

**FIFTY SEVENTH DAY**

---

**MORNING SESSION**

---

Senate Chamber, Olympia  
Monday, March 4, 2024

The Senate was called to order at 10 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Philip Zhou and Mr. Noah Miller, presented the Colors.

Page Miss Natalie Owens led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Bob Luhn, Pastor Emeritus, Church of the Nazarene, Othello.

**MOTIONS**

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 1, 2024

SI 2081 Prime Sponsor, : Concerning parental rights relating to their children's public school education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hawkins, Ranking Member; Dozier; Hunt; McCune; Mullet and Pedersen.

March 1, 2024

SI 2111 Prime Sponsor, People of the State of Washington: Concerning taxes on personal income. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Billig; Boehnke; Braun; Conway; Dhingra; Hunt; Keiser; Muzzall; Randall; Torres; Van De Wege; Wagoner and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Hasegawa and Pedersen.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Nguyen, Vice Chair, Operating.

March 1, 2024

SI 2113 Prime Sponsor, People of the State of Washington: Concerning vehicular pursuits by peace officers. Reported by Committee on Law & Justice

MAJORITY recommendation: Do pass. Signed by

Senators Dhingra, Chair; Padden, Ranking Member; McCune; Salomon; Torres; Wagoner and Wilson, L.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Pedersen.

MINORITY recommendation: Do not pass. Signed by Senators Trudeau, Vice Chair; Kuderer and Valdez.

February 26, 2024

SHB 1768 Prime Sponsor, Committee on Finance: Exempting certain sales of electricity to qualifying green businesses from the public utilities tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Billig; Conway; Dhingra; Hasegawa; Hunt; Keiser; Pedersen; Randall; Saldaña and Wellman.

MINORITY recommendation: Do not pass. Signed by Senators Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Boehnke; Braun; Muzzall and Wagoner.

MINORITY recommendation: That it be referred without recommendation. Signed by Senator Torres.

Referred to Committee on Rules for second reading.

**MOTIONS**

On motion of Pedersen, all measures listed on the Standing Committee report were referred to the committees as designated with the exceptions of Initiative No. 2081 , Initiative No. 2111, and Initiative No. 2113 which were placed on the day's Second Reading Calendar.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

**MESSAGES FROM THE HOUSE**

March 1, 2024

MR. PRESIDENT:  
The House has passed:

SUBSTITUTE SENATE BILL NO. 5667,  
SENATE BILL NO. 5792,  
SUBSTITUTE SENATE BILL NO. 5812,  
ENGROSSED SENATE BILL NO. 5816,  
SENATE BILL NO. 5938,  
SENATE BILL NO. 6080,  
ENGROSSED SENATE BILL NO. 6089,  
SENATE BILL NO. 6094,  
SUBSTITUTE SENATE BILL NO. 6121,  
SENATE BILL NO. 6215,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

March 1, 2024

MR. PRESIDENT:  
The House has passed:

SENATE BILL NO. 5419,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5788,  
 SUBSTITUTE SENATE BILL NO. 5919,  
 SENATE BILL NO. 5952,  
 ENGROSSED SECOND SUBSTITUTE  
 SENATE BILL NO. 5955,  
 ENGROSSED SENATE JOINT MEMORIAL NO. 8005,  
 SENATE JOINT MEMORIAL NO. 8007,  
 and the same are herewith transmitted.  
 MELISSA PALMER, Deputy Chief Clerk

March 1, 2024

MR. PRESIDENT:

The House has passed:

SUBSTITUTE SENATE BILL NO. 5652,  
 SENATE BILL NO. 5852,  
 SUBSTITUTE SENATE BILL NO. 6125,  
 SENATE BILL NO. 6173,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6291,  
 and the same are herewith transmitted.  
 MELISSA PALMER, Deputy Chief Clerk

March 1, 2024

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097,  
 ENGROSSED SECOND SUBSTITUTE  
 HOUSE BILL NO. 1618,  
 SUBSTITUTE HOUSE BILL NO. 1911,  
 HOUSE BILL NO. 1946,  
 HOUSE BILL NO. 1976,  
 HOUSE BILL NO. 1992,  
 SUBSTITUTE HOUSE BILL NO. 1996,  
 HOUSE BILL NO. 2004,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021,  
 HOUSE BILL NO. 2044,

SUBSTITUTE HOUSE BILL NO. 2072,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2084,  
 SUBSTITUTE HOUSE BILL NO. 2230,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2306,  
 and the same are herewith transmitted.  
 MELISSA PALMER, Deputy Chief Clerk

#### MOTION

On motion of Senator Pedersen, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 6319 by Senator Stanford

AN ACT Relating to improving the end-of-life management of electric vehicle batteries; amending RCW 70A.205.505 and 70A.555.010; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding a new chapter to Title 70A RCW; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2489 by House Committee on Transportation (originally sponsored by Representatives Orcutt, Donaghy, and Schmidt)

AN ACT Relating to creating several new special license plates; reenacting and amending RCW 46.17.220, 46.18.200, 46.68.420, and 46.68.425; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.18 RCW; and providing an effective date.

Referred to Committee on Transportation.

#### MOTIONS

On motion of Senator Pedersen, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

Senator Hasegawa moved adoption of the following resolution:

#### SENATE RESOLUTION 8685

By Senators Hasegawa, Kuderer, and Fortunato

WHEREAS, The Seattle Japanese American Citizens League (JACL) was established in September 1921 to combat existing and at the time worsening anti-Japanese immigrant prejudice, codified in laws barring immigrant Japanese from attaining citizenship and owning land; and

WHEREAS, The National JACL, which is currently the country's oldest and largest Asian American civil rights organization, was founded eight years later, and the Seattle JACL hosted the first national JACL convention; and

WHEREAS, During World War II, when all people of Japanese ancestry on the West Coast were incarcerated in government administered prison camps, the Seattle JACL took a leadership position and was later instrumental in resettling and assisting King County Japanese Americans returning from these camps, as they continued to face discrimination both at the hands of the federal and local governments; and

WHEREAS, The Seattle JACL is regarded as the birthplace of the Redress Movement and a leader in the efforts that culminated in the bipartisan passage of the Civil Liberties Act of 1988 that resulted in a government apology and provided redress for the loss of civil liberties suffered by Japanese Americans imprisoned during World War II; and

WHEREAS, The Seattle JACL helped in the fight to gain citizenship opportunities for first generation (Issei) Japanese immigrants and conducted a successful 12-year campaign to eliminate the racially discriminatory Alien Land Law; and

WHEREAS, The Seattle JACL advocated for fair housing, an integrated school system, and equal opportunity employment at all levels, and encouraged open discussions during the civil rights struggles of the 1960s; and

WHEREAS, The Seattle JACL helped the National JACL become the nation's first non-LGBTQ organization to endorse marriage equality and has, standing in unwavering solidarity, endorsed every Washington ballot measure against discrimination based on sexual orientation; and

WHEREAS, The Seattle JACL actively advocates for the civil rights and civil liberties of ALL Americans, including immigrant and migratory communities; the Arab American community; Muslims, Sikhs, Jews, and other religious minorities; the LGBTQ community; and the Black, Indigenous, People of Color (BIPoC) communities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Seattle JACL upon its 100th anniversary and acknowledge and celebrate JACL's long standing

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

commitment to fight for justice and social equity; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Seattle JACL for further distribution to the community.

Senators Hasegawa and Kauffman spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8685.

The motion by Senator Hasegawa carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Bill Tashima, guest of Senator Hasegawa, past President of the Japanese American Citizens League (JACL), Seattle and noted community leader who was seated in the gallery.

MOTION

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Nobles moved that Norman Seabrooks, Senate Gubernatorial Appointment No. 9213, be confirmed as a member of the Cascadia College Board of Trustees.

Senator Nobles spoke in favor of the motion.

MOTIONS

On motion of Senator Wagoner, Senator Hawkins was excused.

On motion of Senator Nobles, Senator Van De Wege was excused.

APPOINTMENT OF NORMAN SEABROOKS

The President declared the question before the Senate to be the confirmation of Norman Seabrooks, Senate Gubernatorial Appointment No. 9213, as a member of the Cascadia College Board of Trustees.

The Secretary called the roll on the confirmation of Norman Seabrooks, Senate Gubernatorial Appointment No. 9213, as a member of the Cascadia College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hawkins and Van De Wege

Norman Seabrooks, Senate Gubernatorial Appointment No. 9213, having received the constitutional majority was declared confirmed as a member of the Cascadia College Board of Trustees.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Mullet moved that Dietzel, Gregory, Senate Gubernatorial Appointment No. 9260, be confirmed as a member of the Bellevue College Board of Trustees.

Senator Mullet spoke in favor of the motion.

APPOINTMENT OF GREGORY B. DIETZEL

The President declared the question before the Senate to be the confirmation of Gregory B. Dietzel, Senate Gubernatorial Appointment No. 9260, as a member of the Bellevue College Board of Trustees.

The Secretary called the roll on the confirmation of Gregory B. Dietzel, Senate Gubernatorial Appointment No. 9260, as a member of the Bellevue College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Van De Wege

Gregory B. Dietzel, Senate Gubernatorial Appointment No. 9260, having received the constitutional majority was declared confirmed as a member of the Bellevue College Board of Trustees.

THIRD READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Nobles moved that Florence S. Chang, Senate Gubernatorial Appointment No. 9270, be confirmed as a member of the Bates Technical College Board of Trustees.

Senator Nobles spoke in favor of the motion.

APPOINTMENT OF FLORENCE S. CHANG

The President declared the question before the Senate to be the confirmation of Florence S. Chang, Senate Gubernatorial Appointment No. 9270, as a member of the Bates Technical College Board of Trustees.

