistance clients with an identified behavioral health need including, but not limited to, rates of arrest and incarceration; and (iii) performance measures which track rates of homelessness and housing instability among medical assistance clients. The authority must set improvement targets related to these measures.

(b) The performance measures coordinating committee must report to the governor and appropriate committees of the legislature regarding the implementation of this subsection by July 1, 2022.

(c) For purposes of establishing performance measures as specified in (a)(ii) of this subsection, the performance measures coordinating committee shall convene a work group of

stakeholders including the authority, medicaid managed care organizations, the department of corrections, and others with expertise in criminal justice and behavioral health. The work group shall review current performance measures that have been adopted in other states or nationally to inform this effort.

(d) For purposes of establishing performance measures as specified in (a)(iii) of this subsection, the performance measures coordinating committee shall convene a work group of stakeholders including the authority, medicaid managed care organizations, and others with expertise in housing for low-income populations and with experience understanding the impacts of homelessness and housing instability on health. The work group shall review current performance measures that have been adopted in other states or nationally from organizations with experience in similar measures to inform this effort.

(7) The authority must report to the governor and appropriate committees of the legislature (~~(by)~~):

(a) By October 1, 2022, regarding options and recommendations for integrating value-based purchasing terms and a performance improvement project into managed health care contracts relating to the criminal justice outcomes specified under subsection (1) of this section;

(b) By July 1, 2024, regarding options and recommendations for integrating value-based purchasing terms and to integrate a collective performance improvement project into managed health care contracts related to increasing stable housing in the community outcomes specified under subsection (1) of this section. The authority shall review the performance measures and information from the work group established in subsection (6)(d) of this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 71.24 RCW to read as follows:

By January 1, 2023, the authority shall require that any contract with a managed care organization include a requirement to provide housing-related care coordination services for enrollees who need such services upon being discharged from inpatient behavioral health settings as allowed by the centers for medicare and medicaid services.

**NEW SECTION. Sec. 4.** A new section is added to chapter 71.12 RCW to read as follows:

With respect to a person enrolled in medical assistance under chapter 74.09 RCW, a psychiatric hospital shall make every effort to:

(1) Inform the medicaid managed care organization in which the person is enrolled of the person's discharge or change in care plan on the following timelines:

(a) For an anticipated discharge, no later than 24 hours prior to the known discharge date; or

(b) For all other discharges, including if the person leaves against medical advice, no later than the date of discharge or departure from the facility; and

(2) Engage with medicaid managed care organizations in discharge planning, which includes informing and connecting patients to care management resources at the appropriate managed care organization.

**NEW SECTION. Sec. 5.** A new section is added to chapter 74.09 RCW to read as follows:

To improve health outcomes and address health inequities, the authority shall evaluate incentive approaches and recommend funding options to increase the collection of Z codes on individual medicaid claims, in accordance with standard billing guidance and regulations."

On page 1, line 2 of the title, after "settings;" strike the remainder of the title and insert "amending RCW 70.320.020; adding a new section to chapter 71.24 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 74.09 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1860 and advanced the bill, as amended by the Senate, to final passage.

#### FINAL PASSAGE OF HOUSE BILL

**AS SENATE AMENDED**

Representatives Davis and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1860, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1860, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatler, Springer, Steele, Stokesbary, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra and Mme. Speaker.

Voting nay: Representatives Dufault, Kraft, McCaslin, McEntire, Sutherland, Walsh and Young.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 1860, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 3, 2022

Madame Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1901 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 7.105.010 and 2021 c 215 s 2 are each amended to read as follows:

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

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism,

indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not the sexual conduct is consensual.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(5) (a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

(v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(6) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(7) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(8) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

(9) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

(10) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

(11) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, assisted living facilities; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.

(12) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.

(13) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income,

resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

(14) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(15) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(16) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(17) "Hospital" means a facility licensed under chapter 70.41 or 71.12 RCW or a state hospital defined in chapter 72.23 RCW and any employee, agent, officer, director, or independent contractor thereof.

(18) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(19) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been



married or have lived together at any time, unless the child is conceived through sexual assault; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

(20) (a) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:

(i) Acts that prevent a person from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under chapter 11.92 RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(21) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(22) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter 71A.12 RCW.

(23) "Minor" means a person who is under 18 years of age.

(24) "Neglect" means: (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable

adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW 9A.42.100.

(25) "Nonconsensual" means a lack of freely given consent.

(26) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, ~~(and)~~ or contact through third parties.

(27) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(28) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(29) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(30) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(31) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(32) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(33) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of cyberstalking as defined under RCW 9.61.260; or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person,

even if the respondent did not intend to intimidate, frighten, or threaten the person.

(34) "Temporary protection order" means a protection order that is issued before the court has decided whether to issue a full protection order. "Temporary protection order" includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(35) "Unlawful harassment" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW 9A.36.080(1)(c); or (ii) the presence of a firearm or other weapon.

(36) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW 11.130.265 or adult subject to conservatorship under RCW 11.130.360; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies

licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter 74.09 or 74.39A RCW; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter 74.39 RCW.

(37)(a) "Coercive control" means a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty. In determining whether the interference is unreasonable, the court shall consider the context and impact of the pattern of behavior from the perspective of a similarly situated person. Examples of coercive control include, but are not limited to, engaging in any of the following:

(i) Intimidation or controlling or compelling conduct by:

(A) Damaging, destroying, or threatening to damage or destroy, or forcing the other party to relinquish, goods, property, or items of special value;

(B) Using technology to threaten, humiliate, harass, stalk, intimidate, exert undue influence over, or abuse the other party, including by engaging in cyberstalking, monitoring, surveillance, impersonation, manipulation of electronic media, or distribution of or threats to distribute actual or fabricated intimate images;

(C) Carrying, exhibiting, displaying, drawing, or threatening to use, any firearm or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate the other party or that warrants alarm by the other party for their safety or the safety of other persons;

(D) Driving recklessly with the other party or minor children in the vehicle;

(E) Communicating, directly or indirectly, the intent to:

(I) Harm the other party's children, family members, friends, or pets,

including by use of physical forms of violence;

(II) Harm the other party's career;

(III) Attempt suicide or other acts of self-harm; or

(IV) Contact local or federal agencies based on actual or suspected immigration status;

(F) Exerting control over the other party's identity documents;

(G) Making, or threatening to make, private information public, including the other party's sexual orientation or gender identity, medical or behavioral health information, or other confidential information that jeopardizes safety; or

(H) Engaging in sexual or reproductive coercion;

(ii) Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint;

(iii) Depriving the other party of basic necessities or committing other forms of financial exploitation;

(iv) Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities;

(v) Engaging in vexatious litigation or abusive litigation as defined in RCW 26.51.020 against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing; or

(vi) Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party.

(b) "Coercive control" does not include protective actions taken by a party in good faith for the legitimate and lawful purpose of protecting

themselves or children from the risk of harm posed by the other party.

**Sec. 2.** RCW 7.105.050 and 2021 c 215 s 4 are each amended to read as follows:

(1) The superior(~~(7)~~) and district(~~(7)~~ and ~~municipal~~) courts have jurisdiction over domestic violence protection order proceedings (~~(and)~~), sexual assault protection order proceedings, stalking protection order proceedings, and antiharassment protection order proceedings under this chapter(~~(. The jurisdiction of district and municipal courts is limited to enforcement of RCW 7.105.450(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 7.105.305 if~~)), except that such proceedings must be transferred from district court to superior court when:

(a) A superior court has exercised or is exercising jurisdiction over a proceeding involving the parties;

(b) (~~The petition for relief under this chapter presents issues of the residential schedule of, and contact with, children of the parties; or~~

(~~c) The petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share~~) The action would have the effect of interfering with a respondent's care, control, or custody of the respondent's minor child;

(c) The action would affect the use or enjoyment of real property for which the respondent has a cognizable claim or would exclude a party from a shared dwelling;

(d) The petitioner, victim, or respondent to the petition is under 18 years of age; or

(e) The district court is unable to verify whether there are potentially conflicting or related orders involving the parties as required by RCW 7.105.105 or 7.105.555.

(2)(a) When the jurisdiction of a district (~~(or municipal)~~) court is limited to the issuance and enforcement of a temporary protection order, the district (~~(or municipal)~~) court shall set the full hearing in superior court and transfer the case, indicating in the transfer order the circumstances and findings supporting transfer to the superior court.

(b) If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the temporary protection order. The superior court to which the case is being transferred shall determine whether to grant any request for a continuance.

(3) Transfer procedures, court calendars, and judicial officer assignment must further the goals of this chapter to: Minimize delay; make the system less complex; provide sufficient victim support, consistency, safety, timeliness, and procedural fairness; enable comprehensive use of electronic filing, case tracking, and records management systems; provide for judicial officers with expertise and training in protection orders and trauma-informed practices and continuity of judicial officers at each hearing so the judicial officer will have greater familiarity with the parties, history, and allegations; and help ensure that there is compliance with timely and comprehensive firearms relinquishment to reduce risk of harm. Courts shall make publicly available in print and online information about their transfer procedures, court calendars, and judicial officer assignment.

**Sec. 3.** RCW 7.105.070 and 2021 c 215 s 8 are each amended to read as follows:

The superior courts have jurisdiction over extreme risk protection order proceedings under this chapter. The juvenile court may hear an extreme risk protection order proceeding under this chapter if the respondent is under the age of 18 years. Additionally, district (~~(and municipal)~~) courts have limited jurisdiction over the issuance and enforcement of temporary extreme risk protection orders issued under RCW 7.105.330. The district (~~(or municipal)~~) court shall set the full hearing in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the superior court to extend the temporary extreme risk protection order. The superior court to which the case is being transferred shall determine whether to grant any request for a continuance.

**Sec. 4.** RCW 7.105.075 and 2021 c 215 s 9 are each amended to read as follows:

An action for a protection order should be filed in the county (~~or municipality~~) where the petitioner resides. The petitioner may also file in:

(1) The county (~~or municipality~~) where an act giving rise to the petition for a protection order occurred;

(2) The county (~~or municipality~~) where a child to be protected by the order primarily resides;

(3) The county (~~or municipality~~) where the petitioner resided prior to relocating if relocation was due to the respondent's conduct; or

(4) The court nearest to the petitioner's residence or former residence under subsection (3) of this section.

**Sec. 5.** RCW 7.105.100 and 2021 c 215 s 13 are each amended to read as follows:

(1) There exists an action known as a petition for a protection order. The following types of petitions for a protection order may be filed:

(a) A petition for a domestic violence protection order, which must allege the existence of domestic violence committed against the petitioner or petitioners by an intimate partner or a family or household member. The petitioner may petition for relief on behalf of himself or herself and on behalf of family or household members who are minors or vulnerable adults. A petition for a domestic violence protection order must specify whether the petitioner and the respondent are intimate partners or family or household members. A petitioner who has been sexually assaulted or stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order or a stalking protection order.

(b) A petition for a sexual assault protection order, which must allege the existence of nonconsensual sexual conduct or nonconsensual sexual penetration that was committed against the petitioner by the respondent. A petitioner who has been sexually assaulted by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a sexual assault protection order. A single incident of nonconsensual sexual conduct

or nonconsensual sexual penetration is sufficient grounds for a petition for a sexual assault protection order. The petitioner may petition for a sexual assault protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(c) A petition for a stalking protection order, which must allege the existence of stalking committed against the petitioner or petitioners by the respondent. A petitioner who has been stalked by an intimate partner or a family or household member should, but is not required to, seek a domestic violence protection order, rather than a stalking protection order. The petitioner may petition for a stalking protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(d) A petition for a vulnerable adult protection order, which must allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect, by the respondent. (~~If the petition is filed by an interested person, the affidavit or~~

~~declaration must also include a statement of why the petitioner qualifies as an interested person.)~~)

(e) A petition for an extreme risk protection order, which must allege that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing, accessing, receiving, or attempting to purchase or receive, a firearm. The petition must also identify information the petitioner is able to provide about the firearms, such as the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, access, or control. A petition for an extreme risk protection order may be filed by (i) an intimate partner or a family or household member of the respondent; or (ii) a law enforcement agency.

(f) A petition for an antiharassment protection order, which must allege the existence of unlawful harassment committed against the petitioner or petitioners by the respondent. If a petitioner is seeking relief based on domestic violence, nonconsensual sexual conduct, nonconsensual sexual penetration, or stalking, the petitioner may, but is not required to, seek a domestic violence, sexual assault, or stalking protection order, rather than an antiharassment order. The petitioner may petition for an antiharassment protection order on behalf of:

(i) Himself or herself;

(ii) A minor child, where the petitioner is the parent, legal guardian, or custodian;

(iii) A vulnerable adult, where the petitioner is an interested person; or

(iv) Any other adult for whom the petitioner demonstrates to the court's satisfaction that the petitioner is interested in the adult's well-being, the court's intervention is necessary, and the adult cannot file the petition because of age, disability, health, or inaccessibility.

(2) With the exception of vulnerable adult protection orders, a person under 18 years of age who is 15 years of age or older may seek relief under this chapter as a petitioner and is not required to seek relief through a petition filed on his or her behalf. He or she may also

petition on behalf of a family or household member who is a minor if chosen by the minor and capable of pursuing the minor's stated interest in the action.

(3) A person under 15 years of age who is seeking relief under this chapter is required to seek relief by a person authorized as a petitioner under this section.

(4) If a petition for a protection order is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

(5) A petition for any type of protection order must not be dismissed or denied on the basis that the conduct alleged by the petitioner would meet the criteria for the issuance of another type of protection order. If a petition meets the criteria for a different type of protection order other than the one sought by the petitioner, the court shall consider the petitioner's preference, and enter a temporary protection order or set the matter for a hearing as appropriate under the law. The court's decision on the appropriate type of order shall not be premised on alleviating any potential stigma on the respondent.

~~((45))~~ (6) The protection order petition must contain a section where the petitioner, regardless of petition type, may request specific relief provided for in RCW 7.105.310 that the petitioner seeks for himself or herself or for family or household members who are minors. The totality of selected relief, and any other relief the court deems appropriate for the petitioner, or family or household members who are minors, must be considered at the time of entry of temporary protection orders and at the time of entry of full protection orders.

~~((46))~~ (7) If a court reviewing the petition for a protection order or a request for a temporary protection order determines that the petition was not filed in the correct court, the court shall enter findings establishing the correct court, and direct the clerk to transfer the petition to the correct court and to provide notice of the transfer to all parties who have appeared.

~~((47))~~ (8) Upon filing a petition for a protection order, the petitioner may request that the court enter an ex parte temporary protection order and an order to surrender and prohibit weapons without

notice until a hearing on a full protection order may be held. When requested, there shall be a rebuttable presumption to include the petitioner's minor children as protected parties in the ex parte temporary domestic violence protection order until the full hearing to reduce the risk of harm to children during periods of heightened risk, unless there is good cause not to include the minor children. If the court denies the petitioner's request to include the minor children, the court shall make written findings why the children should not be included, pending the full hearing. An ex parte temporary protection order shall be effective for a fixed period of time and shall be issued initially for a period not to exceed 14 days, which may be extended for good cause.

~~((8) The court may, at its discretion, issue a temporary order on the petition with or without a hearing. If an order is not signed upon presentation, the court shall set a hearing for a full protection order not later than 14 days from the date of the filing of the petition for a protection order, if the petition for a protection order is filed before close of business on a judicial day. If a petition for a protection order is filed after close of business on a judicial day or is filed on a nonjudicial day, the court shall set a hearing for a full protection order not later than 14 days from the first judicial day after the petition is filed.))~~

**Sec. 6.** RCW 7.105.105 and 2021 c 215 s 14 are each amended to read as follows:

The following apply to all petitions for protection orders under this chapter.

(1)(a) By January 1, 2023, county clerks on behalf of all superior courts and, by January 1, 2026, all courts of limited jurisdiction, must permit petitions for protection orders and all other filings in connection with the petition to be submitted as preferred by the petitioner either: (i) In person; (ii) remotely through an electronic submission process; or (iii) by mail for persons who are incarcerated or who are otherwise unable to file in person or remotely through an electronic system. The court or clerk must make ((all electronically filed court documents available for electronic access by)) available electronically to judicial officers ((statewide)) any protection orders filed within the state. Judicial

officers may not be charged for access to such documents. The electronic ((filing)) submission system must allow for petitions for protection orders and supportive documents to be ((filed)) submitted at any time of the day. When a petition and supporting documents for a protection order are submitted to the clerk after business hours, they must be processed as soon as possible on the next judicial day. Petitioners and respondents should not ((be charged)) incur additional charges for electronic ((filing)) submission for petitions and documents filed pursuant to this section.

(b) By January 1, 2023, all superior courts' systems and, by January 1, 2026, all limited jurisdiction courts' systems, should allow for the petitioner to electronically track the progress of the petition for a protection order. Notification may be provided by text messaging or email, and should provide reminders of court appearances and alert the petitioner when the following occur: (i) The petition has been processed and is under review by a judicial officer; (ii) the order has been signed; (iii) the order has been transmitted to law enforcement for entry into the Washington crime information center system; (iv) ((return)) proof of service upon the respondent has been filed with the court or clerk; ((and)) (v) a receipt for the surrender of firearms has been filed with the court or clerk; and (vi) the respondent has filed a motion for the release of surrendered firearms. Respondents, once served, should be able to sign up for similar electronic notification. Petitioners and respondents should not be charged for electronic notification.

(2) The petition must be accompanied by a confidential document to be used by the courts and law enforcement to fully identify the parties and serve the respondent. This record will be exempt from public disclosure at all times, and restricted access to this form is governed by general rule 22 provisions governing access to the confidential information form. The petitioner is required to fill out the confidential party information form to the petitioner's fullest ability. The respondent ((must)) should be ((served with)) provided a blank confidential party information form at the time of service, and when the respondent first appears, the respondent must confirm with the court the respondent's identifying

and current contact information, including electronic means of contact, and file this with the court.

(3) A petition must be accompanied by a declaration signed under penalty of perjury stating the specific facts and circumstances for which relief is sought. Parties, attorneys, and witnesses may electronically sign sworn statements in all filings.

(4) The petitioner and the respondent must disclose the existence of any other litigation or of any other restraining, protection, or no-contact orders between the parties, to the extent that such information is known by the petitioner and the respondent. To the extent possible, the court shall take judicial notice of any existing restraining, protection, or no-contact orders between the parties before entering a protection order. The court shall not include provisions in a protection order that would allow the respondent to engage in conduct that is prohibited by another restraining, protection, or no-contact order between the parties that was entered in a different proceeding. The obligation to disclose the existence of any other litigation includes, but is not limited to, the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in RCW 26.27.281. The court administrator shall verify for the court the terms of any existing protection order governing the parties.

(5) The petition may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties, except in cases where the court has realigned the parties in accordance with RCW 7.105.210.

(6) Relief under this chapter must not be denied or delayed on the grounds that the relief is available in another action. The court shall not defer acting on a petition for a protection order nor grant a petitioner less than the full relief that the petitioner is otherwise entitled to under this chapter because there is, or could be, another proceeding involving the parties including, but not limited to, any potential or pending family law matter or criminal matter.

(7) A person's right to petition for relief under this chapter is not affected by the person leaving his or her residence or household.

(8) A petitioner is not required to post a bond to obtain relief in any proceeding for a protection order.

(9) (a) No fees for service of process may be charged by a court or any public agency to petitioners seeking relief under this chapter. Except as provided in (b) of this subsection, courts may not charge petitioners any fees or surcharges the payment of which is a condition precedent to the petitioner's ability to secure access to relief under this chapter. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge, including a copy of the service packet that consists of all documents that are being served on the respondent. A respondent who is served electronically with a protection order shall be provided a certified copy of the order free of charge upon request.