The Secretary called the roll on the confirmation of Florence S. Chang, Senate Gubernatorial Appointment No. 9270, as a member of the Bates Technical College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short,

Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman,  
Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Van De Wege

Florence S. Chang, Senate Gubernatorial Appointment No. 9270, having received the constitutional majority was declared confirmed as a member of the Bates Technical College Board of Trustees.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Canyon Park Middle School, Bothell, guests of Senator Stanford, who were seated in the gallery.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

##### MOTION

Senator Lovelett moved that Bradley F. Smith, Senate Gubernatorial Appointment No. 9275, be confirmed as a member of the Bellingham Technical College Board of Trustees.

Senator Lovelett spoke in favor of the motion.

#### APPOINTMENT OF BRADLEY F. SMITH

The President declared the question before the Senate to be the confirmation of Bradley F. Smith, Senate Gubernatorial Appointment No. 9275, as a member of the Bellingham Technical College Board of Trustees.

The Secretary called the roll on the confirmation of Bradley F. Smith, Senate Gubernatorial Appointment No. 9275, as a member of the Bellingham Technical College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Van De Wege

Bradley F. Smith, Senate Gubernatorial Appointment No. 9275, having received the constitutional majority was declared confirmed as a member of the Bellingham Technical College Board of Trustees.

##### MOTION

At 10:35 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease until 11:30 a.m. for the purposes of caucuses.

Senator Hasegawa announced a meeting of the Democratic Caucus immediately upon going at ease.

The President welcomed Senator Warnick back to the Senate following her physical absence but virtual attendance in previous days.

Senator Warnick thanked the President and announced a meeting of the Republican Caucus immediately upon going at ease.

----

The Senate was called to order at 11:30 a.m. by President Heck.

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SUBSTITUTE SENATE BILL NO. 5306,  
SUBSTITUTE SENATE BILL NO. 5427,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5589,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5801,  
SUBSTITUTE SENATE BILL NO. 5803,  
SUBSTITUTE SENATE BILL NO. 5806,  
SENATE BILL NO. 5821,  
SUBSTITUTE SENATE BILL NO. 5829,  
ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 5853,  
ENGROSSED SECOND SUBSTITUTE  
SENATE BILL NO. 5937,  
SENATE BILL NO. 6079,  
SUBSTITUTE SENATE BILL NO. 6192,  
SENATE BILL NO. 6229,  
SENATE BILL NO. 6283,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009.

#### PERSONAL PRIVILEGE

Senator Lovick: "Thank you very much Mr. President. Mr. President, I just want to take a second to thank and honor Trooper Christopher Gadd, Badge No. 927, who was killed in the line of duty. Mr. President, English writer William Penn said, 'An able yet humble man is a jewel worth a kingdom.' 'An able yet humble man is a jewel worth a kingdom.' Trooper Gadd was an able man, and he was very, very humble. He was just doing his job. Doing his job of protecting the public. He was struck on the right shoulder of southbound Interstate 5 in the Marysville area. And losing Trooper Gadd shows all of us just what a difficult job it is to serve and protect the public. I will say this Mr. President, I have parked on the shoulders of the roadways for thousands and thousands of hours. It is the only place where, that troopers are able to park. He was struck and killed by a reckless driver. And Mr. President, I will just say this, I think we are all experiencing the fatigue of reckless drivers. We are experiencing the fatigue of drunk drivers. We are also experiencing the fatigue of aggressive drivers. And Mr. President, I hope we will take a moment to just think about the great work that our men and women do every single day. Their goal and their job is to go out there and to keep us safe. Keep us safe in our homes. To keep us safe on our streets. And to protect our children in our schools. So today Mr. President, it was Trooper Gadd's job to serve, and it is our job to remember. Thank you Mr. President."

#### MOMENT OF SILENCE

The Senate rose and observed a moment of silence in memory of Trooper Christopher Gadd, a two and one half year member of the Washington State Patrol, who was killed in the line of duty during the early morning hours of March 2, 2024.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

FIFTY SEVENTH DAY, MARCH 4, 2024  
 SECOND READING

2024 REGULAR SESSION

INITIATIVE NO. 2111, by People of the State of Washington

Concerning taxes on personal income.

The measure was read the second time.

MOTION

On motion of Senator Robinson, the rules were suspended, Initiative No. 2111 was advanced to third reading, the second reading considered the third and the initiative was placed on final passage.

Senators Robinson and Wilson, L. spoke in favor of passage of the initiative.

The President declared the question before the Senate to be the final passage of Initiative No. 2111.

ROLL CALL

The Secretary called the roll on the final passage of Initiative No. 2111 and the initiative passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Gildon, Hansen, Hawkins, Holy, Kauffman, Keiser, King, Kuderer, Lias, Lovick, MacEwen, McCune, Mullet, Muzzall, Nobles, Padden, Randall, Rivers, Robinson, Schoesler, Shewmake, Short, Torres, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Frame, Hasegawa, Hunt, Lovelett, Nguyen, Pedersen, Saldaña, Salomon, Stanford, Trudeau and Valdez

INITIATIVE NO. 2111, having received the constitutional majority, was declared passed. There being no objection, the title of the initiative was ordered to stand as the title of the act.

SECOND READING

INITIATIVE NO. 2081, by People of the State of Washington

Concerning parental rights relating to their children’s public school education.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Initiative No. 2081 was advanced to third reading, the second reading considered the third and the initiative was placed on final passage.

Senators Wellman, Dozier, Wilson, C. and Pedersen spoke in favor of passage of the initiative.

The President declared the question before the Senate to be the final passage of Initiative No. 2081.

ROLL CALL

The Secretary called the roll on the final passage of Initiative No. 2081 and the initiative passed the Senate by the following

vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

INITIATIVE NO. 2081, having received the constitutional majority, was declared passed. There being no objection, the title of the initiative was ordered to stand as the title of the act.

SECOND READING

INITIATIVE NO. 2113, by People of the State of Washington

Concerning vehicular pursuits by peace officers.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Initiative No. 2113 was advanced to third reading, the second reading considered the third and the initiative was placed on final passage.

Senators Padden, Torres and Wilson, L. spoke in favor of passage of the initiative.

Senators Dhingra, Kuderer and Trudeau spoke against passage of the initiative.

The President declared the question before the Senate to be the final passage of Initiative No. 2113.

ROLL CALL

The Secretary called the roll on the final passage of Initiative No. 2113 and the initiative passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dozier, Fortunato, Gildon, Hansen, Hawkins, Holy, Kauffman, Keiser, King, Lias, Lovick, MacEwen, McCune, Mullet, Muzzall, Padden, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Van De Wege, Wagoner, Warnick, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Dhingra, Frame, Hasegawa, Hunt, Kuderer, Lovelett, Nguyen, Nobles, Pedersen, Saldaña, Trudeau, Valdez and Wellman

INITIATIVE NO. 2113, having received the constitutional majority, was declared passed. There being no objection, the title of the initiative was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced another group of students from Canyon Park Middle School, Bothell, guests of Senator Stanford who were seated in the gallery.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862, by House Committee on Finance (originally sponsored by

Representatives Leavitt, Barnard, Tharinger, Graham, Couture, Duerr, Barkis, Bronoske, Slatter, Chapman, Simmons, Jacobsen, Timmons, Callan, Street, Sandlin, Donaghy, Doglio, Goodman, Caldier, Robertson, Hutchins, Reeves, Lekanoff, Riccelli, Hackney, Pollet, and Shavers)

Providing tax exemptions for the assistance of disabled veterans and members of the armed forces of the United States of America.

The measure was read the second time.

#### MOTION

On motion of Senator Robinson, the rules were suspended, Engrossed Substitute House Bill No. 1862 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Robinson, Wilson, L. and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1862.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1862 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2454, by Representatives Ybarra, and Chapman

Extending an existing hazardous substance tax exemption for certain agricultural crop protection products that are temporarily warehoused but not otherwise used, manufactured, packaged, or sold in the state of Washington.

The measure was read the second time.

#### MOTION

Senator Frame moved that the following amendment no. 884 by Senator Frame be adopted:

On page 2, line 9, after "January 1," strike "2036" and insert "2028"

Senator Saldaña spoke in favor of adoption of the amendment. Senator Schoesler spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 884 by Senator Frame on page 2, line

9 to House Bill No. 2454.

The motion by Senator Frame carried and amendment no. 884 was adopted by voice vote.

#### MOTION

On motion of Senator Robinson, the rules were suspended, House Bill No. 2454 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Robinson, Padden and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2454 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2454 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Hasegawa and Kauffman

HOUSE BILL NO. 2454 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed SENATE BILL NO. 5180 with the following amendment(s): 5180 AMH ENGR H3373.E

Strike everything after the enacting clause and insert the following:

#### "ARTICLE I PURPOSE

NEW SECTION. **Sec. 1.** The purpose of this compact is to facilitate the mobility of teachers across the member states, with the goal of supporting teachers through a new pathway to licensure. Through this compact, the member states seek to establish a collective regulatory framework that expedites and enhances the ability of teachers to move across state lines. This compact is intended to achieve the following objectives and should be interpreted accordingly. The member states hereby ratify the same intentions by subscribing hereto:

(1) Create a streamlined pathway to licensure mobility for teachers;

(2) Support the relocation of eligible military spouses;

(3) Facilitate and enhance the exchange of licensure,

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

investigative, and disciplinary information between the member states;

(4) Enhance the power of state and district level education officials to hire qualified, competent teachers by removing barriers to the employment of out-of-state teachers;

(5) Support the retention of teachers in the profession by removing barriers to relicensure in a new state; and

(6) Maintain state sovereignty in the regulation of the teaching profession.

**ARTICLE II  
DEFINITIONS**

NEW SECTION. **Sec. 2.** As used in this compact, and except as otherwise provided, the following definitions shall govern the terms herein:

(1) "Active military member" means any person with full-time duty status in the armed forces of the United States, including members of the national guard and reserve.

(2) "Adverse action" means any limitation or restriction imposed by a member state's licensing authority, such as revocation, suspension, reprimand, probation, or limitation on the licensee's ability to work as a teacher.

(3) "Bylaws" means those bylaws established by the commission.

(4) "Career and technical education license" means a current, valid authorization issued by a member state's licensing authority allowing an individual to serve as a teacher in prekindergarten through grade 12 public educational settings in a specific career and technical education area.

(5) "Charter member states" means a member state that has enacted legislation to adopt this compact where such legislation predates the initial meeting of the commission after the effective date of the compact.

(6) "Commission" means the interstate administrative body which membership consists of delegates of all states that have enacted this compact, and which is known as the interstate teacher mobility compact commission.

(7) "Commissioner" means the delegate of a member state.

(8) "Eligible license" means a license to engage in the teaching profession which requires at least a bachelor's degree and the completion of a state approved program for teacher licensure.

(9) "Eligible military spouse" means the spouse of any individual in full-time duty status in the active armed forces of the United States, including members of the national guard and reserve on active duty moving as a result of a military mission or military career progression requirements or are on their terminal move as a result of separation or retirement (to include surviving spouses of deceased military members).

(10) "Executive committee" means a group of commissioners elected or appointed to act on behalf of, and within the powers granted to them by, the commission as provided for herein.

(11) "Licensing authority" means an official, agency, board, or other entity of a state that is responsible for the licensing and regulation of teachers authorized to teach in prekindergarten through grade 12 public educational settings.

(12) "Member state" means any state that has adopted this compact, including all agencies and officials of such a state.

(13) "Receiving state" means any state where a teacher has applied for licensure under this compact.

(14) "Rule" means any regulation promulgated by the commission under this compact, which shall have the force of law in each member state.

(15) "State" means a state, territory, or possession of the United States, and the District of Columbia.

(16) "State practice laws" means a member state's laws, rules,

and regulations that govern the teaching profession, define the scope of such profession, and create the methods and grounds for imposing discipline.

(17) "State specific requirements" means a requirement for licensure covered in coursework or examination that includes content of unique interest to the state.

(18) "Teacher" means an individual who currently holds an authorization from a member state that forms the basis for employment in the prekindergarten through grade 12 public schools of the state to provide instruction in a specific subject area, grade level, or student population.

(19) "Unencumbered license" means a current, valid authorization issued by a member state's licensing authority allowing an individual to serve as a teacher in prekindergarten through grade 12 public educational settings. An unencumbered license is not a restricted, probationary, provisional, substitute, or temporary credential.

**ARTICLE III  
LICENSURE UNDER THE COMPACT**

NEW SECTION. **Sec. 3.** (1) Licensure under this compact pertains only to the initial grant of a license by the receiving state. Nothing herein applies to any subsequent or ongoing compliance requirements that a receiving state might require for teachers.

(2) Each member state shall, in accordance with the rules of the commission, define, compile, and update as necessary, a list of eligible licenses and career and technical education licenses that the member state is willing to consider for equivalency under this compact and provide the list to the commission. The list shall include those licenses that a receiving state is willing to grant to teachers from other member states, pending a determination of equivalency by the receiving state's licensing authority.

(3) Upon the receipt of an application for licensure by a teacher holding an unencumbered eligible license, the receiving state shall determine which of the receiving state's eligible licenses the teacher is qualified to hold and shall grant such a license or licenses to the applicant. Such a determination shall be made in the sole discretion of the receiving state's licensing authority and may include a determination that the applicant is not eligible for any of the receiving state's eligible licenses. For all teachers who hold an unencumbered license, the receiving state shall grant one or more unencumbered license(s) that, in the receiving state's sole discretion, are equivalent to the license(s) held by the teacher in any other member state.

(4) For active military members and eligible military spouses who hold a license that is not unencumbered, the receiving state shall grant an equivalent license or licenses that, in the receiving state's sole discretion, is equivalent to the license or licenses held by the teacher in any other member state, except where the receiving state does not have an equivalent license.

(5) For a teacher holding an unencumbered career and technical education license, the receiving state shall grant an unencumbered license equivalent to the career and technical education license held by the applying teacher and issued by another member state, as determined by the receiving state in its sole discretion, except where a career and technical education teacher does not hold a bachelor's degree and the receiving state requires a bachelor's degree for licenses to teach career and technical education. A receiving state may require career and technical education teachers to meet state industry recognized requirements, if required by law in the receiving state.

**ARTICLE IV  
LICENSURE NOT UNDER THE COMPACT**

NEW SECTION. **Sec. 4.** (1) Except as provided in section

3 of this act, nothing in this compact shall be construed to limit or inhibit the power of a member state to regulate licensure or endorsements overseen by the member state's licensing authority.

(2) When a teacher is required to renew a license received pursuant to this compact, the state granting such a license may require the teacher to complete state specific requirements as a condition of licensure renewal or advancement in that state.

(3) For the purposes of determining compensation, a receiving state may require additional information from teachers receiving a license under the provisions of this compact.

(4) Nothing in this compact shall be construed to limit the power of a member state to control and maintain ownership of its information pertaining to teachers, or limit the application of a member state's laws or regulations governing the ownership, use, or dissemination of information pertaining to teachers.

(5) Nothing in this compact shall be construed to invalidate or alter any existing agreement or other cooperative arrangement which a member state may already be a party to, or limit the ability of a member state to participate in any future agreement or other cooperative arrangement to:

(a) Award teaching licenses or other benefits based on additional professional credentials including, but not limited to, national board certification;

(b) Participate in the exchange of names of teachers whose license has been subject to an adverse action by a member state; or

(c) Participate in any agreement or cooperative arrangement with a nonmember state.

#### ARTICLE V

##### TEACHER QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE UNDER THE COMPACT

NEW SECTION. **Sec. 5.** (1) Except as provided for active military members or eligible military spouses in section 3(4) of this act, a teacher may only be eligible to receive a license under this compact where that teacher holds an unencumbered license in a member state.

(2) A teacher eligible to receive a license under this compact shall, unless otherwise provided for herein:

(a) Upon their application to receive a license under this compact, undergo a criminal background check in the receiving state in accordance with the laws and regulations of the receiving state;

(b) Comply with any applicable conditions of employment in the receiving state; and

(c) Provide the receiving state with information in addition to the information required for licensure for the purposes of determining compensation, if applicable.

#### ARTICLE VI

##### DISCIPLINE/ADVERSE ACTIONS

NEW SECTION. **Sec. 6.** (1) Nothing in this compact shall be deemed or construed to limit the authority of a member state to investigate or impose disciplinary measures on teachers according to the state practice laws thereof.

(2) Member states shall be authorized to receive, and shall provide, files and information regarding the investigation and discipline, if any, of teachers in other member states upon request. Any member state receiving such information or files shall protect and maintain the security and confidentiality thereof, in at least the same manner that it maintains its own investigatory or disciplinary files and information. Prior to disclosing any disciplinary or investigatory information received from another member state, the disclosing state shall communicate its intention and purpose for such disclosure to the member state which

originally provided that information.

#### ARTICLE VII

##### ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY COMPACT COMMISSION

NEW SECTION. **Sec. 7.** (1) The interstate compact member states hereby create and establish a joint public agency known as the interstate teacher mobility compact commission:

(a) The commission is a joint interstate governmental agency comprised of states that have enacted the interstate teacher mobility compact.

(b) Nothing in this interstate compact shall be construed to be a waiver of sovereign immunity.

(2) Membership, voting, and meetings.

(a) Each member state shall have and be limited to one delegate to the commission, who shall be given the title of commissioner.

(b) The commissioner shall be the primary administrative officer of the state licensing authority or their designee.

(c) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed.

(d) The member state shall fill any vacancy occurring in the commission within 90 days.

(e) Each commissioner shall be entitled to one vote about the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(f) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(g) The commission shall establish by rule a term of office for commissioners.

(3) The commission shall have the following powers and duties:

(a) Establish a code of ethics for the commission;

(b) Establish the fiscal year of the commission;

(c) Establish bylaws for the commission;

(d) Maintain its financial records in accordance with the bylaws of the commission;

(e) Meet and take such actions as are consistent with the provisions of this interstate compact, the bylaws, and rules of the commission;

(f) Promulgate uniform rules to implement and administer this interstate compact. The rules shall have the force and effect of law and shall be binding in all member states. In the event the commission exercises its rule-making authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law;

(g) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any member state licensing authority to sue or be sued under applicable law shall not be affected;

(h) Purchase and maintain insurance and bonds;

(i) Borrow, accept, or contract for services of personnel including, but not limited to, employees of a member state, or an associated nongovernmental organization that is open to membership by all states;

(j) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest,



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

qualifications of personnel, and other related personnel matters;

(k) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal, or mixed, provided that at all times the commission shall avoid any appearance of impropriety;

(l) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(m) Establish a budget and make expenditures;

(n) Borrow money;

(o) Appoint committees, including standing committees composed of members and such other interested persons as may be designated in this interstate compact, rules, or bylaws;

(p) Provide and receive information from, and cooperate with, law enforcement agencies;

(q) Establish and elect an executive committee;

(r) Establish and develop a charter for an executive information governance committee to advise on facilitating exchange of information, use of information, data privacy, and technical support needs, and provide reports as needed;

(s) Perform such other functions as may be necessary or appropriate to achieve the purposes of this interstate compact consistent with the state regulation of teacher licensure; and

(t) Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact.

(4) The executive committee of the interstate teacher mobility compact commission.

(a) The executive committee shall have the power to act on behalf of the commission according to the terms of this interstate compact.

(b) The executive committee shall be composed of eight voting members: The commission chair, vice chair, and treasurer; and five members who are elected by the commission from the current membership:

(i) Four voting members representing geographic regions in accordance with commission rules; and

(ii) One at large voting member in accordance with commission rules.

(c) The commission may add or remove members of the executive committee as provided in commission rules.

(d) The executive committee shall meet at least once annually.