(b) A filing fee may be charged for a petition for an antiharassment protection order except as follows:

(i) No filing fee may be charged to a petitioner seeking an antiharassment protection order against a person who has engaged in acts of stalking as defined in RCW 9A.46.110, a hate crime under RCW 9A.36.080(1)(c), or a single act of violence or threat of violence under RCW 7.105.010(35)(b), or from a person who has engaged in nonconsensual sexual conduct or penetration or conduct that would constitute a sex offense as defined in RCW 9A.44.128, or from a person who is a family or household member or intimate partner who has engaged in conduct that would constitute domestic violence; and

(ii) The court shall waive the filing fee if the court determines the petitioner is not able to pay the costs of filing.

(10) If the petition states that disclosure of the petitioner's address or other identifying location information would risk harm to the petitioner or any member of the petitioner's family or household, that address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address or email address at which the respondent may serve the petitioner.

(11) Subject to the availability of amounts appropriated for this specific purpose, or as provided through



alternative sources including, but not limited to, grants, local funding, or pro bono means, if the court deems it necessary, the court may appoint a guardian ad litem for a petitioner or a respondent who is under 18 years of age and who is not represented by counsel. If a guardian ad litem is appointed by the court for either or both parties, neither the petitioner nor the respondent shall be required by the court to pay any costs associated with the appointment.

~~(12) ((Minor children must only be referred to in the petition and in all other publicly available filed documents by their initials and date of birth. Any orders issued by the court for entry into a law enforcement database must show the minor's full name for purposes of identification, but be redacted to only display initials and date of birth for purposes of public access.~~

~~(13))~~ If a petitioner has requested an ex parte temporary protection order, because these are often emergent situations, the court shall prioritize review, either entering an order without a hearing or scheduling and holding an ex parte hearing in person, by telephone, by video, or by other electronic means on the day the petition is filed if possible. Otherwise, it must be heard no later than the following judicial day. The clerk shall ensure that the request for an ex parte temporary protection order is presented timely to a judicial officer, and signed orders will be returned promptly to the clerk for entry and to the petitioner as specified in this section.

~~((14))~~ (13) Courts shall not require a petitioner to file duplicative forms.

~~((15))~~ (14) The Indian child welfare act applies in the following manner.

(a) In a proceeding under this chapter where the petitioner seeks to protect a minor and the petitioner is not the minor's parent as defined by RCW 13.38.040, the petition must contain a statement alleging whether the minor is or may be an Indian child as defined in RCW 13.38.040. If the minor is an Indian child, chapter 13.38 RCW and the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., shall apply. A party should allege in the petition if these laws have been satisfied in a prior proceeding and identify the proceeding.

(b) Every order entered in any proceeding under this chapter where the

petitioner is not a parent of the minor or minors protected by the order must contain a finding that the federal Indian child welfare act or chapter 13.38 RCW does or does not apply, or if there is insufficient information to make a determination, the court must make a finding that a determination must be made before a full protection order may be entered. If there is reason to know the child is an Indian child, but the court does not have sufficient evidence to determine that the child is or is not an Indian child, 25 C.F.R. Sec. 23.107(b) applies. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does apply, the order must also contain a finding that all notice, evidentiary requirements, and placement preferences under the federal Indian child welfare act and chapter 13.38 RCW have been satisfied, or a finding that removal or placement of the child is necessary to prevent imminent physical damage or harm to the child pursuant to 25 U.S.C. Sec. 1922 and RCW 13.38.140. Where there is a finding that the federal Indian child welfare act or chapter 13.38 RCW does not apply, the order must also contain a finding as to why there is no reason to know the child may be an Indian child.

**Sec. 7.** RCW 7.105.115 and 2021 c 215 s 16 are each amended to read as follows:

(1) By ~~((June))~~ December 30, 2022, the administrative office of the courts shall:

(a) Develop and distribute standard forms for petitions and orders issued under this chapter, and facilitate the use of online forms for electronic filings.

(i) For all protection orders except extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the following statement: "You can be arrested even if the protected person or persons invite or allow you to violate the order. You alone are responsible for following the order. Only the court may change the order. Requests for changes must be made in writing."

(ii) For extreme risk protection orders, the protection order must include, in a conspicuous location, a notice of criminal penalties resulting from a violation of the order, and the

following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court may change the order. Requests for changes must be made in writing.";

(b) Develop and distribute instructions and informational brochures regarding protection orders and a court staff handbook on the protection order process, which shall be made available online to view and download at no cost. Developing additional methods to inform the public about protection orders in understandable terms and in languages other than English through videos and social media should also be considered. The instructions, brochures, forms, and handbook must be prepared in consultation with civil legal aid, culturally specific advocacy programs, and domestic violence and sexual assault advocacy programs. The instructions must be designed to assist petitioners in completing the petition, and must include a sample of standard petition and protection order forms. The instructions and standard petition must include a means for the petitioner to identify, with only lay knowledge, the firearms the respondent may own, possess, receive, have access to, or have in the respondent's custody or control. The instructions must provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms. The court staff handbook must allow for the addition of a community resource list by the court clerk. The informational brochure must describe the use of, and the process for, obtaining, renewing, modifying, terminating, and enforcing protection orders as provided under this chapter, as well as the process for obtaining, modifying, terminating, and enforcing an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, 26.26A, 26.26B, and 26.44 RCW, a foreign protection order as defined in chapter 26.52 RCW, and a Canadian domestic violence protection order as defined in RCW 26.55.010;

(c) Determine the significant non-English-speaking or limited English-speaking populations in the state. The administrative office of the courts shall then arrange for translation of the

instructions and informational brochures required by this section, which must contain a sample of the standard petition and protection order forms, into the languages spoken by at least the top five significant non-English-speaking populations, and shall distribute a master copy of the translated instructions and informational brochures to all court clerks and to the Washington supreme court's interpreter commission, minority and justice commission, and gender and justice commission (~~by July 25, 2021~~). Such materials must be updated and distributed if needed due to relevant changes in the law;

(d) (i) Distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks, and distribute a master copy of the petition and order forms to all superior, district, and municipal courts;

(ii) In collaboration with civil legal aid attorneys, domestic violence advocates, sexual assault advocates, elder abuse advocates, clerks, and judicial officers, develop and distribute a single petition form that a petitioner may use to file for any type of protection order authorized by this chapter, with the exception of extreme risk protection orders;

(iii) For extreme risk protection orders, develop and prepare:

(A) A standard petition and order form for an extreme risk protection order, as well as a standard petition and order form for an extreme risk protection order sought against a respondent under 18 years of age, titled "Extreme Risk Protection Order - Respondent Under 18 Years";

(B) Pattern forms to assist in streamlining the process for those persons who are eligible to seal records relating to an order under (d) (i) of this subsection, including:

(I) A petition and declaration the respondent can complete to ensure that requirements for public sealing have been met; and

(II) An order sealing the court records relating to that order; and

(C) An informational brochure to be served on any respondent who is subject to a temporary or full protection order under (d) (iii) (A) of this subsection;

(e) Create a new confidential party information form to satisfy the purposes of the confidential information form and the law enforcement information sheet that will serve both the court's and law enforcement's data entry needs without requiring a redundant effort for the petitioner, and ensure the petitioner's confidential information is protected for the purpose of safety. The form should be created with the presumption that it will also be used by the respondent to provide all current contact information needed by the court and law enforcement, and full identifying information for improved data entry. The form should also prompt the petitioner to disclose on the form whether the person who the petitioner is seeking to restrain has a disability, brain injury, or impairment requiring special assistance; and

(f) Update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

(2) ~~(The)~~ By July 1, 2022, the administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to develop for the courts:

(a) Standards for filing evidence in protection order proceedings in a manner that protects victim safety and privacy, including evidence in the form of text messages, social media messages, voice mails, and other recordings, and the development of a sealed cover sheet for explicit or intimate images and recordings; and

(b) Requirements for private vendors who provide services related to filing systems for protection orders, as well as what data should be collected.

**Sec. 8.** RCW 7.105.120 and 2021 c 215 s 17 are each amended to read as follows:

(1) All court clerks' offices shall make available the standardized forms, instructions, and informational

brochures required by this chapter, and shall ~~((fill in and))~~ keep current specific program names and telephone numbers for community resources, including civil legal aid and volunteer lawyer programs. Any assistance or information provided by clerks under this chapter, or any assistance or information provided by any person, including court clerks, employees of the department of social and health services, and other court facilitators, to complete the forms provided by the court, does not constitute the practice of law, and clerks are not responsible for incorrect information contained in a petition.

(2) All court clerks shall ~~((obtain))~~ accept and provide community resource lists as described in (a) and (b) of this subsection, which the court shall make available as part of, or in addition to, the informational brochures described in RCW 7.105.115.

(a) The court clerk shall ~~((obtain a))~~ accept an appropriate community resource list from a domestic violence program and from a sexual assault program serving the county in which the court is located. The community resource list must include the names, telephone numbers, and, as available, website links of domestic violence programs, sexual assault programs, and elder abuse programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, civil legal aid programs, elder abuse programs, interpreters, multicultural programs, and batterers' treatment programs. The list must be made available in print and online.

(b) The court clerk may create a community resource list of crisis intervention, behavioral health, interpreter, counseling, and other relevant resources serving the county in which the court is located. The clerk may also create a community resource list for respondents to include suicide prevention, treatment options, and resources for when children are involved in protection order cases. Any list ~~((shall))~~ must be made available in print and online.

(c) Courts may make the community resource lists specified in (a) and (b) of this subsection available as part of, or in addition to, the informational brochures described in subsection (1) of this section, and should ~~((translate))~~

accept from the programs that provided the resource lists translations of them into the languages spoken by the county's top five significant non-English-speaking populations.

(3) Court clerks should not make an assessment of the merits of a petitioner's petition for a protection order or refuse to accept for filing any petition that meets the basic procedural requirements.

**Sec. 9.** RCW 7.105.150 and 2021 c 215 s 18 are each amended to read as follows:

(1) To minimize delays and the need for more hearings, which can hinder access to justice and undermine judicial economy, to lessen costs, to guarantee actual notice to the respondent, and to simplify and modernize processes for petitioners, respondents, law enforcement, and the courts, the following methods of service are authorized for protection order proceedings, including petitions, temporary protection orders, reissuances of temporary protection orders, full protection orders, motions to renew protection orders, and motions to modify or terminate protection orders.

(a) ~~((Personal))~~ (i) Except as provided in (a)(iii) and (b)(i) of this subsection, personal service, consistent with court rules for civil proceedings, ~~((must be made by law enforcement to mitigate risks, increase safety, and ensure swift recovery of firearms in cases))~~ is required in: (A) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender and prohibit weapons; (B) cases that involve transferring the custody of a child or children from the respondent to the petitioner; ~~((or))~~ (C) cases involving vacating the respondent from the parties' shared residence ~~((Personal service should also be used in))~~; (D) cases involving a respondent who is incarcerated; and (E) cases where a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult.

(ii) Personal service in cases specified in (a)(i)(A) through (D) of this subsection must be made by law enforcement including, at a minimum, two timely attempts at personal service. To reduce risk of harm for cases requiring personal service, law enforcement should continue to attempt personal service up

to the hearing date. Personal service for cases specified in (a)(i)(E) of this subsection and when used for other protection order cases must ~~((otherwise))~~ be made by law enforcement unless the petitioner elects to have the respondent served by a third party who is not a party to the action ~~((and))~~, is ~~((over))~~ 18 years of age or older and competent to be a witness, and can provide sworn proof of service to the court as required.

(iii) In cases where personal service is required under this subsection, after two unsuccessful attempts at personal service, service shall be permitted by electronic means in accordance with (b) of this subsection.

(b)(i) Service by electronic means, including service by email, text message, social media applications, or other technologies, must be prioritized for all orders at the time of the issuance of temporary protection orders, ~~((with the exception of the following cases, for which personal service must be prioritized: (A) Cases requiring the surrender of firearms, such as extreme risk protection orders and protection orders with orders to surrender weapons; (B) cases that involve transferring the custody of a child or children from the respondent to the petitioner; (C) cases involving vacating the respondent from the parties' shared residence; or (D) cases involving a respondent who is incarcerated))~~ except in cases where personal service is required under (a) of this subsection. ~~((Once))~~ For cases specified in (a)(i)(A) through (D) of this subsection, once firearms and concealed pistol licenses have been surrendered and verified by the court, or there is evidence the respondent does not possess firearms, the restrained party has been vacated from the shared residence, or the custody of the child or children has been transferred, per court order, or the respondent is no longer incarcerated, then subsequent motions and orders may be served electronically.

(ii) Service by electronic means must be ~~((effected))~~ made by a law enforcement agency, unless the petitioner elects to have the respondent served by any person who is not a party to the action, is ~~((over))~~ 18 years of age or older and competent to be a witness, and can provide sworn proof of service to the court as required. Court authorization permitting electronic service is not

required except in cases specified in (a) (i) (A) through (D) of this subsection. In those cases, either request of the petitioner, or good cause for granting an order for electronic service, such as two failed attempts at personal service, are required to authorize service by electronic means. No formal motion is necessary.

(iii) The respondent's email address, number for text messaging, and username or other identification on social media applications and other technologies, if known or available, must be provided by the petitioner to law enforcement in the confidential information form, and attested to by the petitioner as being the legitimate, current, or last known contact information for the respondent.

(iv) Electronic service must be effected by transmitting copies of the petition and any supporting materials filed with the petition, notice of hearing, and any orders, or relevant materials for motions, to the respondent at the respondent's electronic address or the respondent's electronic account associated with email, text messaging, social media applications, or other technologies. Verification of ~~((receipt))~~ notice is required and may be accomplished through read-receipt mechanisms, a response, a sworn statement from the person who effected service verifying transmission and any follow-up communications such as email or telephone contact used to further verify, or an appearance by the respondent at a hearing. Sworn proof of service must be filed with the court by the person who effected service. ~~((Service by electronic means is complete upon transmission when made prior to 5:00 p.m. on a judicial day. Service made on a Saturday, Sunday, legal holiday, or after 5:00 p.m. on any other day shall be deemed complete at 9:00 a.m. on the first judicial day thereafter.))~~

(c) Service by mail is permitted when: (i) Personal service was required, there have been two unsuccessful attempts at personal service, and electronic service is not possible ~~((, and there have been two unsuccessful attempts at personal service or when the petitioner requests it in lieu of electronic service or personal service where personal service is not otherwise required))~~; or (ii) personal service is not required and there have been two unsuccessful attempts at personal or electronic service. If

electronic service and personal service are not successful, the court shall affirmatively order service by mail without requiring additional motions to be filed by the petitioner. Service by mail must be made by any person who is not a party to the action and is ~~((over))~~ 18 years of age or older and competent to be a witness, by mailing copies of the materials to be served to the party to be served at the party's last known address or any other address determined by the court to be appropriate. Two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a tracking or certified information showing when and where it was delivered. The envelopes must bear the return address ~~((of the sender))~~ where the petitioner may receive legal mail. Service is complete ~~((upon))~~ 10 calendar days after the mailing of two copies as prescribed in this section. Where service by mail is provided by a third party, the clerk shall forward proof of service by mail to the law enforcement agency in the county or municipality where the respondent resides.

(d) Service by publication is permitted only in those cases where all other means of service have been unsuccessful or are not possible due to lack of any known physical or electronic address of the respondent. Publication must be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons must not be made until the court orders service by publication under this section. Service of the summons is considered complete on the date of the third publication when ~~((the))~~ publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons must contain the date of the first publication, and shall require the respondent upon whom service by publication is desired to appear and answer the petition on the date set for the hearing. The summons must also contain a brief statement of the reason for the petition and a summary of the provisions under the temporary protection order. The summons must be essentially in the following form:

In the ..... court of the state of Washington for the county of .....

, Petitioner
vs. No. ....
, Respondent

The state of Washington to ..... (respondent):

You are hereby summoned to appear on the .... day of ....., (year) ... , at .... a.m./p.m., and respond to the petition. If you fail to respond, a protection order will be issued against you pursuant to the provisions of chapter 7.105 RCW, for a minimum of one year from the date you are required to appear. A temporary protection order has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the temporary protection order). A copy of the petition, notice of hearing, and temporary protection order has been filed with the clerk of this court.

Petitioner

(2) The court may authorize multiple methods of service permitted by this section and may consider use of any address determined by the court to be appropriate in order to authorize service that is reasonably probable to provide actual notice. The court shall favor speedy and cost-effective methods of service to promote prompt and accessible resolution of the merits of the petition.

(3) To promote judicial economy and reduce delays, for respondents who are able to be served electronically, the respondent, or the parent or guardian of the respondent for respondents under the age of 18 or the guardian or conservator of an adult respondent, shall be required to provide his or her electronic address or electronic account associated with an email, text messaging, social media application, or other technology by filing the confidential party information form referred to in RCW 7.105.115(1). This must occur at the earliest point at which the respondent, parent, guardian, or conservator is in contact with the court so that electronic service can be effected for all subsequent motions, orders, and hearings.

(4) If an order entered by the court recites that the respondent appeared before the court, either in person or remotely, the necessity for further service is waived and proof of service of that order is not necessary, including in cases where the respondent leaves the hearing before a final ruling is issued or signed. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court for the hearing, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been served with the temporary order.

(5) When the respondent for a protection order is under the age of 18 or is an individual subject to a guardianship or conservatorship under Title 11 RCW:

(a) When the respondent is a minor, service of a petition for a protection order, modification, or renewal, shall be completed, as defined in this chapter, upon both the respondent and the respondent's parent or legal guardian.

(b) A copy of the protection order must be served on a parent, guardian, or conservator of the respondent at any address where the respondent resides, or the department of children, youth, and families in the case where the respondent is the subject of a dependency or court approved out-of-home placement. A minor respondent shall not be served at the minor respondent's school unless no other address for service is known.

(c) For extreme risk protection orders, the court shall also provide a parent, guardian, or conservator of the respondent with written notice of the legal obligation to safely secure any firearm on the premises and the potential for criminal prosecution if a prohibited person were to obtain access to any firearm. This notice may be provided at the time the parent, guardian, or conservator of the respondent appears in court or may be served along with a copy of the order, whichever occurs first.

(6) When a petition for a vulnerable adult protection order is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice

to the vulnerable adult using a standard notice form developed by the administrative office of the courts. The standard notice form must be designed to explain to the vulnerable adult in clear, plain language the purpose and nature of the petition and that the vulnerable adult has the right to participate in the hearing and to either support or object to the petition.

(7) The court shall not dismiss, over the objection of a petitioner, a petition for a protection order or a motion to renew a protection order based on the inability of law enforcement or the petitioner to serve the respondent, unless the court determines that all available methods of service have been attempted unsuccessfully or are not possible.

**Sec. 10.** RCW 7.105.155 and 2021 c 215 s 19 are each amended to read as follows:

When service is to be completed under this chapter by a law enforcement officer:

(1) The clerk of the court shall have a copy of any order issued under this chapter, the confidential information form, as well as the petition for a protection order and any supporting materials, electronically forwarded on or before the next judicial day to the law enforcement agency in the county or municipality where the respondent resides, as specified in the order, for service upon the respondent. If the respondent has moved from that county or municipality and personal service is not required, the law enforcement agency specified in the order may serve the order;

(2) Service of an order issued under this chapter must take precedence over the service of other documents by law enforcement unless they are of a similar emergency nature;

(3) Where personal service is required, the first attempt at service must occur within 24 hours of receiving the order from the court whenever practicable, but not more than five days after receiving the order. If the first attempt is not successful, no fewer than two additional attempts should be made to serve the order, particularly for respondents who present heightened risk of lethality or other risk of physical harm to the petitioner or petitioner's family or household members. ~~((Law enforcement shall document all))~~ All

attempts at service must be documented on a ~~((return))~~ proof of service form and ~~((submit it))~~ submitted to the court in a timely manner;

(4) If service cannot be completed within 10 calendar days, the law enforcement officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification. Law enforcement shall continue to attempt to complete service unless otherwise directed by the court. In the event that the petitioner does not provide a service address for the respondent or there is evidence that the respondent is evading service, the law enforcement officer shall use law enforcement databases to assist in locating the respondent;

(5) If the respondent is in a protected person's presence at the time of contact for service, the law enforcement officer should take reasonable steps to separate the parties when possible prior to completing the service or inquiring about or collecting firearms. When the order requires the respondent to vacate the parties' shared residence, law enforcement shall take reasonable steps to ensure that the respondent has left the premises and is on notice that his or her return is a violation of the terms of the order. The law enforcement officer shall provide the respondent with copies of all forms with the exception of the ~~((law enforcement information sheet))~~ confidential information form completed by the protected party and the ~~((return))~~ proof of service form;

(6) Any law enforcement officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner;

(7) Proof of service must be submitted to the court on the ~~((return))~~ proof of service form. The form must include the date and time of service and each document that was served in order for the service to be complete, along with any details such as conduct at the time of service, threats, or avoidance of service, as well as statements regarding possession of firearms, including any denials of ownership despite positive purchase history, active concealed

pistol license, or sworn statements in the petition that allege the respondent's access to, or possession of, firearms; or

(8) If attempts at service were not successful, the ~~((return))~~ proof of service form or the form letter showing that the order was not served, and stating the reason it was not served, must be returned to the court by the next judicial day following the last unsuccessful attempt at service. Each attempt at service must be noted and reflected in computer aided dispatch records, with the date, time, address, and reason service was not completed.