(e) The executive committee shall have the following duties and responsibilities:

(i) Recommend to the entire commission changes to the rules or bylaws, changes to the compact legislation, fees paid by interstate compact member states such as annual dues, and any compact fee charged by the member states on behalf of the commission;

(ii) Ensure commission administration services are appropriately provided, contractual or otherwise;

(iii) Prepare and recommend the budget;

(iv) Maintain financial records on behalf of the commission;

(v) Monitor compliance of member states and provide reports to the commission; and

(vi) Perform other duties as provided in rules or bylaws.

(f) Meetings of the commission.

(i) All meetings shall be open to the public, and public notice of meetings shall be given in accordance with commission bylaws.

(ii) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

(A) Noncompliance of a member state with its obligations under the compact;

(B) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(C) Current, threatened, or reasonably anticipated litigation;

(D) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(E) Accusing any person of a crime or formally censuring any person;

(F) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) Disclosure of investigative records compiled for law enforcement purposes;

(I) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(J) Matters specifically exempted from disclosure by federal or member state statutes; and

(K) Other matters as set forth by commission bylaws and rules.

(iii) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(iv) The commission shall keep minutes of commission meetings and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(g) Financing of the commission.

(i) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(ii) The commission may accept all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

(iii) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission, in accordance with the commission rules.

(iv) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(v) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to accounting procedures established under commission bylaws. All receipts and disbursements of funds of the commission shall be reviewed annually in accordance with commission bylaws, and a report of the review shall be included in and become part of the annual report of the commission.

(h) Qualified immunity, defense, and indemnification.

(i) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other

civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that nothing in this subsection (4)(h)(i) shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(ii) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(iii) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

#### **ARTICLE VIII RULE-MAKING**

NEW SECTION. **Sec. 8.** (1) The commission shall exercise its rule-making powers pursuant to the criteria set forth in this interstate compact and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(2) The commission shall promulgate reasonable rules to achieve the intent and purpose of this interstate compact. In the event the commission exercises its rule-making authority in a manner that is beyond purpose and intent of this interstate compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law in the member states.

(3) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(4) Rules or amendments to the rules shall be adopted or ratified at a regular or special meeting of the commission in accordance with commission rules and bylaws.

(5) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that the usual rule-making procedures shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- (a) Meet an imminent threat to public health, safety, or welfare;
- (b) Prevent a loss of commission or member state funds;
- (c) Meet a deadline for the promulgation of an administrative

rule that is established by federal law or rule of the commission; or

- (d) Protect public health and safety.

#### **ARTICLE IX FACILITATING INFORMATION EXCHANGE**

NEW SECTION. **Sec. 9.** (1) The commission shall provide for facilitating the exchange of information to administer and implement the provisions of this compact in accordance with the rules of the commission, consistent with generally accepted data protection principles.

(2) Nothing in this compact shall be deemed or construed to alter, limit, or inhibit the power of a member state to control and maintain ownership of its licensee information or alter, limit, or inhibit the laws or regulations governing licensee information in the member state.

#### **ARTICLE X OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

NEW SECTION. **Sec. 10.** (1) Oversight.

(a) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact shall have standing as statutory law.

(b) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(c) All courts and all administrative agencies shall take judicial notice of the compact, the rules of the commission, and any information provided to a member state pursuant thereto in any judicial or quasi-judicial proceeding in a member state pertaining to the subject matter of this compact, or which may affect the powers, responsibilities, or actions of the commission.

(d) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(2) Default, technical assistance, and termination. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission; and

(b) Provide remedial training and specific technical assistance regarding the default.

(3) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the commissioners of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(4) Termination of membership in the compact shall be

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the state licensing authority, and each of the member states.

(5) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(6) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(7) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.

(8) Dispute resolution.

(a) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(b) The commission shall promulgate a rule providing for both binding and nonbinding alternative dispute resolution for disputes as appropriate.

(9) Enforcement.

(a) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(b) By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

**ARTICLE XI**

**EFFECTUATION, WITHDRAWAL, AND AMENDMENT**

NEW SECTION. **Sec. 11.** (1) The compact shall come into effect on the date on which the compact statute is enacted into law in the 10th member state.

(a) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different from the model compact statute.

(b) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in section 10 of this act.

(c) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in section 7(3)(t) of this act to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(2) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of member states should be less than 10.

(3) Any state that joins the compact after the commission's initial adoption of the rules and bylaws shall be subject to the rules

and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state, as the rules and bylaws may be amended as provided in this compact.

(4) Any member state may withdraw from this compact by enacting a statute repealing the same.

(a) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(b) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(5) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

**ARTICLE XII**

**CONSTRUCTION AND SEVERABILITY**

NEW SECTION. **Sec. 12.** This compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the Constitution of any member state or a state seeking membership in the compact, or of the United States or the applicability thereof to any other government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the Constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

**ARTICLE XIII**

**CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

NEW SECTION. **Sec. 13.** (1) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(2) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

(3) All permissible agreements between the commission and the member states are binding in accordance with their terms.

NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act constitute a new chapter in Title 28A RCW."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

Senator Hunt moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5180 and request of the House a conference thereon.

Senators Hunt and Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Hunt that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5180 and request a conference thereon.

The motion by Senator Hunt carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5180 and

requested of the House a conference thereon by voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

The President appointed as members of the Conference Committee on Senate Bill No. 5180 and the House amendment(s) thereto: Senators Wellman, Hunt and Hawkins.

**MOTION**

On motion of Senator Pedersen, the appointments to the conference committee were confirmed.

**MESSAGE FROM THE HOUSE**

February 24, 2024

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5950 with the following amendment(s): 5950-S.E AMH ENGR H3407.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2023 c 475 s 1 (uncodified) is amended to read as follows:

(1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2023, and ending June 30, 2025, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "ARPA" means the American rescue plan act of 2021, P.L. 117-2.

(b) "CRRSA" means the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c) "CRRSA/ESSER" means the elementary and secondary school emergency relief fund, as modified by the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) "Fiscal year 2024" or "FY 2024" means the fiscal year ending June 30, 2024.

(e) "Fiscal year 2025" or "FY 2025" means the fiscal year ending June 30, 2025.

(f) "FTE" means full time equivalent.

(g) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(h) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(i) "The office of the chief information officer" or "consolidated technology services" means Washington technology solutions, if Substitute House Bill No. 1947 (technology governance) is enacted.

(3) Whenever the terms in subsection (2)(a) through (c) of this section are used in the context of a general fund—federal appropriation, the term is used to attribute the funding to that federal act.

NEW SECTION. Sec. 2. A new section is added to 2023 c

475 (uncodified) to read as follows:

(1) If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, agencies may not obligate or expend funds from: (a) The climate investment account; (b) the climate commitment account; (c) the natural climate solutions account; and (d) the air quality and health disparities improvement account.

(2) If Initiative Measure No. 2117 is approved in the 2024 general election, except where otherwise specifically provided in this act, appropriations in chapter 474, Laws of 2023 (2023-2025 biennial capital budget), House Bill No. 2089 or Senate Bill No. 5949 (the 2024 supplemental capital budget), chapter 475, Laws of 2023 (2023-2025 operating budget), and House Bill No. 2104 or Senate Bill No. 5950 (the 2024 supplemental operating budget), which are appropriated from the: (a) Climate investment account; (b) climate commitment account; (c) natural climate solutions account; and (d) air quality and health disparities improvement account, shall be paid from the consolidated climate account created in section 906 of this act as if they were appropriated from the consolidated climate account, beginning on the effective date of Initiative Measure No. 2117.

(3) If Initiative Measure No. 2117 is not approved at the 2024 general election, this section is null and void.

**PART I**

**GENERAL GOVERNMENT**

**Sec. 101.** 2023 c 475 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General	Fund—State	Appropriation	(FY 2024)
			(\$59,938,000)
			\$60,117,000
General	Fund—State	Appropriation	(FY 2025)
			(\$62,150,000)
			\$62,372,000
<b>TOTAL APPROPRIATION</b>			(\$122,088,000)
			\$122,489,000

**Sec. 102.** 2023 c 475 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General	Fund—State	Appropriation	(FY 2024)
			(\$44,398,000)
			\$44,427,000
General	Fund—State	Appropriation	(FY 2025)
			(\$47,773,000)
			\$47,884,000
<b>TOTAL APPROPRIATION</b>			(\$92,171,000)
			\$92,311,000

The appropriations in this section are subject to the following conditions and limitations: \$260,000 of the general fund—state appropriation for fiscal year 2024 and \$270,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the payment of membership dues to the council of state governments, the national conference of state legislatures, the pacific northwest economic region, the pacific fisheries legislative task force, and the western legislative forestry task force.

**Sec. 103.** 2023 c 475 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Performance Audits of Government	Account—State
Appropriation	(\$14,936,000)
	\$15,014,000
<b>TOTAL APPROPRIATION</b>	(\$14,936,000)

\$15,014,000

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

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2023-2025 work plan as necessary to efficiently manage workload.

(2) \$250,000 of the performance audits of government account—state appropriation is for tax preference review costs from legislation enacted in the 2023 session.

(3) \$1,503,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(4) \$626,000 of the performance audits of government account—state appropriation is for the audit required in Engrossed Second Substitute Senate Bill No. 5080 (cannabis social equity). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(5) Within the amount appropriated in this section, the joint legislative audit and review committee shall conduct a review of the state's recreational boating programs. The committee shall complete the review by December 1, 2024. This review shall include examination of the following:

- (a) Revenue sources for state recreational boating programs;
- (b) Expenditures for state boating programs;
- (c) Methods of administrating state recreational boating programs, including the roles of both state and local government entities; and
- (d) Approaches other states have taken to funding and administering their recreational boating programs.

(6) \$2,000 of the performance audits of government account—state appropriation is for implementation of Engrossed Substitute House Bill No. 2131 (thermal energy networks). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(7) \$65,000 of the performance audits of government account—state appropriation is for tax preference review costs from legislation enacted in the 2024 session.

**Sec. 104.** 2023 c 475 s 104 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government Account—State Appropriation	(( <del>\$5,326,000</del> ))
	<u>\$5,328,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$5,326,000</del>))</b>
	<b><u>\$5,328,000</u></b>

**Sec. 105.** 2023 c 475 s 105 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY 2024)	(( <del>\$21,727,000</del> ))
	<u>\$21,477,000</u>
General Fund—State Appropriation (FY 2025)	(( <del>\$19,625,000</del> ))
	<u>\$20,775,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$41,352,000</del>))</b>
	<b><u>\$42,252,000</u></b>

The appropriations in this section are subject to the following conditions and limitations: Within the amounts provided in this section, the joint legislative systems committee shall provide information technology support, including but not limited to

internet service, for the district offices of members of the house of representatives and the senate.

**Sec. 106.** 2023 c 475 s 106 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF STATE LEGISLATIVE LABOR RELATIONS**

General Fund—State Appropriation (FY 2024)	\$961,000
General Fund—State Appropriation (FY 2025)	(( <del>\$964,000</del> ))
	<u>\$965,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,925,000</del>))</b>
	<b><u>\$1,926,000</u></b>

**Sec. 107.** 2023 c 475 s 107 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2024)	\$409,000
General Fund—State Appropriation (FY 2025)	\$423,000
State Health Care Authority Administrative Account—State Appropriation	\$291,000
Department of Retirement Systems Expense Account—State Appropriation	(( <del>\$7,102,000</del> ))
	<u>\$7,105,000</u>
School Employees' Insurance Administrative Account—State Appropriation	\$258,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$8,483,000</del>))</b>
	<b><u>\$8,486,000</u></b>

**Sec. 108.** 2023 c 475 s 108 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

General Fund—State Appropriation (FY 2024)	\$6,201,000
General Fund—State Appropriation (FY 2025)	(( <del>\$6,808,000</del> ))
	<u>\$6,819,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$13,009,000</del>))</b>
	<b><u>\$13,020,000</u></b>

**Sec. 109.** 2023 c 475 s 109 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**

General Fund—State Appropriation (FY 2024)	(( <del>\$5,852,000</del> ))
	<u>\$5,893,000</u>
General Fund—State Appropriation (FY 2025)	(( <del>\$6,465,000</del> ))
	<u>\$6,662,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$12,317,000</del>))</b>
	<b><u>\$12,555,000</u></b>

**Sec. 110.** 2023 c 475 s 111 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund—State Appropriation (FY 2024)	\$14,883,000
General Fund—State Appropriation (FY 2025)	(( <del>\$15,196,000</del> ))
	<u>\$16,229,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$30,079,000</del>))</b>
	<b><u>\$31,112,000</u></b>

**Sec. 111.** 2023 c 475 s 112 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund—State Appropriation (FY 2024)	(( <del>\$2,225,000</del> ))
	<u>\$2,224,000</u>
General Fund—State Appropriation (FY 2025)	(( <del>\$2,206,000</del> ))
	<u>\$2,210,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$4,431,000</del>))</b>
	<b><u>\$4,434,000</u></b>

**Sec. 112.** 2023 c 475 s 113 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund—State Appropriation (FY 2024)	
--	--

			(\$25,901,000))
			\$28,199,000
General	Fund—State	Appropriation	(FY 2025)
			(\$26,491,000))
			\$27,591,000
TOTAL APPROPRIATION			(\$52,392,000))
			\$55,790,000

The appropriations in this section are subject to the following conditions and limitations: \$764,000 of the general fund—state appropriation for fiscal year 2024 and \$764,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5046 (postconviction counsel). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

**Sec. 113.** 2023 c 475 s 114 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General	Fund—State	Appropriation	(FY 2024)
			(\$123,740,000))
			\$125,874,000
General	Fund—State	Appropriation	(FY 2025)
			(\$118,331,000))
			\$130,938,000
General Fund—Federal Appropriation			\$2,209,000
General Fund—Private/Local Appropriation			\$681,000
Judicial	Stabilization Trust Account—State	Appropriation	
			(\$112,345,000))
			\$113,195,000
Judicial	Information Systems Account—State	Appropriation	
			\$79,530,000
TOTAL APPROPRIATION			(\$436,836,000))
			\$452,427,000

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

(1) The distributions made under this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(2)(a) \$7,000,000 of the general fund—state appropriation for fiscal year 2024 and \$7,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for distribution to county juvenile court administrators for the costs associated with processing and case management of truancy, children in need of services, and at-risk youth referrals. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula must neither reward counties with higher than average per-petition/referral processing costs nor shall it penalize counties with lower than average per-petition/referral processing costs.

(b) Each fiscal year during the 2023-2025 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are informational in nature and are not for the purpose of distributing funds.

(3) \$1,094,000 of the general fund—state appropriation for fiscal year 2024 and \$1,094,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the statewide fiscal impact on Thurston county courts. It is the intent

of the legislature that this policy will be continued in subsequent fiscal biennia.

(4) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for distribution to local courts for costs associated with the court-appointed attorney and visitor requirements set forth in the uniform guardianship act, chapter 11.130 RCW. If the amount provided in this subsection is insufficient to fully fund the local court costs, distributions must be reduced on a proportional basis to ensure that expenditures remain within the available funds provided in this subsection. No later than December 31, 2023, the administrative office of the courts will provide a report on distributions to local courts including, but not limited to, the amount provided to each court, the number of guardianship cases funded at each court, costs segregated by attorney appointments and court visitor appointments, the amount of any pro rata reductions, and a recommendation on how to forecast distributions for potential future funding by the legislature.

(5) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the administrative office of the courts to use as matching funds to distribute to small municipal and county courts, located in a rural county as defined in RCW 43.160.020, for the purpose of increasing security for court facilities. Grants must be used solely for security equipment and services for municipal, district, and superior courts and may not be used for staffing or administrative costs.

(6) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the administrative office of the courts to provide grants to superior courts for the purpose of creating or expanding sanitary lactation spaces or pods that provide privacy for courthouse visitors needing to breastfeed or express breast milk.

(7) ~~(\$250,000)~~ (a) \$350,000 of the general fund—state appropriation for fiscal year 2024 ~~((is))~~ and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the administrative office of the courts to contract with an equity and justice nonprofit organization to expand the capacity of the existing equity dashboard program. The contract must review and organize newly available criminal case data with the goal of consolidating and collecting adult felony case data to determine disparities in the legal justice system. The equity dashboard program must be expanded to include adult felony case data that is consolidated, interactable, transparent, and accessible to the public.

(b) Of the amounts provided in this subsection for fiscal year 2025, the \$1,000,000 in funding shall be split evenly between two equity and justice nonprofit organizations for the purpose of continuing the work of the existing public equity data dashboard on the collection of sentencing data and expanding their work to partner with a nonprofit organization that advocates for equity in technology and education to provide the public with data on social determinants that impact education outcomes. The organization that promotes equity in education must be a coalition that advocates for an educational system that promotes racial equity and focuses on ensuring that the race of a child and the child's address are not the predicating factors in defining their success.

(8) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1766 (protection orders/hope cards). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(9) \$1,090,000 of the general fund—state appropriation for

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

fiscal year 2024 and \$1,090,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to address data quality issues across Washington state court management systems.

(10) \$51,428,000 of the judicial stabilization trust account—state appropriation is provided solely to establish a direct refund process to individuals to refund legal financial obligations, collection costs, and document-verified costs paid to third parties previously paid by defendants whose convictions have been vacated by court order due to the *State v. Blake* ruling. Superior court clerks, district court administrators, and municipal court administrators must certify and send to the office the amount of any refund ordered by the court. The court order must either contain the amount of the refund or provide language for the clerk or court administrator to certify to the office the amount to be refunded to the individual.

(11) \$1,627,000 of the general fund—state appropriation for fiscal year 2024 ~~((\$))~~ and \$1,812,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for activities of the office relating to the resentencing or vacating convictions of individuals and refund of legal financial obligations and costs associated with the *State v. Blake* ruling. In addition to contracting with cities and counties for the disbursement of funds appropriated for resentencing costs, the office must:

(a) Collaborate with superior court clerks, district court administrators, and municipal court administrators to prepare comprehensive reports, based on available court records, of all cause numbers impacted by *State v. Blake* going back to 1971. Such reports must include the refund amount related to each cause number;

(b) In collaboration with the office of public defense and the office of civil legal aid, establish a process that can be used by individuals seeking a refund, provide individuals information regarding the application process necessary to claim a refund, and issue payments from the refund bureau to individuals certified in subsection (10) of this section; and

(c) Collaborate with counties and municipalities to adopt standard coding for application to *State v. Blake* convictions and to develop a standardized practice regarding vacated convictions.

(12) \$38,000,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties with costs of complying with the *State v. Blake* decision that arise from the county's role in operating the state's criminal justice system, including resentencing, vacating prior convictions for simple drug possession, and certifying refunds of legal financial obligations and collections costs. The office shall contract with counties for judicial, clerk, defense, and prosecution expenses for these purposes if requested by a county, and/or a county may designate the office to use available funding to administer a vacate process, or a portion of the vacate process, on behalf of the county. The office must collaborate with counties to adopt standard coding for application to *Blake* convictions and to develop a standardized practice regarding vacated convictions.

(13) \$11,500,000 of the judicial stabilization trust account—state appropriation is provided solely to assist cities with costs of complying with the *State v. Blake* decision that arise from the city's role in operating the city's criminal justice system, including vacating prior convictions for simple drug possession, to include cannabis and possession of paraphernalia, and certifying refunds of legal financial obligations and collections costs. The office shall contract with cities for judicial, clerk, defense, and prosecution expenses for these purposes if requested by a city, and/or a city may designate the office to use available funding to administer a vacate process, or a portion of the vacate process, on

behalf of the city. The office must collaborate with cities to adopt standard coding for application to *Blake* convictions and to develop a standardized practice regarding vacated convictions.