**Sec. 11.** RCW 7.105.165 and 2021 c 215 s 21 are each amended to read as follows:

~~((Service))~~ (1) Unless waived by the nonmoving party, service must be completed on the nonmoving party not less than five judicial days before the hearing date ((, unless waived by the nonmoving party)). If service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining service or permit service by other means authorized in this chapter. The court shall not require more than two attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service.

(2) Service is completed on the day the respondent is served personally, on the date of transmission for electronic service, on the 10th calendar day after mailing for service by mail, or on the date of the third publication when publication has been made for three consecutive weeks for service by publication.

(3) If the nonmoving party was served before the hearing, but less than five judicial days before the hearing, it is not necessary to re-serve materials that the nonmoving party already received, but any new notice of hearing and reissued order must be served on the nonmoving party. ((The court shall not require more than two attempts at obtaining service before permitting service by other means authorized in this chapter unless the moving party requests additional time to attempt service. If the court permits service by mail or by publication, the court shall set the hearing date not later than 24 days from the date of the order authorizing such service.)) This additional service may be made by mail as

an alternative to other authorized methods of service under this chapter. If done by mail, this additional service is considered completed on the third calendar day after mailing.

(4) Where electronic service was not complete because there was no verification of notice, and service by mail or publication has been authorized, copies must also be sent by electronic means to any known electronic addresses.

**Sec. 12.** RCW 7.105.200 and 2021 c 215 s 24 are each amended to read as follows:

In hearings under this chapter, the following apply:

(1) Hearings under this chapter are special proceedings. The procedures established under this chapter for protection order hearings supersede inconsistent civil court rules. Courts should evaluate the needs and procedures best suited to individual hearings based on consideration of the totality of the circumstances, including disparities that may be apparent in the parties' resources and representation by counsel.

(2)(a) Courts shall prioritize hearings on petitions for ex parte temporary protection orders over less emergent proceedings.

(b) For extreme risk protection order hearings where a law enforcement agency is the petitioner, the court shall prioritize scheduling because of the importance of immediate temporary removal of firearms in situations of extreme risk and the goal of minimizing the time law enforcement must otherwise wait for a particular case to be called, which can hinder their other patrol and supervisory duties. Courts also may allow a law enforcement petitioner to participate ~~((telephonically))~~ remotely, or allow another representative from that law enforcement agency or the prosecutor's office to present the information to the court if personal presence of the petitioning officer is not required for testimonial purposes.

~~(3) ((A hearing on a petition for a protection order must be set by the court even if the court has denied a request for a temporary protection order in the proceeding where the petition is not dismissed or continued pursuant to subsection (1) of this section.~~

~~(4))~~ If the respondent does not appear ~~((, or the petitioner informs the~~



court that the respondent has not been served at least five judicial days before the hearing date and the petitioner desires to pursue service, or the parties have informed the court of an agreed date of continuance for the hearing,)) for the full hearing and there is no proof of timely and proper service on the respondent, the court shall reissue any temporary protection order previously issued(~~(, cancel the scheduled hearing,)~~) and reset the hearing date. If a temporary protection order is reissued, the court shall reset the hearing date not later than 14 days from the reissue date. If a temporary protection order is reissued and the court permits service by mail or by publication, the court shall reset the hearing date not later than 30 days from the date of the order authorizing such service. These time frames may be extended for good cause.

~~((45))~~ (4) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings, which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

~~((46))~~ (5) Hearings (~~(must)~~) may be conducted upon ~~((live testimony of the parties and sworn declarations))~~ the information provided in the sworn petition, live testimony of the parties should they choose to testify, and any additional sworn declarations. Live testimony of witnesses other than the parties may be requested by a party, but shall not be permitted unless the court finds that live testimony of witnesses other than the parties is necessary and material. If either party requests a continuance to allow for proper notice of witnesses or to afford a party time to seek counsel, the court ~~((should))~~ may continue the hearing. In considering the request, the court should consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief.

(6) If the court continues ~~((the))~~ a hearing for any reason, the court shall reissue any temporary orders, including orders to surrender and prohibit weapons, issued with or without notice.

(7) Prehearing discovery under the civil court rules, including, but not limited to, depositions, requests for production, or requests for admission, is disfavored and only permitted if specifically authorized by the court for good cause shown upon written motion of a party filed six judicial days prior to the hearing and served prior to the hearing.

(8) The rules of evidence need not be applied, other than with respect to privileges, the requirements of the rape shield statute under RCW 9A.44.020, and evidence rules 412 and 413.

(9)(a) The prior sexual activity or the reputation of the petitioner is inadmissible except:

(i) As evidence concerning the past sexual conduct of the petitioner with the respondent when this evidence is offered by the respondent upon the issue of whether the petitioner consented to the sexual conduct alleged for the purpose of a protection order; or

(ii) When constitutionally required to be admitted.

(b) To determine admissibility, a written motion must be made six judicial days prior to the protection order hearing. The motion must include an offer of proof of the relevancy of the proposed evidence and reasonably specific

information as to the date, time, and place of the past sexual conduct between the petitioner and the respondent. If the court finds that the offer of proof is relevant to the issue of the victim's consent, the court shall conduct a hearing in camera. The court may not admit evidence under this subsection unless it determines at the hearing that the evidence is relevant and the probative value of the evidence outweighs the danger of unfair prejudice. The evidence shall be admissible at the hearing to the extent an order made by the court specifies the evidence that may be admitted. If the court finds that the motion and related documents should be sealed pursuant to court rule and governing law, it may enter an order sealing the documents.

(10) When a petitioner has alleged incapacity to consent to sexual conduct or sexual penetration due to intoxicants, alcohol, or other condition, the court must determine on the record whether the petitioner had the capacity to consent.

~~(11) ((If, prior to a full hearing, the court finds that the petition for a protection order does not contain sufficient allegations as a matter of law to support the issuance of a protection order, the court shall permit the petitioner 14 days to prepare and file an amended petition, provided the petitioner states an intent to do so and the court does not find that amendment would be futile. If the amended petition is not filed within 14 days, the case must be administratively dismissed by the clerk's office.~~

~~(12))~~ Courts shall not require parties to submit duplicate or working copies of pleadings or other materials filed with the court, unless the document or documents cannot be scanned or are illegible.

~~((13))~~ (12) Courts shall, if possible, have petitioners and respondents in protection order proceedings gather in separate locations and enter and depart the court room at staggered times. Where the option is available, for safety purposes, the court should arrange for petitioners to leave the court premises first and to have court security escort petitioners to their vehicles or transportation.

**Sec. 13.** RCW 7.105.205 and 2021 c 215 s 25 are each amended to read as follows:

(1) Hearings on protection orders, including hearings concerning temporary protection orders, full protection orders, compliance, reissuance, renewal, modification, or termination, may be conducted in person or remotely in order to enhance access for all parties.

(2) In the court's discretion, parties ~~((and)),~~ witnesses, and others authorized by this chapter to participate in protection order proceedings may attend a hearing on a petition for a protection order, or any hearings conducted pursuant to this chapter, in person or remotely, including by telephone, video, or other electronic means where possible. No later than three judicial days before the hearing, the parties may request to appear at the hearing, with witnesses, remotely by telephone, video, or other electronic means. The court shall grant any request for a remote appearance unless the court finds good cause to require in-person attendance or attendance through a specific means.

(3) Courts shall require assurances of the identity of persons who appear by telephone, video, or other electronic means. Courts may not charge fees for remote appearances.

(4) Courts shall not post or stream proceedings or recordings of protection order hearings online unless (a) a waiver has been received from all parties, or (b) the hearing is being conducted online and members of the public do not have in-person access to observe or listen to the hearing. Unless the court orders a hearing to be closed to the public consistent with the requirements of Washington law, courts should provide access to members of the public who wish to observe or listen to a hearing conducted by telephone, video, or other electronic means.

(5) If a hearing is held with any parties or witnesses appearing remotely, the following apply:

(a) Courts should include directions to access a hearing remotely in the order setting the hearing and in any order granting a party's request for a remote appearance. Such orders shall also include directions to request an interpreter and accommodations for disabilities;

(b) Courts should endeavor to give a party or witness appearing by telephone no more than a one-hour waiting time by

the court for the hearing to begin. For remote hearings, if the court anticipates the parties or witnesses will need to wait longer than one hour to be called or connected, the court should endeavor to inform them of the estimated start time of the hearing;

(c) Courts should inform the parties before the hearing begins that the hearing is being recorded by the court, in what manner the public is able to view the hearing, how a party may obtain a copy of the recording of the hearing, and that recording or broadcasting any portion of the hearing by any means other than the court record is strictly prohibited without prior court approval;

(d) To minimize trauma, while allowing remote hearings to be observed by the public, courts should take appropriate measures to prevent members of the public or the parties from harassing or intimidating any party or witness to a case. Such practices may include, but are not limited to, disallowing members of the public from communicating with the parties or with the court during the hearing, ensuring court controls over microphone and viewing settings, and announcing limitations on allowing others to record the hearing;

(e) Courts shall use technology that accommodates American sign language and other languages;

(f) To help ensure that remote access does not undermine personal safety or privacy, or introduce other risks, courts should protect the privacy of telephone numbers, emails, and other contact information for parties ~~((and)),~~ witnesses, and others authorized by this chapter to participate in protection order proceedings, and inform ~~((parties and witnesses))~~ them of these safety considerations. Materials available to ~~((parties and witnesses))~~ persons appearing remotely should include warnings not to state their addresses or telephone numbers at the hearing, and that they ~~((may use virtual backgrounds to help ensure that their backgrounds do not reveal their location))~~ should ensure that background surroundings do not reveal their location;

(g) Courts should provide the parties, in orders setting the hearing, with a telephone number and an email address for the court, which the parties may use to inform the court if they have been unable to appear remotely for a hearing. Before

dismissing or granting a petition due to the petitioner or respondent not appearing for a remote hearing, or the court not being able to reach the party via telephone or video, the court shall check for any notifications to the court regarding issues with remote access or other technological difficulties. If any party has provided such notification to the court, the court shall not dismiss or grant the petition, but shall reset the hearing by continuing it and reissuing any temporary order in place. If a party was unable to provide the notification regarding issues with remote access or other technological difficulties on the day of the hearing prior to the court's ruling, that party may seek relief via a motion for reconsideration; and

(h) A party attending a hearing remotely who is unable to participate in the hearing outside the presence of others who reside with the party, but who are not part of the proceeding including, but not limited to, children, and who asserts that the presence of those individuals may hinder the party's testimony or the party's ability to fully and meaningfully participate in the hearing, ~~((, and shall be granted, one))~~ may request a continuance on that basis. ~~((Subsequent))~~ Such requests may be granted in the court's discretion. In considering the request, the court may consider the rebuttable presumption against delay and the purpose of this chapter to provide victims quick and effective relief.

**Sec. 14.** RCW 7.105.250 and 2021 c 215 s 34 are each amended to read as follows:

(1) Whether or not the petitioner has retained an attorney, a sexual assault or domestic violence advocate, as defined in RCW 5.60.060, shall be allowed to accompany the petitioner, or appear remotely with the petitioner, and confer with the petitioner during court proceedings. The sexual assault or domestic violence advocate shall not provide legal representation nor interpretation services. Court administrators shall allow sexual assault and domestic violence advocates to assist petitioners with their protection orders. Sexual assault and domestic violence advocates are not engaged in the unauthorized practice of law when providing assistance of the types specified in this section. Unless the sexual assault or domestic violence advocate seeks to speak directly to the

court, advocates shall not be required to be identified on the record beyond stating their role as a sexual assault or domestic violence advocate and identifying the program for which they work or volunteer for. Communications between the petitioner and a sexual assault and domestic violence advocate are protected as provided by RCW 5.60.060.

(2) Whether or not the petitioner has retained an attorney, a protection order advocate must be allowed to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner, appearing remotely with the petitioner, and conferring with the petitioner during court proceedings, or addressing the court when invited to do so.

(a) For purposes of this section, "protection order advocate" means any employee or volunteer from a program that provides, as some part of its services, information, advocacy, counseling, or support to persons seeking protection orders.

(b) The protection order advocate shall not provide legal representation nor interpretation services.

(c) Unless a protection order advocate seeks to speak directly to the court, protection order advocates shall not be required to be identified on the record beyond stating his or her role as a protection order advocate and identifying the program for which he or she works or volunteers.

(d) A protection order advocate who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020, or other governmental entity, has the same privileges, rights, and responsibilities as a sexual assault advocate and domestic violence advocate under RCW 5.60.060.

(3) Whether or not the petitioner has retained an attorney(~~(, if a petitioner does not have)~~) or has an advocate, the petitioner shall be allowed a support person to accompany the petitioner to any legal proceeding including, but not limited to, sitting or standing next to the petitioner, appearing remotely with the petitioner, and conferring with the petitioner during court proceedings. The support person may be any third party of

the petitioner's choosing, provided that:

(a) The support person shall not provide legal representation nor interpretation services; and

(b) A support person who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, the child protective services section of the department of children, youth, and families as defined in RCW 26.44.020, or other government entity, may not, without the consent of the petitioner, be examined as to any communication between the petitioner and the support person regarding the petition.

**Sec. 15.** RCW 7.105.255 and 2021 c 215 s 35 are each amended to read as follows:

To help ensure familiarity with the unique nature of protection order proceedings, and an understanding of trauma-informed practices and best practices in the use of new technologies for remote hearings, judicial officers, including persons who serve as judicial officers pro tempore, should receive evidence-based training on procedural justice, trauma-informed practices, gender-based violence dynamics, coercive control, elder abuse, juvenile sex offending, teen dating violence, and requirements for the surrender of weapons before presiding over protection order hearings. Trainings should be provided on an ongoing basis as best practices, research on trauma, and legislation continue to evolve. As a method of continuous training, court commissioners, including pro tempore commissioners, shall be notified by the presiding judge or court administrator upon revision of any decision made under this chapter.

**Sec. 16.** RCW 7.105.305 and 2021 c 215 s 38 are each amended to read as follows:

(1) Where it appears from the petition and any additional evidence that the respondent has engaged in conduct against the petitioner that serves as a basis for a protection order under this chapter, and the petitioner alleges that serious immediate harm or irreparable injury could result if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary protection order, pending a full hearing. The court has broad discretion to grant such relief as the court deems proper, including the

forms of relief listed in RCW 7.105.310, provided that the court shall not order a form of relief listed in RCW 7.105.310 if it would not be feasible or appropriate for the respondent to comply with such a requirement before a full hearing may be held on the petition for a protection order. If the court does not order all the relief requested by the petitioner in an ex parte temporary protection order, the court shall still consider ordering such relief at the full hearing on the petition for a protection order. In issuing the order, the court shall consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800.

(2) Any order issued under this section must contain the date, time of issuance, and expiration date.

(3) The court may issue an ex parte temporary protection order on the petition with or without a hearing. If an ex parte temporary protection order is denied, the court shall still set a full hearing unless the court determines the petition does not contain prima facie allegations to support the issuance of any type of protection order. If the court declines to issue an ex parte temporary protection order as requested or declines to set a hearing, the court shall state the ((particular)) reasons ((for the court's denial)) in writing. The court's denial of a motion for an ex parte temporary protection order shall be filed with the court. ((If an ex parte temporary protection order is denied, the court shall still set a full hearing on the petition for a protection order.))

(4) If a full hearing is set on a petition that is filed before close of business on a judicial day, the hearing must be set not later than 14 days from the date of the filing of the petition. If a full hearing is set on a petition that is submitted after close of business on a judicial day or is submitted on a nonjudicial day, the hearing must be set not later than 14 days from the first judicial day after the petition is filed, which may be extended for good cause.

(5) If the court does not set a full hearing, the petitioner may file an

amended petition within 14 days of the court's denial. If the court determines the amended petition does not contain prima facie allegations to support the issuance of any type of protection order or if the petitioner fails to file an amended petition within the required time, the court may enter an order dismissing the petition.

(6) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent, but has failed to obtain the issuance of a civil antiharassment protection order, unless good cause for such failure can be shown.