(14) \$439,000 of the general fund—state appropriation for fiscal year 2024 and \$304,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5128 (jury diversity). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(15) ~~(((\$1,560,000))~~ \$40,000 of the general fund—state appropriation for fiscal year 2024 ~~(((\$))~~ and \$1,689,000 of the general fund—state appropriation for fiscal year 2025 are provided solely the office to administer a jury pay pilot program in Pierce county. Funding must be used to increase jury pay up to ~~(((\$50))~~ \$100 for each day served in Pierce county superior court. The funds provided in this subsection must supplement, and not supplant, existing local funding for juror pay. The office must compare juror demographics after the pay increase as compared to data collected from the 2022 jury demographic survey to measure the impact increasing juror pay has on jury diversity and juror response rates.

(16) \$1,800,000 of the judicial stabilization trust account—state appropriation is provided solely for distribution to counties to help cover the cost of electronic monitoring with victim notification technology when an individual seeking a protection order requests electronic monitoring with victim notification technology from the court and the respondent is unable to pay. Of the amount provided in this subsection, up to five percent of the funding each fiscal year may be used by the office for education and outreach to the courts regarding this technology.

(17) \$18,000 of the general fund—state appropriation for fiscal year 2024 and \$18,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1102 (judge pro tempore compensation). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(18) \$20,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute House Bill No. 1562 (violence). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(19) \$109,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed House Bill No. 1324 (prior juvenile offenses). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(20) \$659,000 of the general fund—state appropriation for fiscal year 2024 and \$639,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development and expansion of online and on-demand eLearning courses offered through the WACOURTS education portal for judicial officers, administrators, clerks, assistants, and other staff employed in state and local courts.

(21) \$686,000 of the general fund—state appropriation for fiscal year 2024 and \$686,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the administrative office of the courts to fund public guardianship services provided by the office of public guardianship.

(22) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the administrative office of the courts to develop a sequential intercept model pilot program. The intercept model pilot program must include the establishment of a coordinated care and services network in courts of limited jurisdiction located in two counties, one county east of the crest of the Cascade mountains and one

county west of the crest of the Cascade mountains.

(a) In developing the pilot program, the administrative office of the courts must consult local government, the district and municipal court judges' association, the health care authority, the department of social and health services, the department of health, law enforcement agencies, and other impacted stakeholders as identified by the administrative office of the courts.

(ii) The pilot project shall include any sequential intercept mapping that is necessary to determine the availability of willing stakeholders and to determine gaps in services and programs in the geographic area served by the proposed coordinated care and services network.

(iii) The pilot project may include the use of a common source of peer support services as the means to link affected persons to the coordinated care and services network from the various intercepts in the sequential intercept model.

(iv) No court may be required by the administrative office of the courts to participate in the pilot program.

(v) For the purposes of this pilot project, "stakeholder" may include any public or private entity or individual that provides services, funds, or goods related to housing, shelter, education, employment, substance use disorder treatment or other behavioral health treatment, medical treatment, dental treatment, peer support, self-help, crisis care, income assistance, nutritional assistance, clothing, assistance with public benefits, or financial management and other life skills education.

(vi) The pilot project ends June 1, 2025. The administrative office of the courts shall submit a report to the legislature detailing the work of the pilot program project, which must include recommendations, if any, for continuation, modification, or expansion of the pilot program to other regions of the state, no later than June 30, 2025.

(23) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Washington state center for court research of the administrative office of the courts to conduct a study of legal financial obligations (LFO) charged by superior courts, juvenile courts, and courts of limited jurisdiction, including the reviews required in Engrossed Substitute House Bill No. 1169 (legal financial obligations). The administrative office of the courts must submit a report of the findings to the appropriate committees of the legislature by November 30, 2023. At a minimum, the study must include statewide and county-level data that shows, during the previous five state fiscal years that data is available:

(a) The total number of juvenile and criminal cases handled by court, the number of cases where legal financial obligations were imposed pursuant to chapter 13.40 RCW, the percentage of cases where legal financial obligations were not imposed, and the total amount of legal financial obligations that were collected;

(b) The total amount assessed to, collected from, and waived for all individuals, in fees, court costs, fines, and restitution, disaggregated by the defendants' age at the time of adjudication or conviction, the underlying charge, race, gender, LFO type, and charging court, for each of the last five years data is available;

(c) The average amount assessed, collected, and waived per case by fines, fees, and restitution, disaggregated by defendants' age at the time of adjudication or conviction, the underlying charge, race, gender, LFO type, and charging court for each of the last five years data is available;

(d) The average amount collected per case by fines, fees, and restitution, disaggregated by defendants' age at the time of adjudication or conviction, race, gender, LFO type, and charging court, for each of the last five years data is available;

(e) The estimated annual collection rate for restitution and nonrestitution LFOs for the last five years data is available;

(f) An estimate of the proportion of restitution assessed, disaggregated by victim type including natural persons, businesses, state agencies, and insurance companies, for each of the last five years data is available;

(g) The percentage, number of cases, and total amount of legal financial obligations that are uncollectible pursuant to RCW 13.40.190 or 13.40.192, or other statutory authority for the expiration of legal financial obligation debt including debt assessed in criminal cases; and

(h) The total amount of outstanding debt owed in fees, court costs, fines, and restitution, disaggregated by the defendants' age at the time of adjudication or conviction, race, gender, legal financial obligation type, charging court, and date of assessment.

(24) \$653,000 of the general fund—state appropriation for fiscal year 2024 and \$264,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(25) Funding in this section is sufficient to reimburse courts participating in the interpreter program for 100 percent of interpreter costs in fiscal years 2024 and 2025.

(26) \$8,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 1104 (deferred prosecutions). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(27) \$653,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2001 (sentence modification). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(28) \$850,000 of the judicial stabilization trust account—state appropriation is provided solely for additional education and training for judicial officers and staff, and partial reimbursement for pro tempore coverage for judicial officers' education attendance. Of the amount provided in this subsection, \$350,000 shall be solely used for the training and education activities of the courts of limited jurisdiction and \$500,000 shall be solely used for the training and education activities for superior courts.

**Sec. 114.** 2023 c 475 s 115 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State	Appropriation	(FY 2024)	
			<del>(\$66,616,000)</del>
			\$67,155,000
General Fund—State	Appropriation	(FY 2025)	
			<del>(\$70,129,000)</del>
			\$75,581,000
General Fund—Federal	Appropriation		\$385,000
Judicial Stabilization Trust Account—State	Appropriation		<del>(\$9,894,000)</del>
			\$12,757,000
<b>TOTAL APPROPRIATION</b>			<del>(\$147,024,000)</del>
			\$155,878,000

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

(1) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the purpose of improving the quality of trial court public defense services as authorized by chapter 10.101 RCW. The office of public defense must allocate these amounts so that \$450,000 per fiscal year is distributed to counties, and \$450,000 per fiscal year is distributed to cities, for grants under chapter 10.101 RCW.

(2) ~~(\$6,000,000)~~ \$8,863,000 of the judicial stabilization trust



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

account—state appropriation is provided solely to assist counties with public defense services related to vacating the convictions of defendants and/or resentencing for defendants whose convictions or sentences are affected by the *State v. Blake* decision. Of the amount provided in this subsection:

(a) (~~(\$900,000)~~) \$1,863,000 of the judicial stabilization trust account—state appropriation is provided solely for the office of public defense to provide statewide attorney training, technical assistance, data analysis and reporting, and quality oversight, to administer financial assistance for public defense costs related to *State v. Blake* impacts, and to maintain a triage team to provide statewide support to the management and flow of hearings for individuals impacted by the *State v. Blake* decision.

(b) (~~(\$5,100,000)~~) \$7,000,000 of the judicial stabilization trust account—state appropriation is provided solely to assist counties in providing counsel for defendants seeking to vacate a conviction and/or be resentenced under *State v. Blake*. Assistance shall be allocated to all counties based upon a formula established by the office of public defense. Counties may receive assistance by: (i) Applying for grant funding; and/or (ii) designating the office of public defense to contract directly with counsel.

(3) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to provide prefilming legal representation to pregnant parents and parents of newborns at risk of removal by the department of children, youth, and families.

(4) \$623,000 of the general fund—state appropriation for fiscal year 2024 and \$1,165,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5046 (postconviction counsel). (~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~)

(5) \$6,863,000 of the general fund—state appropriation for fiscal year 2024 and \$6,602,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5415 (public defense/insanity). (~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~)

(6) \$1,434,000 of the general fund—state appropriation for fiscal year 2024 and \$1,434,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the parents for parents program.

(7) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of public defense to establish and operate a telephone consultation line to provide contracted legal counsel for parents, guardians, or legal custodians when the department of children, youth, and families proposes a voluntary placement agreement when there is no pending dependency proceeding under chapter 13.34 RCW pursuant to RCW 13.34.090(4).

(8) \$553,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of public defense to administer a public defense recruitment program to recruit and retain a sufficient pool of qualified attorneys and other public defense professionals. Of the amount provided in this subsection:

(a) \$353,000 of the general fund—state appropriation for fiscal year 2025 is provided for the office of public defense to engage with students and faculty at colleges and law schools on topics relating to public defense and other public law practices; provide technical assistance and training to county and city public defense coordinators on recruitment strategies including establishment of law clerk programs; and administer a grant program for public defense interns.

(b) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided for the office of public defense to award competitive grants to county and city governments for funding public defense internship programs. Grant funding may be used for intern compensation and housing stipends. Priority shall be given to rural jurisdictions and jurisdictions with the greatest demonstrated recruitment needs.

(9) \$10,000 of the general fund—state appropriation for fiscal year 2024 and \$40,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of public defense to address emergency safety assistance and other urgent needs for clients served by the parents representation program. Temporary, limited assistance may be made available for short-term housing, utilities, transportation, food assistance, and other urgent needs that, if unaddressed, could adversely impact case outcomes and impede successful family reunification. The office of public defense shall establish eligibility criteria and an expedited process for reviewing financial assistance requests submitted by parents representation program contractors.