**Sec. 17.** RCW 7.105.310 and 2021 c 215 s 39 are each amended to read as follows:

(1) In issuing any type of protection order, other than an ex parte temporary antiharassment protection order as limited by subsection (2) of this section, and other than an extreme risk protection order, the court shall have broad discretion to grant such relief as the court deems proper, including an order that provides relief as follows:

(a) Restrain the respondent from committing any of the following acts against the petitioner and other persons protected by the order: Domestic violence; nonconsensual sexual conduct or nonconsensual sexual penetration; sexual abuse; stalking; acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult; and unlawful harassment;

(b) Restrain the respondent from making any attempts to have contact, including nonphysical contact, with the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household, either directly, indirectly, or through third parties regardless of whether those third parties know of the order;

(c) Exclude the respondent from the ~~((dwelling))~~ residence that the parties share;

(d) Exclude the respondent from the residence, workplace, or school of the petitioner; or from the day care or school of a minor child;

~~((d))~~ (e) Restrain the respondent from knowingly coming within, or

knowingly remaining within, a specified distance from a specified location including, but not limited to, a residence, school, day care, workplace, the protected party's person, and the protected party's vehicle. The specified distance shall presumptively be at least 1,000 feet, unless the court for good cause finds that a shorter specified distance is appropriate;

~~((e))~~ (f) If the parties have children in common, make residential provisions with regard to their minor children on the same basis as is provided in chapter 26.09 RCW. However, parenting plans as specified in chapter 26.09 RCW must not be required under this chapter. The court may not delay or defer relief under this chapter on the grounds that the parties could seek a parenting plan or modification to a parenting plan in a different action. A protection order must not be denied on the grounds that the parties have an existing parenting plan in effect. A protection order may suspend the respondent's contact with the parties' children under an existing parenting plan, subject to further orders in a family law proceeding;

~~((f))~~ (g) Order the respondent to participate in a state-certified domestic violence perpetrator treatment program approved under RCW 43.20A.735 or a state-certified sex offender treatment program approved under RCW 18.155.070;

~~((g))~~ (h) Order the respondent to obtain a mental health or chemical dependency evaluation. If the court determines that a mental health evaluation is necessary, the court shall clearly document the reason for this determination and provide a specific question or questions to be answered by the mental health professional. The court shall consider the ability of the respondent to pay for an evaluation. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

~~((h))~~ (i) In cases where the petitioner and the respondent are students who attend the same public or private elementary, middle, or high school, the court, when issuing a protection order and providing relief, shall consider, among the other facts of the case, the severity of the act, any continuing physical danger, emotional distress, or educational disruption to

the petitioner, and the financial difficulty and educational disruption that would be caused by a transfer of the respondent to another school. The court may order that the respondent not attend the public or private elementary, middle, or high school attended by the petitioner. If a minor respondent is prohibited attendance at the minor's assigned public school, the school district must provide the student comparable educational services in another setting. In such a case, the district shall provide transportation at no cost to the respondent if the respondent's parent or legal guardian is unable to pay for transportation. The district shall put in place any needed supports to ensure successful transition to the new school environment. The court shall send notice of the restriction on attending the same school as the petitioner to the public or private school the respondent will attend and to the school the petitioner attends;

~~((i))~~ (j) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense, and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees or limited license legal technician fees when such fees are incurred by a person licensed and practicing in accordance with state supreme court admission and practice rule 28, the limited practice rule for limited license legal technicians. Minors are presumed to be unable to pay. The parent or legal guardian is responsible for costs unless the parent or legal guardian demonstrates inability to pay;

~~((j))~~ (k) Restrain the respondent from harassing, following, monitoring, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of the petitioner or the petitioner's family or household members who are minors or other members of the petitioner's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

~~((k))~~ (l) Other than for respondents who are minors, require the respondent to submit to electronic monitoring. The

order must specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

~~((1))~~ (m) Consider the provisions of RCW 9.41.800, and order the respondent to surrender, and prohibit the respondent from accessing, having in his or her custody or control, possessing, purchasing, attempting to purchase or receive, or receiving, all firearms, dangerous weapons, and any concealed pistol license, as required in RCW 9.41.800;

~~((m))~~ (n) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent, and may prohibit the respondent from interfering with the petitioner's efforts to obtain the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found;

~~((n))~~ (o) Order use of a vehicle;

~~((o))~~ (p) Enter an order restricting the respondent from engaging in abusive litigation as set forth in chapter 26.51 RCW or in frivolous filings against the petitioner, making harassing or libelous communications about the petitioner to third parties, or making false reports to investigative agencies. A petitioner may request this relief in the petition or by separate motion. A petitioner may request this relief by separate motion at any time within five years of the date the protection order is entered even if the order has since expired. A stand-alone motion for an order restricting abusive litigation may be brought by a party who meets the requirements of chapter 26.51 RCW regardless of whether the party has previously sought a protection order under this chapter, provided the motion is made within five years of the date the order that made a finding of domestic

violence was entered. In cases where a finding of domestic violence was entered pursuant to an order under chapter 26.09, 26.26, or 26.26A RCW, a motion for an order restricting abusive litigation may be brought under the family law case or as a stand-alone action filed under this chapter, when it is not reasonable or practical to file under the family law case;

~~((p))~~ (q) Restrain the respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against a vulnerable adult;

~~((q))~~ (r) Require an accounting by the respondent of the disposition of the vulnerable adult's income or other resources;

~~((r))~~ (s) Restrain the transfer of either the respondent's or vulnerable adult's property, or both, for a specified period not exceeding 90 days;

~~((s))~~ (t) Order financial relief and restrain the transfer of jointly owned assets;

~~((t))~~ (u) Restrain the respondent from possessing or distributing intimate images, as defined in RCW 9A.86.010, depicting the petitioner including, but not limited to, requiring the respondent to: Take down and delete all intimate images and recordings of the petitioner in the respondent's possession or control; and cease any and all disclosure of those intimate images. The court may also inform the respondent that it would be appropriate to ask third parties in possession or control of the intimate images of this protection order to take down and delete the intimate images so that the order may not inadvertently be violated; or

~~((u))~~ (v) Order other relief as it deems necessary for the protection of the petitioner and other family or household members who are minors or vulnerable adults for whom the petitioner has sought protection, including orders or directives to a law enforcement officer, as allowed under this chapter.

(2) In an antiharassment protection order proceeding, the court may grant the relief specified in subsection (1) (c), (f), and (t) of this section only as part of a full antiharassment protection order.

(3) The court in granting a temporary antiharassment protection order or a

civil antiharassment protection order shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

~~((3))~~ (4) The court shall not take any of the following actions in issuing a protection order.

(a) The court may not order the petitioner to obtain services including, but not limited to, drug testing, victim support services, a mental health assessment, or a psychological evaluation.

~~(b) ((The court may not order the petitioner to pay the respondent's attorneys' fees or other costs.~~

~~(c))~~ The court shall not issue a full protection order to any party except upon notice to the respondent and the opportunity for a hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with this chapter. Except as provided in RCW 7.105.210, the court shall not issue a temporary protection order to any party unless the party has filed a petition or counter-petition for a protection order seeking relief in accordance with this chapter.

~~((d))~~ (c) Under no circumstances shall the court deny the petitioner the type of protection order sought in the petition on the grounds that the court finds that a different type of protection order would have a less severe impact on the respondent.

~~((4))~~ (5) The order shall specify the date the order expires, if any. For permanent orders, the court shall set the date to expire 99 years from the issuance date. The order shall also state whether the court issued the protection order following personal service, service by electronic means, service by mail, or service by publication, and whether the court has approved service by mail or publication of an order issued under this section.

**Sec. 18.** RCW 7.105.320 and 2021 c 215 s 41 are each amended to read as follows:

(1) When an order is issued under this chapter upon request of the petitioner, the court may order a law enforcement officer to accompany the petitioner and

assist in placing the petitioner in possession of those items indicated in the order or to otherwise assist in the execution of the order of protection. The order must list all items that are to be included with sufficient specificity to make it clear which property is included. Orders issued under this chapter must include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order. Any appropriate law enforcement agency should act where assistance is needed, even if the agency is not specifically named in the order, including assisting with the recovery of firearms as ordered.

(2) Upon order of a court, a law enforcement officer shall accompany the petitioner and assist in placing the petitioner in possession of all items listed in the order and to otherwise assist in the execution of the order.

(3) When the respondent is ordered to vacate the residence or other shared property, the respondent may be permitted by the court to remove personal clothing, personal items needed during the duration of the order, and any other items specified by the court, while a law enforcement officer is present.

(4) Where orders involve surrender of firearms, dangerous weapons, and concealed pistol licenses, those items must be secured and accounted for in a manner that prioritizes safety and compliance with court orders.

**Sec. 19.** RCW 7.105.340 and 2021 c 215 s 45 are each amended to read as follows:

(1) Upon the issuance of any extreme risk protection order under this chapter, including a temporary extreme risk protection order, the court shall:

(a) Order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070; and

(b) Other than for ex parte temporary protection orders, direct law enforcement to revoke any concealed pistol license issued to the respondent.

(2) The law enforcement officer serving any extreme risk protection order under this chapter, including a temporary extreme risk protection order, shall request that the respondent immediately surrender all firearms in his or her



custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ~~((The order must be personally served upon the respondent or defendant if))~~ If the order is entered in open court ~~((in the presence of))~~ and the respondent ~~((or defendant. The respondent or defendant shall acknowledge receipt and service))~~ appears in person, the respondent must be provided a copy and further service is not required. If the respondent ~~((or defendant))~~ refuses ~~((service))~~ to accept a copy, an agent of the court may indicate on the record that the respondent ~~((or defendant))~~ refused ~~((service))~~ to accept a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service must be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms and any concealed pistol license, not previously surrendered, in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. If the respondent is in custody, arrangements to recover the firearms must be made prior to release. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of a firearm or concealed pistol license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the

respondent. Within 72 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this chapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause for a violation of the order exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and that person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm must be returned to that person, provided that:

(a) The firearm is removed from the respondent's custody, control, or possession, and the lawful owner provides written verification to the court regarding how the lawful owner will safely store the firearm in a manner such that the respondent does not have access to, or control of, the firearm for the duration of the order;

(b) The court advises the lawful owner of the penalty for failure to do so; and

(c) The firearm is not otherwise unlawfully possessed by the owner.

(6) Upon the issuance of a one-year extreme risk protection order, the court shall order a new compliance review hearing date and require the respondent to appear not later than three judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency. The compliance review hearing is not required upon a satisfactory showing on which the court can otherwise enter findings on the record that the respondent has timely and

completely surrendered all firearms in the respondent's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070 to a law enforcement agency, and is in compliance with the order. If the court does not have a sufficient record before it on which to make such a finding, the court must set a review hearing to occur as soon as possible, at which the respondent must be present and provide proof of compliance with the court's order.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order is addressed, that there is probable cause to believe the respondent was aware of, and failed to fully comply with, the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, to impose remedial sanctions, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing, and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order to show cause.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the extreme risk protection order and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and that a law enforcement agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of an affidavit.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding must not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an extreme risk protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An extreme risk protection order must state that the act of voluntarily surrendering firearms, or providing testimony relating to the surrender of firearms, pursuant to such an order, may not be used against the respondent (~~(or defendant)~~) in any criminal prosecution under this chapter, chapter 9.41 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must develop and implement policies and procedures regarding the acceptance, storage, and return of firearms required to be surrendered under this chapter. Any surrendered firearms must be handled and stored properly to prevent damage or degradation in appearance or function, and the condition of the surrendered firearms documented, including by digital photograph. A law enforcement agency holding any surrendered firearm or concealed pistol license shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

**Sec. 20.** RCW 7.105.400 and 2021 c 215 s 53 are each amended to read as follows:

(1) A temporary protection order issued under this chapter may be reissued for the following reasons:

(a) Agreement of the parties;

(b) To provide additional time to effect service of the temporary protection order on the respondent; or

(c) If the court, in writing, finds good cause to reissue the order.

(2) Any temporary orders to surrender and prohibit weapons must also be automatically reissued with the temporary protection order.

(3) To ensure that a petitioner is not delayed in receiving a hearing on a petition for a protection order, there is a rebuttable presumption that a temporary protection order should not be reissued more than once or for more than 30 days at the request of the respondent, absent agreement of the parties, good cause, or the need to provide additional time to effect service.

(4) When considering any request to stay, continue, or delay a hearing under this chapter because of the pendency of a parallel criminal investigation or prosecution of the respondent, courts shall apply a rebuttable presumption against such delay and give due recognition to the purpose of this chapter to provide victims quick and effective relief. Courts must consider on the record the following factors:

(a) The extent to which a defendant's Fifth Amendment rights are or are not implicated, given the special nature of protection order proceedings which burden a defendant's Fifth Amendment privilege substantially less than do other civil proceedings;

(b) Similarities between the civil and criminal cases;

(c) Status of the criminal case;

(d) The interests of the petitioners in proceeding expeditiously with litigation and the potential prejudice and risk to petitioners of a delay;

(e) The burden that any particular aspect of the proceeding may impose on respondents;

(f) The convenience of the court in the management of its cases and the efficient use of judicial resources;

(g) The interests of persons not parties to the civil litigation; and

(h) The interest of the public in the pending civil and criminal litigation.

(5) Courts shall not require a petitioner to complete a new (~~law enforcement information sheet~~) confidential information form when a temporary protection order is reissued or when a full order for a fixed time period is entered, unless the petitioner indicates that the information needs to be updated or amended. The clerk shall transmit the order to the law enforcement agency identified in the order for service, along with a copy of the confidential party information form received from the respondent, if available, or the petitioner's confidential party information form to assist law enforcement in serving the order.

**Sec. 21.** RCW 7.105.450 and 2021 c 215 s 56 are each amended to read as follows:

(1)(a) Whenever a domestic violence protection order, a sexual assault

protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter, or an order is granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, or there is a Canadian domestic violence protection order as defined in RCW 26.55.010, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who must provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring; and

(ii) Shall impose a fine of \$15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the \$15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, and that does not amount

to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a court order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is a class C felony if the offender has at least two previous convictions for violating the provisions of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) (a) A defendant arrested for violating a domestic violence protection order, sexual assault protection order, stalking protection order, or vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release.

(b) A defendant who is charged by citation, complaint, or information with violating any protection order identified in (a) of this subsection and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than 14 days after the next day on which court

is in session following the issuance of the citation or the filing of the complaint or information.

(7) Upon the filing of an affidavit by the petitioner or any law enforcement officer alleging that the respondent has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order granted under chapter 9A.40, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or 26.26B RCW, or a valid foreign protection order as defined in RCW 26.52.020, or a Canadian domestic violence protection order as defined in RCW 26.55.010, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days as to why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

(8) Appearances required under this section are mandatory and cannot be waived.

**Sec. 22.** RCW 7.105.460 and 2021 c 215 s 58 are each amended to read as follows:

(1) Any person who files a petition for an extreme risk protection order knowing the information in such petition to be materially false, or with the intent to harass the respondent, is guilty of a gross misdemeanor.

(2) ~~(Any)~~ (a) Except as provided in (b) of this subsection, any person who has in his or her custody or control, accesses, purchases, possesses, or receives, or attempts to purchase or receive, a firearm with knowledge that he or she is prohibited from doing so by an extreme risk protection order is guilty of a gross misdemeanor, and further is prohibited from having in his or her custody or control, accessing, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five years from the date the existing order expires. ~~((However, such))~~

(b) A person is guilty of a class C felony for a violation under (a) of this subsection if the person has two or more previous convictions for violating an order issued under this chapter.

**Sec. 23.** RCW 7.105.500 and 2021 c 215 s 61 are each amended to read as follows:

This section applies to modification or termination of domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders.

(1) Upon a motion with notice to all parties and after a hearing, the court may modify the terms of an existing protection order or terminate an existing order.

(2) A respondent's motion to modify or terminate an existing protection order must include a declaration setting forth facts supporting the requested order for modification or termination. The nonmoving parties to the proceeding may file opposing declarations. All motions to modify or terminate shall be based on the written materials and evidence submitted to the court. The court shall set a hearing only if the court finds that adequate cause is established. If the court finds that the respondent established adequate cause, the court shall set a date for hearing the respondent's motion, which must be at least 14 days from the date the court finds adequate cause.

(3) Upon the motion of a respondent, the court may not modify or terminate an existing protection order unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances such that the respondent will not resume, engage in, or attempt to engage in, the following acts against the petitioner or those persons protected by the protection order if the order is terminated or modified:

(a) Acts of domestic violence, in cases involving domestic violence protection orders;

(b) Physical or nonphysical contact, in cases involving sexual assault protection orders;

(c) Acts of stalking, in cases involving stalking protection orders; or

(d) Acts of unlawful harassment, in cases involving antiharassment protection orders.

The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) In determining whether there has been a substantial change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(a) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other harmful acts against the petitioner or any other person since the protection order was entered;

(b) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(c) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(d) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(e) Whether the respondent has either acknowledged responsibility for acts of sexual assault, domestic violence, stalking, or behavior that resulted in the entry of the protection order, or successfully completed state-certified perpetrator treatment or counseling since the protection order was entered;

(f) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(g) Whether the petitioner consents to terminating the protection order, provided that consent is given voluntarily and knowingly; or

(h) Other factors relating to a substantial change in circumstances.

(5) In determining whether there has been a substantial change in circumstances, the court may not base its determination on the fact that time has passed without a violation of the order.

(6) Regardless of whether there is a substantial change in circumstances, the court may decline to terminate a protection order if it finds that the acts of domestic violence, sexual assault, stalking, unlawful harassment, and other harmful acts that resulted in the issuance of the protection order were of such severity that the order should not be terminated.

(7) A respondent may file a motion to modify or terminate an order no more than

once in every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal period.

(8) If a person who is protected by a protection order has a child or adopts a child after a protection order has been issued, but before the protection order has expired, the petitioner may seek to include the new child in the order of protection on an ex parte basis if the child is already in the physical custody of the petitioner. If the restrained person is the legal or biological parent of the child, a hearing must be set and notice given to the restrained person prior to final modification of the full protection order.

(9) A court may require the respondent to pay the petitioner for costs incurred in responding to a motion to modify or terminate a protection order, including reasonable attorneys' fees.

**Sec. 24.** RCW 7.105.510 and 2021 c 215 s 63 are each amended to read as follows:

This section applies to the modification or termination of vulnerable adult protection orders.

(1) Any vulnerable adult who is not subject to ((a limited guardianship, limited conservatorship, or other protective arrangement)) an order under chapter 11.130 RCW may, at any time subsequent to the entry of a permanent protection order under this chapter, file a motion to modify or terminate the protection order. Where a vulnerable adult is subject to an order under chapter 11.130 RCW, the vulnerable adult, or the vulnerable adult's guardian, conservator, or person acting on behalf of the vulnerable adult under a protective arrangement under chapter 11.130 RCW, may, ((at any time subsequent to the entry of a permanent protection order under this chapter,)) if within the person's authority under the guardianship, conservatorship, or protective arrangement, file a motion to modify or terminate the protection order at any time subsequent to the entry of a permanent protection order under this chapter.

(2) In a hearing on a motion to modify or terminate the protection order, the court shall grant such relief consistent with RCW 7.105.310 as it deems necessary for the protection of the vulnerable adult, including modification or termination of the protection order.

**Sec. 25.** RCW 7.105.555 and 2021 c 215 s 66 are each amended to read as follows:

(1) To prevent the issuance of competing protection orders in different courts and to give courts needed information for the issuance of orders, the judicial information system or alternative databases must be available in each district, municipal, and superior court, and must include a database containing the following information:

~~((1))~~ (a) The names of the parties and the cause number for every order of protection issued under this chapter, protection orders provided by military and tribal courts, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every dissolution action under chapter 26.09 RCW, every parentage action under chapter 26.26A or 26.26B RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every Canadian domestic violence protection order filed under chapter 26.55 RCW. When a guardian or the department of social and health services or department of children, youth, and families has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought must be included in the database as a party rather than the guardian or appropriate department;

~~((2))~~ (b) A complete criminal history of the parties; and

~~((3))~~ (c) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

(2) Information within the database must be easily accessible and accurately updated as soon as possible but no later than within one judicial day.

(3) A document viewing system must be available as part of the judicial information system or other databases used by the court, so that in addition to having access to the summary information in subsection (1) of this section, the court is able to view any protection order filed within the state.

**Sec. 26.** RCW 7.105.902 and 2021 c 215 s 36 are each amended to read as follows:

(1) The administrative office of the courts, through the gender and justice commission of the Washington state supreme court, and with the support of the Washington state women's commission, shall work with representatives of superior, district, and municipal court judicial officers, court clerks, and administrators, including those with experience in protection order proceedings, as well as advocates and practitioners with expertise in each type of protection order, and others with relevant expertise, to consider and develop recommendations regarding:

(a) Uses of technology to reduce administrative burdens in protection order proceedings;

(b) Improving access to unrepresented parties in protection order proceedings, including promoting access for pro bono attorneys for remote protection order proceedings, in consultation with the Washington state bar association;

(c) Developing best practices for courts when there are civil protection order and criminal proceedings that concern the same alleged conduct;

(d) Developing best practices in data collection and sharing, including demographic information, in order to promote research and study on protection orders and transparency of protection order data for the public, in partnership with the Washington state center for court research, the Washington state institute for public policy, the University of Washington, and the urban Indian health institute;

(e) Developing best practices, including proposed training and necessary forms, in partnership with the Washington tribal state court consortium, to address how:

(i) Washington state court judges of all levels can see the existence of, and parties to, tribal court, military, and other jurisdiction protection orders, in comity with similar state court orders;

(ii) Tribal courts can enter their protection orders into the judicial information system used by courts to check for conflicting orders and history; and

(iii) State courts can query the national crime information center to check for tribal, military, and other

jurisdictions' protection orders prior to issuing protection orders;

(f) Developing best practices for minor respondents and petitioners in civil protection order proceedings, including what sanctions should be provided for in law, with input from legal advocates for children and youth, juvenile public defense, juvenile prosecutors, adolescent behavioral health experts, youth development experts, educators, judicial officers, victim advocates, restorative-informed or trauma-informed professionals, child advocacy centers, and professionals experienced in evidenced-based modalities for the treatment of trauma; and

(g) Assessing how the civil protection order law can more effectively address the type of abuse known as "coercive control" so that survivors can seek earlier protective intervention before abuse further escalates.

(2) The gender and justice commission may hire a consultant to assist with the requirements of this section with funds as appropriated.

(3) The gender and justice commission shall provide a brief report of its recommendations to the legislature for subsection (1)(e) through (g) of this section by December 1, 2021, and, for subsection (1)(a) through (d) of this section, provide recommendations to the courts by July 1, 2022.

(4) This section expires October 1, 2022.