(10) \$160,000 of the general fund—state appropriation for fiscal year 2024 and \$160,000 of the general fund—state appropriation fiscal year 2025 are provided solely for the office of public defense to contract with an experienced independent subject-matter expert organization to conduct a comprehensive evaluation of trial-level adult criminal public defense services in Washington. The evaluator shall use established evaluation methodologies grounded in state and national public defense standards. The evaluation shall result in a report to the legislature detailing current levels of service and making recommendations to ensure constitutionally sufficient and equitable representation throughout the state.

(11)(a) \$400,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of public defense to establish and administer a pilot program that provides indigent parents in dependency and termination cases with voluntary access to a social service worker contracted by the office of public defense beginning at a shelter care hearing as described in chapter 13.34 RCW. The social service worker required under this section should: (i) Provide parent support; (ii) advocate for the parent; and (iii) participate in community child welfare improvement and court improvement meetings.

(b) The pilot program described in this section must be provided in at least two counties.

(c) By June 30, 2025, and in compliance with RCW 43.01.036, the office of public defense shall submit a report to the legislature and the governor that describes the pilot program required under this section including:

- (i) The number of families served by the program;
- (ii) Outcome information for the families served by the program; and
- (iii) Recommendations regarding maintaining or expanding the program.

(12) \$1,770,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2001 (sentence modification). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(13) \$1,330,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2065 (offender score recalc.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 115.** 2023 c 475 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State	Appropriation (FY 2024)	<del>(\$53,283,000)</del>
		<u>\$54,373,000</u>
General Fund—State	Appropriation (FY 2025)	<del>(\$59,838,000)</del>
		<u>\$61,777,000</u>
<del>(General Fund—Federal Appropriation</del>		<del>\$1,468,000)</del>
Judicial Stabilization Trust Account—State	Appropriation	<del>(\$3,851,000)</del>
		<u>\$6,698,000</u>
<b>TOTAL APPROPRIATION</b>		<del>(\$118,440,000)</del>
		<u>\$122,848,000</u>

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

(1) \$3,917,000 of the general fund—state appropriation for fiscal year 2024 and \$7,711,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the appointed counsel program for children and youth in dependency cases under RCW 13.34.212(3) in accordance with revised practice, caseload, and training standards adopted by the supreme court commission on children in foster care and includes a vendor rate increase for contracted attorneys. By October 1, 2023, the office must develop a revised implementation schedule based on a caseload assumption of adding no more than 1,250 new dependency cases to the program each fiscal year for consideration by the governor and the legislature.

(2) \$2,408,000 of the general fund—state appropriation for fiscal year 2024 and \$2,579,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the provision of civil legal information, advice, and representation for tenants at risk of eviction but not yet eligible for appointed counsel services under RCW 59.18.640.

(3) ~~(\$15,425,000)~~ \$16,542,400 of the general fund—state appropriation for fiscal year 2024 and ~~(\$16,030,000)~~ \$17,965,304 of the general fund—state appropriation for fiscal year 2025 are provided solely for the appointed counsel program for tenants in unlawful detainer cases established in RCW 59.18.640 and includes a vendor rate increase for contracted attorneys.

(4) ~~(\$2,387,000)~~ \$5,234,000 of the judicial stabilization trust account—state appropriation is provided solely to continue legal information, advice, assistance, and representation for individuals eligible for civil relief under the supreme court's ruling in *State v. Blake*.

(5) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2024 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2025 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are 60 years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(6) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the office of civil legal aid to establish a legal advice phone line to provide guidance and legal advice for kinship caregivers. The phone line must be staffed by two FTE contracted attorneys that have experience with kinship care, guardianship statutes, the child welfare system, and issues relating to legal custody.

(7) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of civil legal aid to expand civil legal aid services for survivors of domestic violence, including legal services for protection order proceedings, family law cases, immigration assistance, and other civil legal issues arising from or related to

the domestic violence they experienced.

(8) \$1,009,000 of the general fund—state appropriation for fiscal year 2024 and \$1,022,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of civil legal aid to continue the statewide reentry legal aid project as established in section 115(12), chapter 357, Laws of 2020.

**Sec. 116.** 2023 c 475 s 117 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund—State	Appropriation (FY 2024)	<del>(\$24,543,000)</del>
		<u>\$24,815,000</u>
General Fund—State	Appropriation (FY 2025)	<del>(\$24,253,000)</del>
		<u>\$29,983,000</u>
Economic Development Strategic Reserve Account—State	Appropriation	<del>(\$2,282,000)</del>
		<u>\$10,850,000</u>
GOV Central Service Account—State	Appropriation	<del>(\$18,967,000)</del>
		<u>\$19,824,000</u>
Performance Audits of Government Account—State	Appropriation	<del>(\$720,000)</del>
		<u>\$829,000</u>
<u>Workforce Education Investment Account—State</u>	<u>Appropriation</u>	<u>\$100,000</u>
<b>TOTAL APPROPRIATION</b>		<del>(\$70,765,000)</del>
		<u>\$86,401,000</u>

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

(1) \$1,146,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$1,146,000)~~ \$1,875,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the education ombuds.

(2) ~~(\$18,667,000)~~ \$19,524,000 of the GOV central service account—state appropriation is provided solely for the office of equity. Within the amounts provided in this subsection, \$857,000 of the GOV central service account—state appropriation is provided solely for the office of equity for additional staffing resources to provide effective communication and meaningful access to state information and services.

(3) \$100,000 of the workforce education investment account—state appropriation is provided solely to the office of the governor to implement career connected learning.

(4) ~~(\$480,000)~~ \$554,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the governor to invite federally recognized tribes, local governments, agricultural producers, commercial and recreational fisher organizations, business organizations, salmon recovery organizations, forestry and agricultural organizations, and environmental organizations to participate in a process facilitated by an independent entity to develop recommendations on proposed changes in policy and spending priorities to improve riparian habitat to ensure salmon and steelhead recovery.

(a) The independent entity must develop recommendations on furthering riparian funding and policy, including but not limited to, strategies that can attract private investment in improving riparian habitat, and developing a regulatory or compensation strategy if voluntary programs do not achieve concrete targets.

(b) Preliminary recommendations shall be submitted to the legislature and governor by May 1, 2024, with a final report by June 30, 2024.

(c) The office of the governor may contract for an independent facilitator. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

~~((4))~~ (5) \$3,020,000 of the general fund—state appropriation for fiscal year 2024 and \$2,980,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~ Within the amounts provided in this subsection:

(a) \$2,359,000 of the general fund—state appropriation for fiscal year 2024 and \$2,359,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for flexible funding to support children in crisis. Uses of the flexible funding include, but are not limited to:

(i) Residential, housing, or wraparound supports that facilitate the safe discharge of children in crisis from hospitals;

(ii) Support for families and caregivers to mitigate the risk of a child going into or returning to a state of crisis;

(iii) Respite and relief services for families and caregivers that would assist in the safe discharge of a child in crisis from a hospital, or prevent or mitigate a child's future hospitalization due to crisis; or

(iv) Any support or service that would expedite a safe discharge of a child in crisis from an acute care hospital or that would prevent or mitigate a child's future hospitalization due to crisis.

(b) Flexible funding expenditures may not be used for administrative expenses.

(c) The care coordinator created in Second Substitute House Bill No. 1580 (children in crisis) must approve any expenditures of flexible funding.

~~((5))~~ (6) \$300,000 of the GOV central service account—state appropriation is provided solely for the office of equity to conduct community engagement and develop an equity toolkit. Within the amounts provided in this subsection:

(a) The office of equity must consult with state boards and commissions that support the participation of people from underrepresented populations in policy-making processes, and may consult with other relevant state agencies, departments, and offices, to identify:

(i) Barriers to access and meaningful participation in stakeholder engagement by people from underrepresented populations who have lived experience;

(ii) Tools to support access and meaningful participation in stakeholder engagement;

(iii) Modifications to stakeholder engagement processes that promote an increase in access and opportunities for participation by people from underrepresented populations who have lived experience in policy-making processes. Any modifications identified may not restrict or otherwise prevent compliance with requirements under federal statute or regulations; and

(iv) Changes to law or agency rules that will promote increased access and participation in the policy-making process.

(b) The office of equity must submit a report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature that details its findings under (a) of this subsection by July 1, 2024.

(c) By November 30, 2024, the office of equity must develop a toolkit on best practices for supporting meaningful engagement of underrepresented individuals with lived experience participating on statutory entities. The toolkit must be transmitted to all state agencies, including the office of the governor, members of the legislature, the secretary of the senate, and the chief clerk of the house of representatives. The toolkit must include:

(i) Best practices for identifying and recruiting underrepresented individuals with lived experience;

(ii) Best practices for appropriately and meaningfully engaging

individuals from underrepresented populations with lived experience. Recommendations of these best practices may include suggestions from engagement conducted under (a) of this subsection;

(iii) Information on how to plan the work of a statutory entity using the principles of universal design, which may include suggestions from community engagement conducted under (a) of this subsection;

(iv) Best practices for onboarding all statutory entity members including how to support underrepresented individuals with lived experience in accessing compensation in accordance with chapter 43.03 RCW; and

(v) A list of state entities that appointing authorities may consult with when considering appointments to statutory entities for the purpose of increasing meaningful participation by people from underrepresented populations who have lived experience.

(d) For purposes of this subsection:

(i) "Lived experience" has the same meaning as provided in RCW 43.03.220.

(ii) "Statutory entity" means a multimember task force, work group, or advisory committee, that is temporary, established by legislation adopted after January 1, 2025, established for the specific purpose of examining a particular policy or issue which directly and tangibly affects one or more underrepresented populations, and is required to report to the legislature on the policy or issues it is tasked with examining. "Statutory entity" does not include legislative select committees or other statutorily created legislative entities composed of only legislative members.

(iii) "Underrepresented population" means a population group that is more likely to be at higher risk for disenfranchisement due to adverse socioeconomic factors such as unemployment, high housing and transportation costs relative to income, effects of environmental harms, limited access to nutritious food and adequate health care, linguistic isolation, and any other factors that may be barriers for participating in policy-making processes.