**NEW SECTION. Sec. 27.** (1) The gender and justice commission, through its E2SHB 1320 stakeholder work groups, and in consultation with the Washington state center for court research, shall include in their 2022 work consideration of a study regarding how the inclusion of coercive control under this act helps to further realize the legislative intent of the law to increase safety for victims by obtaining effective legal protection apart from, or in addition to, the criminal legal system. The possible parameters for such a study would be as follows:

(a) The center for court research may engage or partner with other researchers with expertise in intimate partner violence, coercive control, civil protection order processes, and related research to conduct the study or help



with study design, duration, methods, measurements, data collection, and analysis.

(b) The administrative office of the courts and superior and district courts shall provide the center for court research with necessary data to conduct the study, as requested by the center for court research.

(c) The study may include, if determined by the gender and justice commission's E2SHB 1320 stakeholder work groups and the center for court research to be empirically useful and readily measurable through available data, measurements such as:

(i) The ability of survivors to obtain protection orders that fully address the nature of the harm or threat of harm they are experiencing;

(ii) The frequency of inclusion of coercive control in protection order petitions and the nature of the harm or threatened harm articulated;

(iii) Whether the orders were granted and if so, the relief ordered by the court;

(iv) Whether the orders were denied, and if so, the reason for the denial; and

(v) In proceedings involving domestic violence where coercive control is part of the harm alleged:

(A) The frequency of conflicting protection orders, cross-petitions (where each party files a petition against the other), or re-aligned orders (where the court finds that the original petitioner is the abuser and the original respondent is the victim);

(B) Enforcement of protection order violations;

(C) Other legal proceedings involving either party, such as family, dependency, or criminal matters; and

(D) Whether the parties had legal representation or legal advocates in the protection order proceedings.

(d) The study shall also assess judicial officer training regarding protection orders, and coercive control in particular, and whether additional judicial officers are required to hear protection order proceedings.

(e) To the extent feasible, and considered best practice by the center

for court research, the evaluation should also: Gather qualitative information from survivors of domestic violence, legal counsel, protection order advocates and court navigators, court clerks, and judicial officers; and include analysis of any disproportionate impact on survivors by race, immigration status, language, gender, sexual orientation, or disability.

(f) At the conclusion of any study conducted under this section, the center for court research shall report its findings to the legislature in compliance with RCW 43.01.036.

(2) By July 1, 2022, the gender and justice commission through its E2SHB 1320 work groups and the center for court research shall advise the chairs of the relevant policy committees of the legislature of their recommendations regarding need, timing, and design for such a study.

(3) This section expires January 1, 2028.

**Sec. 28.** RCW 9A.41.040 and 2021 c 215 s 72 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by

one family or household member against another or by one intimate partner against another, as those terms are defined by the statutes in effect at the time of the commission of the crime, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a ((domestic violence)) protection order or no-contact order restraining the person or excluding the person from a residence ((chapter 7.105 RCW,)) RCW 10.99.040((7)) or any of the former RCW 26.50.060, 26.50.070, and 26.50.130);

(ii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of harassment when committed by one family or household member against another or by one intimate partner against another, committed on or after June 7, 2018;

(iii) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of a violation of the provisions of a protection order under chapter 7.105 RCW restraining the person or excluding the person from a residence, when committed by one family or household member against another or by one intimate partner against another, committed on or after July 1, 2022;

(iv) During any period of time that the person is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW or any of the former chapters 7.90, 7.92, 10.14, and 26.50 RCW that:

(A) Was issued after a hearing for which the person received actual notice, and at which the person had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(B) Restrains the person from harassing, stalking, or threatening the person protected under the order or child of the person or protected person, or engaging in other conduct that would place the protected person in reasonable fear of bodily injury to the protected person or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the protected

person or child (~~and~~) or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against the protected person or child that would reasonably be expected to cause bodily injury; or

(II) Includes an order under RCW 9.41.800 requiring the person to surrender all firearms and prohibiting the person from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, firearms;

~~((iv))~~ (v) After having previously been involuntarily committed based on a mental disorder under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

~~((v))~~ (vi) After dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.088 when the court has made a finding indicating that the defendant has a history of one or more violent acts, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

~~((vi))~~ (vii) If the person is under 18 years of age, except as provided in RCW 9.41.042; and/or

~~((vii))~~ (viii) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted," whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension, or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of

a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4) (a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least 20 years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii) (A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more

consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of 18 years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within 24 hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

**Sec. 29.** RCW 9.41.800 and 2021 c 215 s 74 are each amended to read as follows:

(1) Any court when entering an order authorized under chapter 7.105 RCW, RCW 9A.46.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.26B.020, or 26.26A.470 shall, upon a showing by a preponderance of the evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or is ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require that the party immediately surrender all firearms and other dangerous weapons;

(b) Require that the party immediately surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons;

(d) Prohibit the party from obtaining or possessing a concealed pistol license;

(e) Other than for ex parte temporary protection orders, unless the ex parte temporary protection order was reissued after the party received notice and had an opportunity to be heard, direct law enforcement to revoke any concealed pistol license issued to the party.

(2) During any period of time that the party is subject to a court order issued under chapter 7.105, 9A.46, 10.99, 26.09, 26.26A, or 26.26B RCW that:

(a) Was issued after a hearing of which the party received actual notice, and at which the party had an opportunity to participate, whether the court then issues a full order or reissues a temporary order. If the court enters an agreed order by the parties without a hearing, such an order meets the requirements of this subsection;

(b) Restrains the party from harassing, stalking, or threatening an intimate partner of the party, the protected person, or child of the intimate partner, party, or protected person, or engaging in other conduct that would place an intimate partner or protected person in reasonable fear of

bodily injury to the intimate partner, protected person, or child; and

(c)(i) Includes a finding that the party represents a credible threat to the physical safety of the intimate partner, protected person, or child; ~~(and)~~ or

(ii) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner, protected person, or child that would reasonably be expected to cause bodily injury, the court shall:

(A) Require that the party immediately surrender all firearms and other dangerous weapons;

(B) Require that the party immediately surrender a concealed pistol license issued under RCW 9.41.070;

(C) Prohibit the party from accessing, having in his or her custody or control, possessing, purchasing, receiving, or attempting to purchase or receive, any firearms or other dangerous weapons; and

(D) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender and prohibit the purchase of all firearms and other dangerous weapons, and any concealed pistol license, without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1) and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1) and (4) of this section may be for a period of time less than the duration of the order.

(6) The court shall require the party to surrender all firearms and other dangerous weapons in his or her immediate possession or control or subject to his or her immediate possession or control, and any concealed pistol license issued under RCW 9.41.070, to the local law enforcement agency. Law enforcement

officers shall use law enforcement databases to assist in locating the party in situations where the protected person does not know where the party lives or where there is evidence that the party is trying to evade service.

(7) If the court enters a protection order, restraining order, or no-contact order that includes an order to surrender firearms, dangerous weapons, and any concealed pistol license under this section:

(a) The order must be served by a law enforcement officer; and

(b) Law enforcement must immediately ensure entry of the order to surrender and prohibit weapons and the revocation of any concealed pistol license is made into the appropriate databases making the party ineligible to possess firearms and a concealed pistol license.

**Sec. 30.** RCW 9.41.801 and 2021 c 215 s 75 are each amended to read as follows:

(1) Because of the heightened risk of lethality to petitioners when respondents to protection orders become aware of court involvement and continue to have access to firearms, and the frequency of noncompliance with court orders prohibiting possession of firearms, law enforcement and judicial processes must emphasize swift and certain compliance with court orders prohibiting access, possession, and ownership of all firearms.

(2) A law enforcement officer serving a protection order, no-contact order, or restraining order that includes an order to surrender all firearms, dangerous weapons, and a concealed pistol license under RCW 9.41.800 shall inform the respondent that the order is effective upon service and the respondent must immediately surrender all firearms and dangerous weapons in the respondent's custody, control, or possession and any concealed pistol license issued under RCW 9.41.070, and conduct any search permitted by law for such firearms, dangerous weapons, and concealed pistol license. The law enforcement officer shall take possession of all firearms, dangerous weapons, and any concealed pistol license belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. ~~((The order must be personally served upon the respondent or defendant if))~~ If the order is entered in open court ~~((in the presence of))~~ and the

respondent ~~((or defendant))~~ appears in person, the respondent shall be provided a copy and further service is not required. ((The respondent or defendant shall acknowledge receipt and service.)) If the respondent ~~((or defendant))~~ refuses ((service)) to receive a copy, an agent of the court may indicate on the record that the respondent ((or defendant)) refused ((service)) to receive a copy of the order. If the respondent appears remotely for the hearing, or leaves the hearing before a final ruling is issued or order signed, and the court believes the respondent has sufficient notice such that additional service is not necessary, the order must recite that the respondent appeared before the court, has actual notice of the order, the necessity for further service is waived, and proof of service of the order is not necessary. The court shall enter the service and receipt into the record. A copy of the order and service shall be transmitted immediately to law enforcement. The respondent must immediately surrender all firearms, dangerous weapons, and any concealed pistol license in a safe manner to the control of the local law enforcement agency on the day of the hearing at which the respondent was present in person or remotely. Alternatively, if personal service by a law enforcement officer is not possible, and the respondent did not appear in person or remotely at the hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 24 hours of being served with the order by alternate service.

(3) At the time of surrender, a law enforcement officer taking possession of firearms, dangerous weapons, and any concealed pistol license shall issue a receipt identifying all firearms, dangerous weapons, and any concealed pistol license that have been surrendered and provide a copy of the receipt to the respondent. The law enforcement agency shall file the original receipt with the court within 24 hours after service of the order and retain a copy of the receipt, electronically whenever electronic filing is available.

(4) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms or dangerous weapons as required by an order issued under RCW 9.41.800, the court shall

determine whether probable cause exists to believe that the respondent has failed to surrender all firearms and dangerous weapons in their possession, custody, or control. If probable cause exists that a crime occurred, the court shall issue a warrant describing the firearms or dangerous weapons and authorizing a search of the locations where the firearms and dangerous weapons are reasonably believed to be and the seizure of all firearms and dangerous weapons discovered pursuant to such search.

(5) If a person other than the respondent claims title to any firearms or dangerous weapons surrendered pursuant to this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm or dangerous weapon, the firearm or dangerous weapon shall be returned to the lawful owner, provided that:

(a) The firearm or dangerous weapon is removed from the respondent's access, custody, control, or possession and the lawful owner agrees by written document signed under penalty of perjury to store the firearm or dangerous weapon in a manner such that the respondent does not have access to or control of the firearm or dangerous weapon;

(b) The firearm or dangerous weapon is not otherwise unlawfully possessed by the owner; and

(c) The requirements of RCW 9.41.345 are met.

(6) Courts shall develop procedures to verify timely and complete compliance with orders to surrender and prohibit weapons under RCW 9.41.800, including compliance review hearings to be held as soon as possible upon receipt from law enforcement of proof of service. A compliance review hearing is not required if the court can otherwise enter findings on the record or enter written findings that the proof of surrender or declaration of nonsurrender attested to by the person subject to the order, along with verification from law enforcement and any other relevant evidence, makes a sufficient showing that the person has timely and completely surrendered all firearms and dangerous weapons in the person's custody, control, or possession, and any concealed pistol license issued under RCW 9.41.070, to a law enforcement agency. If the court does not have a sufficient record before it on which to make such a finding, the court

must set a review hearing to occur as soon as possible at which the respondent must be present and provide proof of compliance with the court's order. Courts shall make available forms that petitioners may complete and submit to the court in response to a respondent's declaration of whether the respondent has surrendered weapons.

(7)(a) If a court finds at the compliance review hearing, or any other hearing where compliance with the order to surrender and prohibit weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with the order, failed to appear at the compliance review hearing, or violated the order after the court entered findings of compliance, pursuant to its authority under chapter 7.21 RCW, the court may initiate a contempt proceeding to impose remedial sanctions on its own motion, or upon the motion of the prosecutor, city attorney, or the petitioner's counsel, and issue an order requiring the respondent to appear, provide proof of compliance with the order, and show cause why the respondent should not be held in contempt of court.

(b) If the respondent is not present in court at the compliance review hearing or if the court issues an order to appear and show cause after a compliance review hearing, the clerk of the court shall electronically transmit a copy of the order to show cause to the law enforcement agency where the respondent resides for personal service or service in the manner provided in the civil rules of superior court or applicable statute. Law enforcement shall also serve a copy of the order to show cause on the petitioner, either electronically or in person, at no cost.

(c) The order to show cause served upon the respondent shall state the date, time, and location of the hearing and shall include a warning that the respondent may be held in contempt of court if the respondent fails to promptly comply with the terms of the order to surrender and prohibit weapons and a warning that an arrest warrant could be issued if the respondent fails to appear on the date and time provided in the order.

(d)(i) At the show cause hearing, the respondent must be present and provide proof of compliance with the underlying court order to surrender and prohibit

weapons and demonstrate why the relief requested should not be granted.

(ii) The court shall take judicial notice of the receipt filed with the court by the law enforcement agency pursuant to subsection (3) of this section. The court shall also provide sufficient notice to the law enforcement agency of the hearing. Upon receiving notice pursuant to this subsection, a law enforcement agency must:

(A) Provide the court with a complete list of firearms and other dangerous weapons surrendered by the respondent or otherwise belonging to the respondent that are in the possession of the law enforcement agency; and

(B) Provide the court with verification that any concealed pistol license issued to the respondent has been surrendered and the agency with authority to revoke the license has been notified.

(iii) If the law enforcement agency has a reasonable suspicion that the respondent is not in full compliance with the terms of the order, the law enforcement agency must submit the basis for its belief to the court, and may do so through the filing of a declaration.

(e) If the court finds the respondent in contempt, the court may impose remedial sanctions designed to ensure swift compliance with the order to surrender and prohibit weapons.

(f) The court may order a respondent found in contempt of the order to surrender and prohibit weapons to pay for any losses incurred by a party in connection with the contempt proceeding, including reasonable attorneys' fees, service fees, and other costs. The costs of the proceeding shall not be borne by the petitioner.

(8)(a) To help ensure that accurate and comprehensive information about firearms compliance is provided to judicial officers, a representative from either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may appear and be heard at any hearing that concerns compliance with an order to surrender and prohibit weapons issued in connection with another type of protection order.

(b) Either the prosecuting attorney's office or city attorney's office, or both, from the relevant jurisdiction may designate an advocate or a staff person

from their office who is not an attorney to appear on behalf of their office. Such appearance does not constitute the unauthorized practice of law.

(9)(a) An order to surrender and prohibit weapons issued pursuant to RCW 9.41.800 must state that the act of voluntarily surrendering firearms or weapons, or providing testimony relating to the surrender of firearms or weapons, pursuant to such an order, may not be used against the respondent (~~(or defendant)~~) in any criminal prosecution under this chapter, chapter ~~((9.41-7.105))~~ 7.105 RCW, or RCW 9A.56.310.

(b) To provide relevant information to the court to determine compliance with the order, the court may allow the prosecuting attorney or city attorney to question the respondent regarding compliance.

(10) All law enforcement agencies must have policies and procedures to provide for the acceptance, storage, and return of firearms, dangerous weapons, and concealed pistol licenses that a court requires must be surrendered under RCW 9.41.800. A law enforcement agency holding any firearm or concealed pistol license that has been surrendered under RCW 9.41.800 shall comply with the provisions of RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

(11) The administrative office of the courts shall create a statewide pattern form to assist the courts in ensuring timely and complete compliance in a consistent manner with orders issued under this chapter. The administrative office of the courts shall report annually on the number of orders issued under this chapter by each court, the degree of compliance, and the number of firearms obtained, and may make recommendations regarding additional procedures to enhance compliance and victim safety.

**Sec. 31.** RCW 42.56.240 and 2019 c 300 s 1 are each amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law

enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070(+) except that copies of license applications or information on the applications may be released to law enforcement or corrections agencies or to persons and entities as authorized under RCW 9.41.815;

(5) Information revealing the specific details that describe an alleged or proven child victim of sexual assault under age eighteen, or the identity or contact information of an alleged or proven child victim of sexual assault who is under age eighteen. Identifying information includes the child victim's name, addresses, location, photograph, and in cases in which the child victim is a relative, stepchild, or stepsibling of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Contact information includes phone numbers, email addresses, social media profiles, and user names and passwords;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030;

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to



privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera

recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise

obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requester for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer while in the course of his or her official duties; and

(ii) "Intimate image" means an individual or individuals engaged in sexual activity, including sexual intercourse as defined in RCW 9A.44.010 and masturbation, or an individual's intimate body parts, whether nude or visible through less than opaque clothing, including the genitals, pubic area, anus, or postpubescent female nipple.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records in accordance with the applicable records retention schedule;

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545;

(16)(a) Survivor communications with, and survivor records maintained by, campus-affiliated advocates.

(b) Nothing in this subsection shall be construed to restrict access to records maintained by a campus-affiliated advocate in the event that:

(i) The survivor consents to inspection or copying;

(ii) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(iii) Inspection or copying is required by federal law; or

(iv) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(c) "Campus-affiliated advocate" and "survivor" have the definitions in RCW 28B.112.030;

(17) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to chapter 261, Laws of 2017; and

(18) Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW. Such recordings are confidential and may only

be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in chapter 26.44 RCW is not grounds for penalties or other sanctions available under this chapter.

#### TECHNICAL AMENDMENTS

**Sec. 32.** RCW 4.08.050 and 2021 c 215 s 89 are each amended to read as follows:

Except as provided under RCW 28A.225.035 and (~~(7.105.105)~~) 7.105.100, when an infant is a party he or she shall appear by guardian, or if he or she has no guardian, or in the opinion of the court the guardian is an improper person, the court shall appoint one to act. Said guardian shall be appointed as follows:

(1) When the infant is plaintiff, upon the application of the infant, if he or she be of the age of fourteen years, or if under that age, upon the application of a relative or friend of the infant.

(2) When the infant is defendant, upon the application of the infant, if he or she be of the age of fourteen years, and applies within thirty days after the service of the summons; if he or she be under the age of fourteen, or neglects to apply, then upon the application of any other party to the action, or of a relative or friend of the infant.

**Sec. 33.** RCW 9.41.042 and 2020 c 18 s 6 are each amended to read as follows:

RCW 9.41.040(2) (a) (~~(vi)~~) (vii) shall not apply to any person under the age of eighteen years who is:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(3) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an

organized group that uses firearms as a part of the performance;

(4) Hunting or trapping under a valid license issued to the person under Title 77 RCW;

(5) In an area where the discharge of a firearm is permitted, is not trespassing, and the person either: (a) Is at least fourteen years of age, has been issued a hunter safety certificate, and is using a lawful firearm other than a pistol; or (b) is under the supervision of a parent, guardian, or other adult approved for the purpose by the parent or guardian;

(6) Traveling with any unloaded firearm in the person's possession to or from any activity described in subsection (1), (2), (3), (4), or (5) of this section;

(7) On real property under the control of his or her parent, other relative, or legal guardian and who has the permission of the parent or legal guardian to possess a firearm;

(8) At his or her residence and who, with the permission of his or her parent or legal guardian, possesses a firearm for the purpose of exercising the rights specified in RCW 9A.16.020(3); or

(9) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty.

**Sec. 34.** RCW 12.04.140 and 2021 c 215 s 127 are each amended to read as follows:

Except as provided under RCW (~~(7.105.105)~~) 7.105.100, no action shall be commenced by any person under the age of eighteen years, except by his guardian, or until a next friend for such a person shall have been appointed. Whenever requested, the justice shall appoint some suitable person, who shall consent thereto in writing, to be named by such plaintiff, to act as his or her next friend in such action, who shall be responsible for the costs therein.

**Sec. 35.** RCW 12.04.150 and 2021 c 215 s 128 are each amended to read as follows:

After service and return of process against a defendant under the age of eighteen years, the action shall not be further prosecuted, until a guardian for such defendant shall have been appointed, except as provided under RCW

((7.105.105)) 7.105.100. Upon the request of such defendant, the justice shall appoint some person who shall consent thereto in writing, to be guardian of the defendant in defense of the action; and if the defendant shall not appear on the return day of the process, or if he or she neglect or refuse to nominate such guardian, the justice may, at the request of the plaintiff, appoint any discreet person as such guardian. The consent of the guardian or next friend shall be filed with the justice; and such guardian for the defendant shall not be liable for any costs in the action.

**Sec. 36.** RCW 13.40.0357 and 2021 c 311 s 16 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION	CONSPIRACY, OR SOLICITATION
<b>Arson and Malicious Mischief</b>			
A	Arson 1 (9A.48.020)	B+	
B	Arson 2 (9A.48.030)	C	
C	Reckless Burning (9A.48.040)	1 D	
D	Reckless Burning (9A.48.050)	2 E	
B	Malicious Mischief (9A.48.070)	1 C	
C	Malicious Mischief (9A.48.080)	2 D	
D	Malicious Mischief (9A.48.090)	3 E	
E	Tampering with Fire Alarm Apparatus (9.40.100)	E	
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E	
A	Possession of Incendiary Device (9.40.120)	B+	

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

**Burglary and Trespass**

B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+
A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Mineral Trespass (78.44.330)	C
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E

**Drugs**

E	Possession/Consumption of Alcohol (66.44.270)	E
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C	Illegally Obtaining Legend Drug (69.41.020)	D	B	Possession of Stolen Firearm (9A.56.310)	C
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
E	Possession of Legend Drug (69.41.030(2)(b))	E	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a) (( <del>vii</del> )) (vii))	C
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+	D+	Possession of Dangerous Weapon (9.41.250)	E
			D	Intimidating Another Person by use of Weapon (9.41.270)	E
			<b>Homicide</b>		
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C	A+	Murder 1 (9A.32.030)	A
			A+	Murder 2 (9A.32.050)	B+
E	Possession of Marihuana <40 grams (69.50.4014)	E	B+	Manslaughter 1 (9A.32.060)	C+
			C+	Manslaughter 2 (9A.32.070)	D+
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C	B+	Vehicular Homicide (46.61.520)	C+
			<b>Kidnapping</b>		
C+	Sale of Controlled Substance for Profit (69.50.410)	C+	A	Kidnap 1 (9A.40.020)	B+
E	Unlawful Inhalation (9.47A.020)	E	B+	Kidnap 2 (9A.40.030)	C+
			C+	Unlawful Imprisonment (9A.40.040)	D+
			<b>Obstructing Governmental Operation</b>		
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
			E	Resisting Arrest (9A.76.040)	E
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C	B	Introducing Contraband 1 (9A.76.140)	C
			C	Introducing Contraband 2 (9A.76.150)	D
E	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	E	E	Introducing Contraband 3 (9A.76.160)	E
			B+	Intimidating a Public Servant (9A.76.180)	C+
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C	B+	Intimidating a Witness (9A.72.110)	C+
			<b>Public Disturbance</b>		
B	Theft of Firearm (9A.56.300)	C	C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+

D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E	B	Child Molestation (9A.44.086)	2	C+
E	Failure to Disperse (9A.84.020)	E	C	Failure to Register as a Sex Offender (9A.44.132)		D
E	Disorderly Conduct (9A.84.030)	E		<b>Theft, Robbery, Extortion, and Forgery</b>		
	<b>Sex Crimes</b>		B	Theft 1 (9A.56.030)		C
A	Rape 1 (9A.44.040)	B+	C	Theft 2 (9A.56.040)		D
B++	Rape 2 (9A.44.050) committed at age 14 or under	B+	D	Theft 3 (9A.56.050)		E
A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+	B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)		C
C+	Rape 3 (9A.44.060)	D+	C	Forgery (9A.60.020)		D
B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+	A	Robbery 1 (9A.56.200) committed at age 15 or under		B+
A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+	A++	Robbery 1 (9A.56.200) committed at age 16 or 17		A
B+	Rape of a Child 2 (9A.44.076)	C+	B+	Robbery 2 (9A.56.210)		C+
B	Incest 1 (9A.64.020(1))	C	B+	Extortion 1 (9A.56.120)		C+
C	Incest 2 (9A.64.020(2))	D	C+	Extortion 2 (9A.56.130)		D+
D+	Indecent Exposure (Victim <14) (9A.88.010)	E	C	Identity Theft 1 (9.35.020(2))	1	D
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E	D	Identity Theft 2 (9.35.020(3))	2	E
B+	Promoting Prostitution 1 (9A.88.070)	C+	D	Improperly Obtaining Financial Information (9.35.010)		E
C+	Promoting Prostitution 2 (9A.88.080)	D+	B	Possession of a Stolen Vehicle (9A.56.068)		C
E	O & A (Prostitution) (9A.88.030)	E	B	Possession of Stolen Property 1 (9A.56.150)		C
B+	Indecent Liberties (9A.44.100)	C+	C	Possession of Stolen Property 2 (9A.56.160)		D
B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+	D	Possession of Stolen Property 3 (9A.56.170)		E
A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+	B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	1	C
			C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	2	D
			B	Theft of a Motor Vehicle (9A.56.065)		C

	<b>Motor Vehicle Related Crimes</b>		
E	Driving Without a License (46.20.005)	E	
B+	Hit and Run - Death (46.52.020(4)(a))	C+	
C	Hit and Run - Injury (46.52.020(4)(b))	D	
D	Hit and Run-Attended (46.52.020(5))	E	
E	Hit and Run-Unattended (46.52.010)	E	
C	Vehicular Assault (46.61.522)	D	
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D	
E	Reckless Driving (46.61.500)	E	
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E	
B+	Felony Driving While Under the Influence (46.61.502(6))	B	
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B	
	<b>Other</b>		
B	Animal Cruelty 1 (16.52.205)	C	
B	Bomb Threat (9.61.160)	C	
C	Escape 1 <sup>1</sup> (9A.76.110)	C	
C	Escape 2 <sup>1</sup> (9A.76.120)	C	
D	Escape 3 (9A.76.130)	E	
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E	
A	Other Offense Equivalent to an Adult Class A Felony	B+	
B	Other Offense Equivalent to an Adult Class B Felony	C	
C	Other Offense Equivalent to an Adult Class C Felony	D	
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E	

E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

**OPTION A**

**JUVENILE OFFENDER SENTENCING GRID**

**STANDARD RANGE**

A	129 to 260 weeks for all category A++ offenses				
A	180 weeks to age 21 for all category A+ offenses				
A	103-129 weeks for all category A offenses				
A	3	5	8	1	1
-	0-40 weeks	2-65 weeks	0-10 weeks	03-129 weeks	03-129 weeks
B	1	5	8	1	1
++	5-36 weeks	2-65 weeks	0-10 weeks	03-129 weeks	03-129 weeks

		eks					
		s					
CURRE NT	B	1	1	5	8	1	
	+	5- 36 we ek s	5- 36 we ek s	2- 65 we ek s	0- 100 we eks	03- 129 we eks	
OFFE NSE	B	L	L	1	1	5	
	S	S	5- 36 we ek s	5- 36 we eks	2- 65 we eks		
CATE GORY	C	L	L	L	1	1	
	S	S	S	5- 36 we eks	5- 36 we eks		
PRIOR	C	L	L	L	L	1	
	S	S	S	S	5- 36 we eks		
ADJU DICATIO NS	D	L	L	L	L	L	
	S	S	S	S	S	S	
ADJU DICATIO NS	D	L	L	L	L	L	
	S	S	S	S	S	S	
ADJU DICATIO NS	E	L	L	L	L	L	
	S	S	S	S	S	S	
ADJU DICATIO NS							0
							1
ADJU DICATIO NS							2
							3
ADJU DICATIO NS							4
							or mo re

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications

included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

**OPTION B**

**SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended



disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

**OR**

**OPTION C**

**CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR**

**OPTION D**

**MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**Sec. 37.** RCW 13.40.0357 and 2020 c 18 s 8 are each amended to read as follows:

**DESCRIPTION AND OFFENSE CATEGORY**

JUVENILE DISPOSITION	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION	CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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**Arson and Malicious Mischief**

A	Arson 1 (9A.48.020)		B+
B	Arson 2 (9A.48.030)		C
C	Reckless Burning (9A.48.040)	1	D
D	Reckless Burning (9A.48.050)	2	E
B	Malicious Mischief (9A.48.070)	1	C
C	Malicious Mischief (9A.48.080)	2	D
D	Malicious Mischief (9A.48.090)	3	E
E	Tampering with Fire Alarm Apparatus (9.40.100)		E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)		E
A	Possession of Incendiary Device (9.40.120)		B+

**Assault and Other Crimes Involving Physical Harm**

A	Assault 1 (9A.36.011)		B+
B+	Assault 2 (9A.36.021)		C+
C+	Assault 3 (9A.36.031)		D+
D+	Assault 4 (9A.36.041)		E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under		C+

A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A	B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+
D+	Reckless Endangerment (9A.36.050)	E	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
C+	Promoting Suicide Attempt (9A.36.060)	D+	E	Possession of Marihuana <40 grams (69.50.4014)	E
D+	Coercion (9A.36.070)	E	C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Custodial Assault (9A.36.100)	D+	C+	Sale of Controlled Substance for Profit (69.50.410)	C+
<b>Burglary and Trespass</b>			E	Unlawful Inhalation (9.47A.020)	E
B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+	B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
B	Residential Burglary (9A.52.025)	C	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C
B	Burglary 2 (9A.52.030)	C	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
D	Burglary Tools (Possession of) (9A.52.060)	E	<b>Firearms and Weapons</b>		
D	Criminal Trespass 1 (9A.52.070)	E	B	Theft of Firearm (9A.56.300)	C
E	Criminal Trespass 2 (9A.52.080)	E	B	Possession of Stolen Firearm (9A.56.310)	C
C	Mineral Trespass (78.44.330)	C	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Vehicle Prowling 1 (9A.52.095)	D	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a) (( <del>vii</del> )) (vii))	C
D	Vehicle Prowling 2 (9A.52.100)	E			
<b>Drugs</b>					
E	Possession/Consumption of Alcohol (66.44.270)	E			
C	Illegally Obtaining Legend Drug (69.41.020)	D			
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+			
E	Possession of Legend Drug (69.41.030(2)(b))	E			

D+	Possession of Dangerous Weapon (9.41.250)	E	A	Rape 1 (9A.44.040)	B+
D	Intimidating Another Person by use of Weapon (9.41.270)	E	B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
	<b>Homicide</b>		A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
A+	Murder 1 (9A.32.030)	A	C+	Rape 3 (9A.44.060)	D+
A+	Murder 2 (9A.32.050)	B+	B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
B+	Manslaughter 1 (9A.32.060)	C+	A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
C+	Manslaughter 2 (9A.32.070)	D+	B+	Rape of a Child 2 (9A.44.076)	C+
B+	Vehicular Homicide (46.61.520)	C+	B	Incest 1 (9A.64.020(1))	C
	<b>Kidnapping</b>		C	Incest 2 (9A.64.020(2))	D
A	Kidnap 1 (9A.40.020)	B+	D+	Indecent Exposure (Victim <14) (9A.88.010)	E
B+	Kidnap 2 (9A.40.030)	C+	E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
C+	Unlawful Imprisonment (9A.40.040)	D+	B+	Promoting Prostitution 1 (9A.88.070)	C+
	<b>Obstructing Governmental Operation</b>		C+	Promoting Prostitution 2 (9A.88.080)	D+
D	Obstructing a Law Enforcement Officer (9A.76.020)	E	E	O & A (Prostitution) (9A.88.030)	E
E	Resisting Arrest (9A.76.040)	E	B+	Indecent Liberties (9A.44.100)	C+
B	Introducing Contraband 1 (9A.76.140)	C	B++	Child Molestation 1 (9A.44.083) committed at age 14 or under	B+
C	Introducing Contraband 2 (9A.76.150)	D	A-	Child Molestation 1 (9A.44.083) committed at age 15 through age 17	B+
E	Introducing Contraband 3 (9A.76.160)	E	B	Child Molestation 2 (9A.44.086)	C+
B+	Intimidating a Public Servant (9A.76.180)	C+	C	Failure to Register as a Sex Offender (9A.44.132)	D
B+	Intimidating a Witness (9A.72.110)	C+		<b>Theft, Robbery, Extortion, and Forgery</b>	
	<b>Public Disturbance</b>		B	Theft 1 (9A.56.030)	C
C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+	C	Theft 2 (9A.56.040)	D
D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E			
E	Failure to Disperse (9A.84.020)	E			
E	Disorderly Conduct (9A.84.030)	E			
	<b>Sex Crimes</b>				

D	Theft 3 (9A.56.050)	E	D	Hit and Run-Attended (46.52.020(5))	E
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C	E	Hit and Run-Unattended (46.52.010)	E
C	Forgery (9A.60.020)	D	C	Vehicle Assault (46.61.522)	D
A	Robbery 1 (9A.56.200) committed at age 15 or under	B+	C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
A++	Robbery 1 (9A.56.200) committed at age 16 or 17	A	E	Reckless Driving (46.61.500)	E
B+	Robbery 2 (9A.56.210)	C+	D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Extortion 1 (9A.56.120)	C+	B+	Felony Driving While Under the Influence (46.61.502(6))	B
C+	Extortion 2 (9A.56.130)	D+	B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
C	Identity Theft 1 (9.35.020(2))	D	<b>Other</b>		
D	Identity Theft 2 (9.35.020(3))	E	B	Animal Cruelty 1 (16.52.205)	C
D	Improperly Obtaining Financial Information (9.35.010)	E	B	Bomb Threat (9.61.160)	C
B	Possession of a Stolen Vehicle (9A.56.068)	C	C	Escape 1 <sup>1</sup> (9A.76.110)	C
B	Possession of Stolen Property 1 (9A.56.150)	C	C	Escape 2 <sup>1</sup> (9A.76.120)	C
C	Possession of Stolen Property 2 (9A.56.160)	D	D	Escape 3 (9A.76.130)	E
D	Possession of Stolen Property 3 (9A.56.170)	E	E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C	A	Other Offense Equivalent to an Adult Class A Felony	B+
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D	B	Other Offense Equivalent to an Adult Class B Felony	C
B	Theft of a Motor Vehicle (9A.56.065)	C	C	Other Offense Equivalent to an Adult Class C Felony	D
<b>Motor Vehicle Related Crimes</b>			D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Driving Without a License (46.20.005)	E	E	Other Offense Equivalent to an Adult Misdemeanor	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+	V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) <sup>2</sup>	V
C	Hit and Run - Injury (46.52.020(4)(b))	D			

<sup>1</sup>Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 28 days confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

<sup>2</sup>If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

**JUVENILE SENTENCING STANDARDS**

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D.

**OPTION A**

**JUVENILE OFFENDER SENTENCING GRID**

**STANDARD RANGE**

++ A 129 to 260 weeks for all category A++ offenses

+ A 180 weeks to age 21 for all category A+ offenses

A 103-129 weeks for all category A offenses

- A 3 5 8 1 1  
0- 2- 0- 03- 03-  
40 65 10 129 129  
we we 0 we we  
ek ek we eks eks  
s s ek  
s

++ B 1 5 8 1 1  
5- 2- 0- 03- 03-  
36 65 10 129 129  
we we 0 we we  
ek ek we eks eks  
s s ek  
s

+ B 1 1 5 8 1  
5- 5- 2- 0- 03-  
36 36 65 100 129  
we we we we we  
ek ek ek eks eks  
s s s

**CURRENT**

OFFENSE	B	L	L	1	1	5
	S	S	5-	5-	2-	
			36	36	65	
			we	we	we	
			ek	eks	eks	
			s			

CATEGORY	C	L	L	L	1	1
	S	S	S	5-	5-	
				36	36	
				we	we	
				eks	eks	

	C	L	L	L	L	1
	S	S	S	S	S	5-
						36
						we
						eks

	D	L	L	L	L	L
	S	S	S	S	S	S

	D	L	L	L	L	L
	S	S	S	S	S	S

	E	L	L	L	L	L
	S	S	S	S	S	S

**PRIOR**

	0	1	2	3	4	
						or mo re

**ADJUDICATIONS**

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the

prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR**

**OPTION B**

**SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) Is adjudicated of an A+ or A++ offense;

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2)(a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

**OR**

**OPTION C**

**CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR**

**OPTION D**

**MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

**Sec. 38.** RCW 13.40.160 and 2020 c 18 s 9 are each amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) If a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court may impose the special sex offender disposition alternative under RCW 13.40.162.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of

confinement, the court may impose the disposition alternative under RCW 13.40.167.

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.169 may impose the disposition alternative under RCW 13.40.169.

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(2)(a) ~~((vi))~~ (vii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) RCW 13.40.308 shall govern the disposition of any juvenile adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, possession of a stolen motor vehicle as defined under RCW 9A.56.068, taking a motor vehicle without permission in the first degree under RCW 9A.56.070, and taking a motor vehicle without permission in the second degree under RCW 9A.56.075.

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(10) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

(11) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

**Sec. 39.** RCW 13.40.193 and 2020 c 18 s 10 are each amended to read as follows:

(1) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040(2)(a) ~~((vi))~~ (vii), the court shall impose a minimum disposition of ten days of confinement. If the offender's standard range of disposition for the offense as indicated

in RCW 13.40.0357 is more than thirty days of confinement, the court shall commit the offender to the department for the standard range disposition. The offender shall not be released until the offender has served a minimum of ten days in confinement.

(2) (a) If a respondent is found to have been in possession of a firearm in violation of RCW 9.41.040, the disposition must include a requirement that the respondent participate in a qualifying program as described in (b) of this subsection, when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(b) For purposes of this section, "qualifying program" means an aggression replacement training program, a functional family therapy program, or another program applicable to the juvenile firearm offender population that has been identified as evidence-based or research-based and cost-beneficial in the current list prepared at the direction of the legislature by the Washington state institute for public policy.

(3) If the court finds that the respondent or an accomplice was armed with a firearm, the court shall determine the standard range disposition for the offense pursuant to RCW 13.40.160. If the offender or an accomplice was armed with a firearm when the offender committed any felony other than possession of a machine gun or bump-fire stock, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, or use of a machine gun or bump-fire stock in a felony, the following periods of total confinement must be added to the sentence: (a) Except for (b) of this subsection, for a class A felony, six months; for a class B felony, four months; and for a class C felony, two months; (b) for any violent offense as defined in RCW 9.94A.030, committed by a respondent who is sixteen or seventeen years old at the time of the offense, a period of twelve months. The additional time shall be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357.

(4)(a) If the court finds that the respondent who is sixteen or seventeen years old and committed the offense of

robbery in the first degree, drive-by shooting, rape of a child in the first degree, burglary in the first degree, or any violent offense as defined in RCW 9.94A.030 and was armed with a firearm, and the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang, a period of three months total confinement must be added to the sentence. The additional time must be imposed regardless of the offense's juvenile disposition offense category as designated in RCW 13.40.0357 and must be served consecutively with any other sentencing enhancement.

(b) For the purposes of this section, "criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(5) When a disposition under this section would effectuate a manifest injustice, the court may impose another disposition. When a judge finds a manifest injustice and imposes a disposition of confinement exceeding thirty days, the court shall commit the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. When a judge finds a manifest injustice and imposes a disposition of confinement less than thirty days, the disposition shall be comprised of confinement or community supervision or both.

(6) Any term of confinement ordered pursuant to this section shall run consecutively to any term of confinement imposed in the same disposition for other offenses.

**Sec. 40.** RCW 13.40.265 and 2020 c 18 s 11 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed



with a firearm or an offense that is a violation of RCW 9.41.040(2)(a) ~~((vi))~~ (vii) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense while armed with a firearm, first unlawful possession of a firearm offense, or first offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

(3) If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

**Sec. 41.** RCW 26.28.015 and 2021 c 215 s 141 are each amended to read as follows:

Notwithstanding any other provision of law, and except as provided under RCW ~~((7.105.105))~~ 7.105.100, all persons shall be deemed and taken to be of full age for the specific purposes hereafter enumerated at the age of eighteen years:

(1) To enter into any marriage contract without parental consent if otherwise qualified by law;

(2) To execute a will for the disposition of both real and personal property if otherwise qualified by law;

(3) To vote in any election if authorized by the Constitution and otherwise qualified by law;

(4) To enter into any legal contractual obligation and to be legally bound thereby to the full extent as any other adult person;

(5) To make decisions in regard to their own body and the body of their lawful issue whether natural born to or adopted by such person to the full extent

allowed to any other adult person including but not limited to consent to surgical operations;

(6) To sue and be sued on any action to the full extent as any other adult person in any of the courts of this state, without the necessity for a guardian ad litem.

**Sec. 42.** RCW 50.20.050 and 2021 c 251 s 3 and 2021 c 215 s 153 are each reenacted to read as follows:

(1) With respect to separations that occur on or after September 6, 2009, and for separations that occur before April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant obtains bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the claimant's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs; or

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after April 4, 2021:

(a) A claimant shall be disqualified from benefits beginning with the first day of the calendar week in which the claimant has left work voluntarily without good cause and thereafter for seven calendar weeks and until the claimant has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times the claimant's weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the claimant's training and experience.

(b) A claimant has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) The claimant has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant made reasonable efforts to preserve the claimant's employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume

employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated the claimant's employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 7.105.010, or stalking, as defined in RCW 9A.46.110;

(v) The claimant's usual compensation was reduced by twenty-five percent or more;

(vi) The claimant's usual hours were reduced by twenty-five percent or more;

(vii) The claimant's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The claimant's worksite safety deteriorated, the claimant reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The claimant left work because of illegal activities in the claimant's worksite, the claimant reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The claimant's usual work was changed to work that violates the claimant's religious convictions or sincere moral beliefs;

(xi) The claimant left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the claimant begins active

participation in the apprenticeship program; or

(xii) During a public health emergency:

(A) The claimant was unable to perform the claimant's work for the employer from the claimant's home;

(B) The claimant is able to perform, available to perform, and can actively seek suitable work which can be performed for an employer from the claimant's home; and

(C) The claimant or another individual residing with the claimant is at higher risk of severe illness or death from the disease that is the subject of the public health emergency because the higher risk individual:

(I) Was in an age category that is defined as high risk for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides; or

(II) Has an underlying health condition, verified as required by the department by rule, that is identified as a risk factor for the disease that is the subject of the public health emergency by the federal centers for disease control and prevention, the department of health, or the equivalent agency in the state where the individual resides.

(3) With respect to claims that occur on or after July 4, 2021, a claimant has good cause and is not disqualified from benefits under subsection (2)(a) of this section under the following circumstances, in addition to those listed under subsection (2)(b) of this section, if, during a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and left work for the period of quarantine consistent with the recommended guidance from the United States centers for disease control and prevention or subject to the direction of the state or local health jurisdiction because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency.

(4) Notwithstanding subsection (1) of this section, a claimant who was

simultaneously employed in full-time employment and part-time employment and is otherwise eligible for benefits from the loss of the full-time employment shall not be disqualified from benefits because the claimant:

(a) Voluntarily quit the part-time employment before the loss of the full-time employment; and

(b) Did not have prior knowledge that the claimant would be separated from full-time employment.

**Sec. 43.** RCW 70.02.230 and 2021 c 264 s 17 and 2021 c 263 s 6 are each reenacted to read as follows:

(1) The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies may not be disclosed except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or

prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h) (i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i) (i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) By a care coordinator under RCW 71.05.585 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.05 or 10.77 RCW;

(l) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(m) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(n) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a) ~~((iv))~~ (v). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy

of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a) ~~((iv))~~ (v);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(o) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(p) Pursuant to lawful order of a court, including a tribal court;

(q) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(r) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer

programs, at the facility when it is necessary to perform their duties;

(s) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department;

(t) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

(u) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(v)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)(v) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the

patient who is the subject of the request for release of information;

(w) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (v) of this subsection;

(x) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(y) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(z) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed,

the staff member may not obtain the additional information;

(aa) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(bb) (i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set

forth by the secretary, or director, where applicable;

(cc) To any person if the conditions in RCW 70.02.205 are met;

(dd) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450; or

(ee) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150(6).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict

confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

**Sec. 44.** RCW 70.02.240 and 2021 c 264 s 18 and 2021 c 263 s 7 are each reenacted and amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through inpatient or outpatient treatment of a minor under chapter 71.34 RCW must be kept confidential, except as authorized by this section or under RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265. Confidential information under this section may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To the minor, the minor's parent, including those acting as a parent as



defined in RCW 71.34.020 for purposes of family-initiated treatment, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts as necessary to administer chapter 71.34 RCW;

(5) By a care coordinator under RCW 71.34.755 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 or 10.77 RCW;

(6) By a care coordinator under RCW 71.34.755 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 RCW;

(7) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

(8) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(9) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from

(fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/ . . . . .";

(10) To appropriate law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(11) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(12) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next of kin;

(14) To a facility in which the minor resides or will reside;

(15) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a) ~~((iv))~~ (v). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a) ~~((iv))~~ (v);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(16) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services, where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

(17) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

(18) Pursuant to a lawful order of a court.

**NEW SECTION. Sec. 45.** The following acts or parts of acts are each repealed:

(1)RCW 7.105.055 (Jurisdiction—Stalking protection orders) and 2021 c 215 s 5;

(2)RCW 7.105.060 (Jurisdiction—Antiharassment protection orders) and 2021 c 215 s 6;

(3)RCW 7.105.170 (Vulnerable adult protection orders—Service when vulnerable adult is not the petitioner) and 2021 c 215 s 22; and

(4)RCW 7.105.901 (Recommendations on jurisdiction over protection order proceedings—Report) and 2021 c 215 s 12.

**NEW SECTION. Sec. 46.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**Sec. 47.** 2021 c 215 s 87 (uncodified) is amended to read as follows:

(1) Except for sections 12, 16, 18, 19, 21, 24, 25, 34, and 36 of this act, this act takes effect July 1, 2022.

(2) Sections 19, 21, 24, and 34, chapter 215, Laws of 2021 take effect the effective date of this section.

**NEW SECTION. Sec. 48.** Section 36 of this act expires July 1, 2023.

**NEW SECTION. Sec. 49.** (1) Except for sections 9 through 14, 37, and 47 of this act, this act takes effect July 1, 2022.

(2) Section 37 of this act takes effect July 1, 2023.

(3) Sections 9 through 14 and 47 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 3 of the title, after "accessibility;" strike the remainder of the title and insert "amending RCW 7.105.010, 7.105.050, 7.105.070, 7.105.075, 7.105.100, 7.105.105, 7.105.115, 7.105.120, 7.105.150, 7.105.155, 7.105.165, 7.105.200, 7.105.205, 7.105.250, 7.105.255, 7.105.305, 7.105.310, 7.105.320, 7.105.340, 7.105.400, 7.105.450, 7.105.460, 7.105.500, 7.105.510, 7.105.555, 7.105.902, 9.41.040, 9.41.800, 9.41.801, 42.56.240, 4.08.050, 9.41.042, 12.04.140, 12.04.150, 13.40.0357, 13.40.0357, 13.40.160, 13.40.193, 13.40.265, and 26.28.015; amending 2021 c 215 s 87 (uncodified); reenacting and amending RCW 70.02.240; reenacting RCW 50.20.050 and 70.02.230; creating a new section; repealing RCW 7.105.055, 7.105.060, 7.105.170, and 7.105.901; providing effective dates;

providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1901 and advanced the bill, as amended by the Senate, to final passage.

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

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

Representative Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1901, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1901, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cody, Davis, Dolan, Donaghy, Duerr, Entenman, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hackney, Hansen, Harris-Talley, J. Johnson, Kirby, Klöba, Leavitt, Lekanoff, Macri, Morgan, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Rule, Ryu, Santos, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Stonier, Sullivan, Taylor, Thai, Tharinger, Valdez, Walen, Wicks, Wylie and Mme. Speaker.

Voting nay: Representatives Abbarno, Barkis, Boehnke, Caldier, Chambers, Chandler, Chase, Corry, Dent, Dufault, Dye, Eslick, Gilday, Goehner, Graham, Griffey, Harris, Hoff, Jacobsen, Klicker, Kraft, Kretz, MacEwen, Maycumber, McCaslin, McEntire, Mosbrucker, Orcutt, Robertson, Rude, Schmick, Steele, Stokesbary, Sutherland, Vick, Volz, Walsh, Wilcox, Ybarra and Young.

Excused: Representative Klippert.

SUBSTITUTE HOUSE BILL NO. 1901, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2022

Madame Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that establishing minimum service requirements for the department of social and health services economic services administration's community services division is necessary due to the increase in call center wait times due to the closure of community services offices during the COVID-19 public health emergency, resulting in individuals being unable to access safety net programs administered by the department.

(2) The legislature intends to establish minimum service expectations and requirements to ensure that eligible individuals receive needed services through the department's community services offices. The legislature further intends to prohibit the department's community services division from imposing punitive measures against individuals when they have attempted to contact or access the community services office, per requirements to apply for and maintain their benefits, and are unable to connect due to long wait times over the phone or due to closure of the community services offices, to the extent allowable under federal and state law.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.04 RCW to read as follows:

(1) Minimum service expectations and requirements for the department's community services division are established.

(a) The community services division must ensure that clients may apply for and receive services in a reasonable and accessible manner that is suited to the clients' needs. This includes, but is not limited to, meeting client needs related to technology, language, and ability.

(b) Community services offices must be open for walk-in and in-person services during normal business hours.

(i) The community services division may not limit which clients are able to use walk-in and in-person services or limit which services may be accessed in community services offices.

(ii) The department retains the right to close an office for emergency, health, safety, and welfare issues.

(c) The community services division must maintain telephonic access to services.

(i) The community services division must strive to ensure that clients do not experience total call wait times that exceed 30 minutes.

(ii) The community services division must monitor the average wait time for client telephone calls per week, and include a measurement of all incoming calls, including dropped calls.

(iii) Beginning November 1, 2022, and annually thereafter, the department must report to the appropriate committees of the legislature and the governor in compliance with RCW 43.01.036 on the average wait time for client telephone calls per week, the measurement of all incoming calls, and the number of dropped calls, and the methodology the department uses to monitor the total wait times, the incoming calls, and the dropped calls.

(iv) By November 1, 2022, the department must provide to the legislature recommendations on achieving the goal of 30-minute call wait times, including recommendations on staffing, technology, and any other infrastructure needed to efficiently serve clients.

(2) Where a cash and food assistance applicant or recipient is negatively affected by excessive call wait times, dropped calls, or community services division office closures during normal business hours:

(a) The department must prioritize the processing of the applicant's application to the extent allowed under state and federal law; and

(b) To the extent allowed under state and federal law, an applicant or recipient may not be terminated or sanctioned by the department or have their application for assistance denied based on an applicant's or recipient's inability to contact the community services division."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 74.04 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Peterson and Gilday spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2075, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2075, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representative Dufault.

Excused: Representative Klippert.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2075, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2022

Madame Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2078 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that time outdoors helps children thrive physically, emotionally, and academically, yet over the past few generations, childhood has moved indoors. On average, today's kids spend up to 44 hours per week in front of a screen, and less than 10 minutes a day doing activities outdoors. For too many kids, access to the outdoors is determined by race, income, ability, and zip code. All children deserve equitable access to outdoor spaces where they can learn, play, and grow, but current access to outdoor educational opportunities is inequitable.

(2) From stress reduction to improved focus and engagement, and better academic performance, outdoor-based learning helps kids thrive. Research shows participants in outdoor educational activities have higher graduation rates, improved behavior in school and relationships with peers, higher academic achievement, critical thinking skills, direct experience of scientific concepts in the field, leadership and collaboration skills, and a deeper engagement with learning, place, and community. Outdoor educational programs also offer new opportunities for work-integrated learning in science, natural resources, education, land management, agriculture, outdoor recreation, and other employment sectors. Outdoor-based learning activities can also be a key element in the larger system of regular outdoor instructional time and outdoor experiences that includes STEM fields, after-school programs, summer camps, 4-H, scouting, and related programs which can spark a lifelong appreciation for the natural world.

(3) The legislature further finds that accessibility is a major obstacle to universal outdoor education. Most sites lack accommodation for children with disabilities and support staff for children who need social and emotional support. In addition, some youth may experience cultural barriers to outdoor learning experiences.

(4) Therefore, the legislature intends to establish a statewide grant program and corresponding outdoor education experiences program to address these needs and to ensure that all students have a chance to benefit from outdoor education.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, or within funding made available, the outdoor learning grant program is established. The purpose of the grant program is to develop and support educational experiences for students in Washington public schools.

(2) The office of the superintendent of public instruction shall administer the grant program in accordance with this section.

(3) Within existing resources, the Washington state parks and recreation commission, the department of natural resources, the Washington department of fish and wildlife, the Washington department of agriculture, and the Washington conservation commission may partner with the office of the superintendent of public instruction to provide relevant expertise on land management and work-integrated learning experiences and opportunities.

(4) Beginning in the 2022-23 school year, the office of the superintendent of public instruction shall award grants to eligible school districts, federally recognized tribes, and outdoor education program providers. The office may consult with the Washington recreation and conservation office in awarding grants under this section.

(5) (a) The grant program must consist of two types of grants, including:

(i) Allocation-based grants for school districts to develop or support educational experiences; and

(ii) Competitive grants for federally recognized tribes and outdoor education providers to support existing capacity and to increase future capacity for outdoor learning experiences.

(b) In implementing student educational experiences under this section, school districts and outdoor education providers should ensure equitable access for students in all geographic regions, and high levels of accessibility for students with disabilities.

(6) Beginning in 2024, the office of the superintendent of public instruction, in accordance with RCW 43.01.036, must submit an annual report

to the appropriate committees of the legislature with an evaluation of the program established by this section. The report may include information on other outdoor education and instructional time efforts and how they compare with programs funded through the outdoor learning grant program.

(7) For the purposes of this section, "school districts" includes state-tribal education compact schools established under chapter 28A.715 RCW.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the outdoor education experiences program is established as a program within the outdoor learning grant program established in section 2 of this act. The purpose of the outdoor education experiences program is to develop and support outdoor learning opportunities for 5th and 6th grade students in Washington public schools, with related opportunities for high school students to volunteer as counselors. The program will consist of hands-on learning experiences that: Are three to five days in duration and up to four nights; are overnight or day programs when overnight programs are impractical due to health, cultural, or capacity considerations; and have a focus on environmental education aligned with the Washington state learning standards and the development of social and emotional learning skills.

(2) The office of the superintendent of public instruction may work with a statewide nonprofit organization representing school principals to create guidelines for the program established by this section.

(3) In implementing the program established by this section, the priority focus of the office of the superintendent of public instruction must be given to schools that have been identified for improvement through the Washington school improvement framework and communities historically underserved by science education. These communities can include, but are not limited to, federally recognized tribes, including state-tribal education compact schools, migrant students, schools with high free and reduced-price lunch populations, rural and remote schools, students in alternative learning environments,

students of color, English language learner students, and students receiving special education services.

**Sec. 4.** RCW 28A.300.790 and 2018 c 266 s 410 are each amended to read as follows:

(1) The superintendent of public instruction, subject to conformity with application or other requirements adopted by rule, shall approve requests by public schools as provided in RCW 28A.320.173 to consider student participation in seasonal or nonseasonal outdoor-based activities, including programs established in accordance with section 2 of this act, and the outdoor education experiences program established in section 3 of this act, as instructional days for the purposes of basic education requirements established in RCW 28A.150.220(5).

(2) The superintendent of public instruction shall adopt rules to implement this section."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28A.300.790; adding new sections to chapter 28A.300 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2078 and advanced the bill, as amended by the Senate, to final passage.

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

Representatives Rule and Ybarra spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2078, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2078, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Kloba, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Wicks, Wilcox, Wylie, Ybarra, Young and Mme. Speaker.

Voting nay: Representatives Chase, Dufault, Kraft, McCaslin and Walsh.

Excused: Representative Klippert.

SECOND SUBSTITUTE HOUSE BILL NO. 2078, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 8, 2022

Madame Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5693 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Rolfes, Robinson and Wilson L.,

and the same is herewith transmitted,

Sarah Bannister, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5693. The Speaker (Representative Orwall presiding) appointed the following members as Conferees: Representatives Macri, Ormsby and Stokesbary.

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

#### MESSAGES FROM THE SENATE

March 8, 2022

Mme. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5555,  
SENATE BILL NO. 5585,

SENATE BILL NO. 5612,  
SECOND SUBSTITUTE SENATE BILL NO. 5619,  
SUBSTITUTE SENATE BILL NO. 5644,  
SUBSTITUTE SENATE BILL NO. 5722,  
SUBSTITUTE SENATE BILL NO. 5728,

and the same are herewith transmitted.

Sarah Bannister, Secretary

March 8, 2022

Mme. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1753,  
HOUSE BILL NO. 1765,  
SUBSTITUTE HOUSE BILL NO. 1768,  
SUBSTITUTE HOUSE BILL NO. 1790,  
SECOND SUBSTITUTE HOUSE BILL NO. 1905,  
HOUSE BILL NO. 1907,  
HOUSE BILL NO. 1927,  
ENGROSSED HOUSE BILL NO. 1931,  
SUBSTITUTE HOUSE BILL NO. 1955,  
SUBSTITUTE HOUSE BILL NO. 1961,  
ENGROSSED HOUSE BILL NO. 1982,  
SUBSTITUTE HOUSE BILL NO. 2001,  
HOUSE BILL NO. 2007,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2037,  
SUBSTITUTE HOUSE BILL NO. 2050,  
SUBSTITUTE HOUSE BILL NO. 2051,

and the same are herewith transmitted.

Sarah Bannister, Secretary

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

#### REPORTS OF STANDING COMMITTEES

March 8, 2022

##### SSB 5799

Prime Sponsor, Committee on Business, Financial Services & Trade: Modifying the application of the workforce education investment advanced computing surcharge to provider clinics and affiliated organizations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Vick; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp and Thai.

Referred to Committee on Rules for second reading.

March 8, 2022

ESB 5849 Prime Sponsor, Senator Warnick:  
Concerning tax incentives. Reported by  
Committee on Finance

MAJORITY recommendation: Do pass. Signed by  
Representatives Frame, Chair; Berg, Vice Chair; Walen,  
Vice Chair; Orcutt, Ranking Minority Member; Dufault,  
Assistant Ranking Minority Member; Chase; Chopp;  
Harris-Talley; Morgan; Orwall; Ramel; Springer;  
Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

March 8, 2022

ESB 5901 Prime Sponsor, Senator Randall:  
Concerning economic development tax  
incentives for targeted counties. Reported by  
Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting  
clause and insert the following:

**"PART I**

**CREATING A SALES AND USE TAX DEFERRAL  
PROGRAM TO INCENTIVIZE MANUFACTURING AND  
RESEARCH AND DEVELOPMENT ACTIVITIES IN  
CERTAIN DESIGNATED COUNTIES**

NEW SECTION. **Sec. 101.** (1) The  
legislature finds that there are counties  
in the state that face additional  
economic development challenges beyond  
the challenges faced by counties located  
in the central Puget Sound region. The  
legislature further finds that these  
regions do not experience the same degree  
of job growth and investment. The  
legislature further finds that, in some  
areas, increased economic development  
incentives are needed to help support  
economic growth and that a one-size-fits-  
all approach to economic development does  
not work for the diversity of the  
statewide economy. For these reasons, the  
legislature intends to establish a tax  
deferral program to be effective solely  
in certain targeted counties. The  
legislature declares that this limited  
program serves the vital public purpose  
of creating employment opportunities and  
generally spurring economic development  
in these counties of the state.

(2) The legislature also finds that  
this act is consistent with the  
Substitute House Bill No. 1170, the  
Washington BEST manufacturing act,  
enacted in 2021. The 2021 Washington BEST  
manufacturing act recognized that the

state must retain and build on its  
leadership in the manufacturing and  
research and development sectors and also  
recognized that a thriving manufacturing  
and research sector are complimentary and  
should be promoted in every region of the  
state. Therefore, the legislature  
further finds the sales and use tax  
deferral program for manufacturing and  
research and development in this act is  
a critical tool and strategy to help  
achieve the goals expressed in the  
Washington BEST manufacturing act of  
doubling the state's manufacturing  
employment base, the number of small  
businesses, and the number of women and  
minority-owned manufacturing businesses  
in the next 10 years.

NEW SECTION. **Sec. 102.** Unless the  
context clearly requires otherwise, the  
definitions in this section apply  
throughout this chapter.

(1) "Applicant" means a person  
applying for a tax deferral under this  
chapter.

(2) "Department" means the department  
of revenue.

(3) "Eligible area" means a qualifying  
county.

(4)(a) "Eligible investment project"  
means an investment project that is  
located, as of the date the application  
required by section 103 of this act is  
received by the department, in an  
eligible area as defined in subsection  
(3) of this section.

(b) "Eligible investment project" does  
not include any portion of an investment  
project undertaken by a light and power  
business as defined in RCW 82.16.010(4),  
other than that portion of a cogeneration  
project that is used to generate power  
for consumption within the manufacturing  
site of which the cogeneration project is  
an integral part, or investment projects  
that have already received deferrals  
under this chapter.

(5)(a) "Initiation of construction"  
means the date that a building permit is  
issued under the building code adopted  
under RCW 19.27.031 for:

(i) Construction of the qualified  
building, if the underlying ownership of  
the building vests exclusively with the  
person receiving the economic benefit of  
the deferral;

(ii) Construction of the qualified  
building, if the economic benefits of the



deferral are passed to a lessee as provided in RCW 82.60.025; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in RCW 82.60.025.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the eligible investment project is a phased project, "initiation of construction" applies separately to each phase.

(6) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(7) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) The activities performed by research and development laboratories and commercial testing laboratories; and

(b) The conditioning of vegetable seeds.

(8) "Meaningful construction" means an active construction site, where excavation of a building site, laying of a building foundation, or other tangible signs of construction are taking place and that clearly show a progression in the construction process at the location designated by the taxpayer in the application for deferral. Planning, permitting, or land clearing before excavation of the building site, without more, does not constitute "meaningful construction."

(9) "Person" has the meaning given in RCW 82.04.030.

(10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an

integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral must be determined by apportionment of the costs of construction under rules adopted by the department.

(11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Qualifying county" means a county that has a population less than 650,000 at the time an application is submitted under section 103 of this act.

(13) "Recipient" means a person receiving a tax deferral under this chapter.

(14) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed \$1,000,000.

NEW SECTION.

**Sec. 103.**

(1) Application for deferral of taxes under this chapter must be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application must be made to the department in a form and manner prescribed by the department. The application must contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or

actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department must rule on the application within 60 days.

(2) The department may not accept applications for the deferral under this chapter after June 30, 2032.

(3) This section expires July 1, 2032.

**NEW SECTION. Sec. 104.** (1) The department must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project.

(2) The department must keep a running total of all deferrals granted under this chapter during each fiscal biennium. The amount of state and local sales and use taxes eligible for deferral under this chapter is limited to \$400,000 per person.

(3) This section expires July 1, 2032.

**NEW SECTION. Sec. 105.** (1) The recipient of a deferral certificate under section 104 of this act must begin meaningful construction on an eligible investment project within two years of receiving a deferral certificate, unless construction was delayed due to circumstances beyond the recipient's control. Lack of funding is not considered a circumstance beyond the recipient's control.

(2) If the recipient does not begin meaningful construction on an eligible investment project within two years of receiving a deferral certificate, the deferral certificate issued under section 104 of this act is invalid and taxes deferred under this chapter are due immediately.

**NEW SECTION. Sec. 106.** (1) (a) Each recipient of a deferral of taxes granted under this chapter must file a complete annual tax performance report with the department under RCW 82.32.534 during the period covered by the schedule under subsection (2) of this section. If the economic benefits of the deferral are passed to a lessee as provided in section 108 of this act, the lessee must file a complete annual tax performance report, and the applicant is not required to file a complete annual tax performance report.

(b) The joint legislative audit and review committee, as part of its tax

preference review process under chapter 43.136 RCW, must use the information reported on the annual tax performance report required by this section to study the tax deferral program authorized under this chapter. The committee must report to the legislature by December 1, 2030. The report must measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company growth, and such other factors as the committee selects.

(2) (a) Except as otherwise provided in this chapter, taxes deferred under this chapter need not be repaid.

(b) If the investment project is not operationally complete within five calendar years from the issuance of the tax deferral certificate, or if, on the basis of the tax performance report under RCW 82.32.534 or other information, the department finds that an investment project is used for purposes other than a qualified manufacturing or research and development operation at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes is immediately due according to the following schedule:

Year in which use occurs	% of deferred taxes due
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

(c) If the economic benefits of the deferral are passed to a lessee as provided in section 108 of this act, the lessee is responsible for payment to the extent the lessee has received the economic benefit.

(3) A recipient who must repay deferred taxes under this section because

the department has found that an investment project is not eligible for tax deferral under this chapter is no longer required to file annual tax performance reports under RCW 82.32.534 beginning on the date an investment project is used for nonqualifying purposes.

(4) The department must assess interest at the rate provided for delinquent taxes, but not penalties, retroactively to the date of deferral for a recipient who must repay deferred taxes under this section because the department has found that an investment project is not eligible for tax deferral. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(5) Notwithstanding any other provision of this section or RCW 82.32.534, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

**NEW SECTION. Sec. 107.** The department must establish a list of qualifying counties, effective July 1, 2022. The list of qualifying counties is effective for a 24-month period and must be updated by July 1st of the year that is two calendar years after the list was established or last updated, as the case may be.

**NEW SECTION. Sec. 108.** The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees

in writing with the department to complete the annual tax performance report required under section 106 of this act; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

**NEW SECTION. Sec. 109.** Chapter 82.32 RCW applies to the administration of this chapter.

**NEW SECTION. Sec. 110.** Applications, reports, and any other information received by the department under this chapter, except applications not approved by the department, are not confidential and are subject to disclosure.

## PART II

### MODIFYING THE SALES AND USE TAX EXEMPTION FOR WAREHOUSES, DISTRIBUTION CENTERS, AND GRAIN ELEVATORS

**Sec. 201.** RCW 82.08.820 and 2014 c 140 s 23 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs,

are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) (i) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the

construction began. (~~"Construction"~~) Except as provided in (b)(ii) of this subsection, "construction" includes expansion if the expansion adds at least two hundred thousand square feet of additional space to an existing warehouse or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(ii) For an existing warehouse located in a qualifying county, "construction" includes expansion if the expansion adds at least 100,000 square feet of additional space to an existing warehouse;

(c) "Department" means the department of revenue;

(d) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(e) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include:

(i) Agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product;

(ii) Logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk; or

(iii) Marijuana, useable marijuana, or marijuana-infused products;

(f) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(g) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repack finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-

handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

(h) "Person" has the meaning given in RCW 82.04.030;

(i) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

(j) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse must be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

(k) "Third-party warehouse" means a person taxable under RCW 82.04.280(1)(d);

(l) "Qualifying county" means a county that has a population less than 650,000 at the time an application is submitted under this section and RCW 82.12.820;

(m) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part

of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

~~((m))~~ (n) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3) (a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. ~~((For))~~ Except as provided under (d) of this subsection, for warehouses with square footage of two hundred thousand or more and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. The maximum amount of tax that may be remitted under this section and RCW 82.12.820 for the construction or expansion of a warehouse or grain elevator is \$400,000.

(b) The department must determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer must on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer must retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department must on a quarterly basis remit exempted amounts to

qualifying persons who submitted applications during the previous quarter.

(d) For warehouses located in a qualifying county, the square footage requirement is 100,000 square feet or more.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

(6) This section expires July 1, 2032.

**Sec. 202.** RCW 82.12.820 and 2006 c 354 s 13 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators, and retailers who own or operate distribution centers, and who have paid the tax levied under RCW 82.12.020 on:

(a) Material-handling equipment and racking equipment and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Materials incorporated in the construction of a warehouse or grain elevator, are eligible for an exemption on tax paid in the form of a remittance or credit against tax owed. The amount of the remittance or credit is computed under subsection (2) of this section and is based on the state share of use tax.

(2) (a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.12.020 to the department. The person may then apply to the department for remittance of all or

part of the tax paid under RCW 82.12.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. ~~((For))~~ Except as provided under (d) of this subsection, for warehouses with square footage of two hundred thousand or more and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction materials, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment. The maximum amount of tax that may be remitted under this section and RCW 82.08.820 for the construction or expansion of a warehouse or grain elevator is \$400,000.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses, if applicable; and construction invoices and documents.

(c) The department shall on a quarterly basis remit or credit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(d) For warehouses located in a qualifying county, the square footage requirement is 100,000 square feet or more.

(3) Warehouse, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Materials incorporated in warehouses and grain elevators upon which construction was initiated prior to May

20, 1997, are not eligible for a remittance under this section.

(4) The lessor or owner of the warehouse or grain elevator is not eligible for a remittance or credit under this section unless the underlying ownership of the warehouse or grain elevator and material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the exemption to the lessee in the form of reduced rent payments.

(5) The definitions in RCW 82.08.820 apply to this section.

(6) This section expires July 1, 2032.

**NEW SECTION. Sec. 203.** A person claiming an exemption from state tax in the form of a remittance under RCW 82.08.820 or 82.12.820 for a warehouse or distribution center must file the annual tax preference performance report under RCW 82.32.534 beginning in the first calendar year following the year the warehouse, distribution center, or grain elevator is operationally complete and for the next two subsequent years.

**NEW SECTION. Sec. 204.** (1) This section is the tax preference performance statement for the warehousing, distribution, and grain elevator sales and use tax exemptions in sections 201 and 202, chapter . . . , Laws of 2022 (sections 201 and 202 of this act). The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to accomplish the general purposes indicated in RCW 82.32.808(2) (a) and (c) to induce certain designated behavior by businesses and to create jobs.

(3) It is the legislature's specific public policy objective to induce the construction of new or expanded warehouses and distribution centers in certain targeted counties by reducing the square footage requirement in order to diversify the tax base and increase employment within the targeted counties.

(4) To measure the effectiveness of these exemptions in achieving the specific public policy objectives

described in subsection (3) of this section, the joint legislative audit and review committee must evaluate the changes in the number of employment positions in the warehousing and distribution industry sector in the targeted counties and changes to the tax base as a result of increased warehousing and distribution activity.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to the remittance data prepared by the department of revenue and the annual tax preference performance report submitted by the beneficiary of the tax preference under RCW 82.32.534.

**NEW SECTION. Sec. 205.** Sections 101 through 110 of this act constitute a new chapter in Title 82 RCW.

**NEW SECTION. Sec. 206.** This act takes effect July 1, 2022."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Thai and Wylie.

**MINORITY recommendation:** Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Chase; Stokesbary and Vick.

**MINORITY recommendation:** Do not pass. Signed by Representatives Dufault, Assistant Ranking Minority Member and Young.

Referred to Committee on Rules for second reading.

March 8, 2022

**ESSB 5980** Prime Sponsor, Committee on Ways & Means: Providing substantial and permanent tax relief for small businesses to mitigate structural deficiencies in Washington's business and occupation tax and lessen long-term negative economic consequences of the pandemic that have disproportionately impacted small businesses. Reported by Committee on Finance

**MAJORITY recommendation:** Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 82.04.4451 and 2010 1st sp.s. c 23 s 1102 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed against the amount of tax otherwise due under this chapter, as provided in this section. Except for taxpayers that report at least (~~(fifty)~~) 50 percent of their taxable amount under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for a taxpayer for a reporting period is (~~(thirty-five dollars)~~) \$55 multiplied by the number of months in the reporting period, as determined under RCW 82.32.045. For a taxpayer that reports at least (~~(fifty)~~) 50 percent of its taxable amount under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for a reporting period is (~~(seventy dollars)~~) \$160 multiplied by the number of months in the reporting period, as determined under RCW 82.32.045.

(2) When the amount of tax otherwise due under this chapter is equal to or less than the maximum credit, a credit is allowed equal to the amount of tax otherwise due under this chapter.

(3) When the amount of tax otherwise due under this chapter exceeds the maximum credit, a reduced credit is allowed equal to twice the maximum credit, minus the tax otherwise due under this chapter, but not less than zero.

(4) The department may prepare a tax credit table consisting of tax ranges using increments of no more than five dollars and a corresponding tax credit to be applied to those tax ranges. The table shall be prepared in such a manner that no taxpayer will owe a greater amount of tax by using the table than would be owed by performing the calculation under subsections (1) through (3) of this section. A table prepared by the department under this subsection must be used by all taxpayers in taking the credit provided in this section.

**Sec. 2.** RCW 82.32.045 and 2019 c 63 s 2 and 2019 c 8 s 302 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter and subsection (6) of this section, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within twenty-five days after the end of the

month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. Except as provided in subsection (3) of this section, for these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) For annual filers, tax payments, along with reports and returns on forms prescribed by the department, are due on or before April 15th of the year immediately following the end of the period covered by the return.

(4) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(5) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than((+

~~(i) Twenty eight thousand dollars per year; or~~

~~(ii) Forty six thousand six hundred sixty seven dollars per year for persons generating at least fifty percent of their taxable amount from activities taxable under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285) \$125,000;~~

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

(6) (a) Taxes imposed under chapter 82.08 or 82.12 RCW on taxable events that occur beginning January 1, 2019, through June 30, 2019, and payable by a consumer

directly to the department are due, on returns prescribed by the department, by July 25, 2019.

(b) This subsection (6) does not apply to the reporting and payment of taxes imposed under chapters 82.08 and 82.12 RCW:

(i) On the retail sale or use of motor vehicles, vessels, or aircraft; or

(ii) By consumers who are engaged in business, unless the department has relieved the consumer of the requirement to file returns pursuant to subsection (5) of this section.

NEW SECTION. Sec. 3. This act applies to reporting periods beginning on or after January 1, 2023.

NEW SECTION. Sec. 4. Section 1 of this act is exempt from RCW 82.32.805 and 82.32.808."

Correct the title.

Signed by Representatives Frame, Chair; Berg, Vice Chair; Walen, Vice Chair; Orcutt, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Chase; Chopp; Harris-Talley; Morgan; Orwall; Ramel; Springer; Stokesbary; Thai; Vick; Wylie and Young.

Referred to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker assumed the chair.

## RESOLUTION

HOUSE RESOLUTION NO. 2022-4668, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Sells, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, Representative Steve Kirby was elected to the House of Representatives in 2000, and served for more than two decades with a commitment to good government



and bipartisan cooperation, as well as an unflinching sense of humor; and

WHEREAS, He was born and raised in the 29th District, living in the same house for over 40 years in South Tacoma with his wife, Beckie Summers, where they raised their five children, before moving to the Fern Hill neighborhood in 2002; and

WHEREAS, Before being elected to the House of Representatives, Representative Kirby already had a long track record of public service, serving on the Tacoma City Council for four terms, beginning at the age of 25; and

WHEREAS, Throughout his more than two decades serving as a State Representative, he built a broad range of experience, serving on the House Rules Committee, the Agriculture Committee, the Technology Committee, the Capital Budget Committee, the Local Government and Housing Committee, the Public Safety and Emergency Preparedness Committee, the Civil Rights and Judiciary Committee, the Commerce and Gaming Committee, and the Consumer Protection and Business Committee; and

WHEREAS, Representative Kirby has served as chair of the Consumer Protection and Business Committee in its many incarnations since 2005, and is known for his expertise in consumer protection legislation and for working tirelessly on behalf of Washington state's consumers; and

WHEREAS, Representative Steve Kirby is known and valued by his legislative colleagues for both his dedication to the people of Washington and the work of the Legislature, and to bringing laughter and levity to that work, which can often be emotionally and physically taxing;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge Representative Steve Kirby's service to this institution and to the people of Washington state.

Representatives Walen, Vick, Ryu, Barkis and Santos spoke in favor of the adoption of the resolution.

#### **SPEAKER'S PRIVILEGE**

The Speaker recognized Representative Kirby's legislative career and wished him well on his retirement.

There being no objection, HOUSE RESOLUTION NO. 4668 was adopted.

#### **RESOLUTION**

HOUSE RESOLUTION NO. 2022-4670, by Representatives Jinkins, Wilcox, Abbarno, Barkis, Bateman, Berg, Bergquist, Berry, Boehnke, Bronoske, Caldier, Callan, Chambers, Chandler, Chapman, Chase, Chopp, Cody, Corry, Davis, Dent, Dolan, Donaghy, Duerr, Dufault, Dye, Entenman, Eslick, Fey, Fitzgibbon, Frame, Gilday, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Hansen, Harris, Harris-Talley, Hoff, Jacobsen, J. Johnson, Kirby, Klicker, Klippert, Kloba, Kraft, Kretz, Leavitt, Lekanoff, MacEwen, Macri, Maycumber, McCaslin, McEntire, Morgan, Mosbrucker, Orcutt, Ormsby, Ortiz-Self, Orwall,

Paul, Peterson, Pollet, Ramel, Ramos, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Senn, Shewmake, Simmons, Slatter, Springer, Steele, Stokesbary, Stonier, Sullivan, Sutherland, Taylor, Thai, Tharinger, Valdez, Vick, Volz, Walen, Walsh, Wicks, Wylie, Ybarra, and Young

WHEREAS, In his ninth term diligently serving the best interests of families in the 38th legislative district in Snohomish County, State Representative Mike Sells has established himself as a consistent progressive force in the Washington State Legislature; and

WHEREAS, Representative Sells, a teacher at heart, made it his mission to impart knowledge to students in elementary as well as secondary levels with the Everett School District for over three decades; and

WHEREAS, He also made a difference in the lives of thousands of students with his service to educators as president of Local 772 for the American Federation of Teachers from 1969 to 1980, and then as the Everett Education Association president for the next 18 years; and

WHEREAS, In his quest to ensure Washingtonians have opportunities that will help them pursue meaningful work in the fields of their choice, Representative Sells sponsored bills to create the Washington Aerospace Training & Research Center at Paine Field, develop internship and apprenticeship opportunities, establish WSU Everett, and bring a Bachelor of Science nursing program to Everett Community College through UW-Bothell; and

WHEREAS, An unyielding advocate for labor and working families, Representative Sells served as the elected secretary-treasurer of the Snohomish & Island County Labor Council from 1976 to 2014, coordinating 65 different AFL/CIO unions in Snohomish County, representing more than 42,000 working people; and

WHEREAS, He has exemplified leadership, dedication, and commitment at the helm of the Labor & Workplace Standards Committee since 2011, and in that role succeeded in reforming the Unemployment Insurance system, modernizing Workers' Compensation, strengthening safety standards in the workplace, and helping to establish Paid Family and Medical Leave for Washington workers; and

WHEREAS, Representative Mike Sells pointed out he owes his accomplishments in legislating to the work and support of community and tribal leaders in Everett, Marysville, and Tulalip, adding: "They helped set agendas for our communities, listened to the people, and helped build the support structures for moving legislation forward. We don't do these things alone if we wish to be successful. It is the same with the great advocates for working people we have in this state. I was lucky to have a great group of partners and a family that supported my work.";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington salute and celebrate Representative Mike Sells for his dedication to the people of the 38th legislative district and, indeed, to the people of the entire state of Washington; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of

the House of Representatives to the family of Washington State Representative Mike Sells.

Representatives Berry, Hoff, Springer, Mosbrucker and Ormsby spoke in favor of the adoption of the resolution.

#### **SPEAKER'S PRIVILEGE**

The Speaker recognized Representative Sells' legislative career and wished him well on his retirement.

There being no objection, HOUSE RESOLUTION NO. 4670 was adopted.

There being no objection, the House adjourned until 10:00 a.m., March 9, 2022, the 59th Legislative Day of the Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

Draft

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