~~((6))~~ (7) Within the amounts appropriated in this section, the Washington state office of equity must cofacilitate the Washington digital equity forum with the statewide broadband office.

~~((7))~~ (8)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of the corrections ombuds to prepare a report on incarcerated persons who have been in solitary confinement or any other form of restrictive housing more than 120 days in total during their period of incarceration or have been in solitary confinement or any other form of restrictive housing more than 45 consecutive days in the prior fiscal year. The report must:

(i) Include the basis on which each person was placed in restrictive housing;

(ii) Define the types of restrictive housing used by the department of corrections including, but not limited to, solitary confinement, administrative segregation, disciplinary segregation, protective custody, and maximum custody;

(iii) Identify the specific type of restrictive housing each incarcerated person was placed in and the reason for such placement;

(iv) Provide information regarding each incarcerated person's underlying offenses;

(v) Identify any sanctions imposed during the incarceration of each person;

(vi) State the amount of time each person has remaining in total confinement;

(vii) Document any attempted suicides by each individual in restrictive housing over the past 10 years and the reason, if known;

(viii) Describe the programming offered to and accepted by each incarcerated person during the person's period of restrictive confinement; and

(ix) Identify any short-term policies identified, implemented, or improved by the department for the restrictive housing population including, but not limited to, lighting, ventilation, and access to personal property, communication, and visitation.

(b) The department shall provide a report to the governor and appropriate committees of the legislature by June 30, 2024.

(9) Within existing resources, the governor's office of results Washington must conduct a review of the provisions in state law relating to statewide performance management in RCW 43.88.090 and 43.17.380 through 43.17.390 and other statutes as applicable. The office must produce a report to the governor and appropriate committees of the legislature by October 31, 2024, including recommendations for legislative actions to provide meaningful performance information and oversight for decision makers in the governor's office and other agencies responsible for enterprise-wide initiatives. Results Washington should consult with the office of financial management and other agencies as applicable to ensure that recommendations minimize duplication of effort and support their statutory oversight roles.

(10) \$559,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1239 (educator ethics & complaints). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(11) \$75,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2000 (international leadership). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(12) \$160,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2065 (offender score recalc.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(13) \$225,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2071 (residential housing). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(14) \$618,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2084 (construction training/DOC). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(15) \$246,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2287 (corrections ombuds adv board). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 117.** 2023 c 475 s 118 (uncodified) is amended to read as follows:

**FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2024) (( <del>\$1,619,000</del> ))	\$1,618,000
General Fund—State Appropriation (FY 2025) (( <del>\$1,640,000</del> ))	\$1,647,000
General Fund—Private/Local Appropriation	\$90,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$3,349,000</del>))</b>
	<b>\$3,355,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely

for the legislative committee on economic development and international relations to conduct an analysis of the statewide economic impact of the military and defense sector. The analysis shall be completed and submitted to the governor and appropriate committees of the legislature by September 1, 2024.

**Sec. 118.** 2023 c 475 s 119 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2024) (( <del>\$6,105,000</del> ))	\$6,137,000
General Fund—State Appropriation (FY 2025) (( <del>\$5,913,000</del> ))	\$5,987,000
Public Disclosure Transparency Account—State Appropriation (( <del>\$2,271,000</del> ))	\$2,171,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$14,289,000</del>))</b>
	<b>\$14,295,000</b>

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

(1) No moneys may be expended from the appropriations in this section to establish an electronic directory, archive, or other compilation of political advertising unless explicitly authorized by the legislature.

(2) ((~~\$2,171,000~~)) \$2,170,000 of the public disclosure transparency account—state appropriation is provided solely for the public disclosure commission for the purpose of improving the ability of the public to access information about political campaigns, lobbying, and elected officials, and facilitating accurate and timely reporting by the regulated community. The commission must report to the office of financial management and fiscal committees of the legislature by October 31st of each year detailing information on the public disclosure transparency account. The report shall include, but is not limited to:

(a) An investment plan of how funds would be used to improve the ability of the public to access information about political campaigns, lobbying, and elected officials, and facilitate accurate and timely reporting by the regulated community;

(b) A list of active projects as of July 1st of the fiscal year. This must include a breakdown of expenditures by project and expense type for all current and ongoing projects;

(c) A list of projects that are planned in the current and following fiscal year and projects the commission would recommend for future funding. The commission must identify priorities, and develop accountability measures to ensure the projects meet intended purposes; and

(d) Any other metric or measure the commission deems appropriate to track the outcome of the use of the funds.

**Sec. 119.** 2023 c 475 s 120 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2024) (( <del>\$40,397,000</del> ))	\$55,850,000
General Fund—State Appropriation (FY 2025) (( <del>\$48,378,000</del> ))	\$63,987,000
General Fund—Federal Appropriation (( <del>\$8,606,000</del> ))	\$8,611,000
Public Records Efficiency, Preservation, and Access Account—State Appropriation (( <del>\$11,621,000</del> ))	\$11,631,000
Charitable Organization Education Account—State Appropriation (( <del>\$1,161,000</del> ))	\$1,233,000
Washington State Library Operations Account—State Appropriation (( <del>\$14,652,000</del> ))	(( <del>\$14,652,000</del> ))

	<u>\$14,668,000</u>
Local Government Archives Account—State	Appropriation
	(( <del>\$11,997,000</del> ))
	<u>\$12,006,000</u>
Election Account—Federal	Appropriation
	(( <del>\$4,487,000</del> ))
	<u>\$4,488,000</u>
Personnel Service Account—State	Appropriation
	(( <del>\$2,262,000</del> ))
	<u>\$2,263,000</u>
TOTAL APPROPRIATION	(( <del>\$143,561,000</del> ))
	<u>\$174,737,000</u>

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

(1) ~~(\$2,498,000)~~ \$16,998,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$12,196,000)~~ \$21,450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to reimburse counties for the state's share of primary and general election costs, the state's share of presidential primary costs, and the costs of conducting mandatory recounts on state measures. Funds may also be used by the secretary of state for costs associated with the printing and distribution of the presidential primary voters pamphlet. Counties shall be reimbursed only for those costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$4,052,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$4,052,000)~~ \$6,052,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events statewide. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for humanities Washington speaker's bureau community conversations.

(5) \$114,000 of the general fund—state appropriation for fiscal year 2024 and \$114,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for election reconciliation reporting. Funding provides for one staff to compile county reconciliation reports, analyze the data, and to complete an annual statewide election reconciliation report for every state primary and general election. The report must be submitted annually on July 31, to legislative policy and fiscal committees. The annual report must include statewide analysis and by county analysis on the reasons for ballot rejection and an analysis of the ways ballots are received, counted, rejected and cure data that can be used by policymakers to better understand election administration.

(6) \$896,000 of the general fund—state appropriation for fiscal year 2024 and \$870,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staff dedicated to the maintenance and operations of the voter registration and election management system. These staff will manage database upgrades, database maintenance, system training and support to counties, and triage and customer service to system users.

(7) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$8,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for:

(a) Funding the security operations center, including identified needs for expanded operations, systems, technology tools, training resources;

(b) Additional staff dedicated to the cyber and physical security of election operations at the office and county election offices;

(c) Expanding security assessments, threat monitoring, enhanced security training; and

(d) Providing grants to county partners to address identified threats and expand existing grants and contracts with other public and private organizations such as the Washington military department, national guard, private companies providing cyber security, and county election offices.

(8) \$148,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute Senate Bill No. 5128 (jury diversity). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(9) \$148,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5112 (voter registration). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(10) \$148,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute Senate Bill No. 5182 (candidate filing). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(11) \$148,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute Senate Bill No. 5208 (online voter registration). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(12) \$616,000 of the personnel service account—state appropriation is provided solely for implementation of Engrossed Senate Bill No. 5015 (productivity board). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(13) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with humanities Washington to expand the prime time family reading program.

(14) The office of the secretary of state must conduct a

feasibility study of replacing the combined fund drive donor management system. The office must report its findings and a plan for replacement to the appropriate committees of the legislature by December 31, 2023.

(15) ~~(\$200,000)~~ \$700,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for legal services costs for *Vet Voice Foundation et al. v. Hobbs*.

(16) \$3,724,000 of the general fund—state appropriation for fiscal year 2024 and \$2,674,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the agency to design and implement strategies and products to counter false narratives surrounding election security and integrity, including community engagement with underserved populations such as young voters, voters with disabilities, tribal communities, and non-English-speaking voters. Of the amounts provided in this subsection, \$500,000 per fiscal year are provided solely for grants to county auditors for the same purposes.

(17) The office of the secretary of state must work with the office of the chief information officer to evaluate the office of the secretary of state's information technology infrastructure and applications to determine the appropriate candidates for the location of data and the systems that could be exempt from consolidated technology services oversight. The office shall report its findings to the appropriate committees of the legislature by December 31, 2023.

(18) \$83,000 of the general fund—state appropriation for fiscal year 2024 and \$67,000 of the general fund—state appropriation for fiscal year 2025 are provided solely the office of the secretary of state to assist businesses and nonprofits providing therapeutic rehabilitation within Washington state's juvenile secure residential facilities. It is well established that providing outreach and therapeutic education among incarcerated youth remains critical to successful community reentry. The amounts provided under this subsection are subject to the following conditions and limitations: To be eligible for a grant under this subsection, a business must (a) apply for or have applied for the grant; (b) be registered as a Washington state business or non-profit; (c) reported annual gross receipts are no more than \$1,000,000 in the most recent calendar year; (d) must have ability to conduct in-person business operations at one of Washington's juvenile correctional facilities; (e) of the total grant amount awarded, no more than 10 percent may be awarded for travel expenses; (f) agree to operate in-person, in accordance with the requirements of applicable federal, state, and local directives and guidance; and (g) at least one principal of entity must demonstrate the following educational credential, minimum masters degree in related field, and professional experience of conducting therapeutic gaming. The office of the secretary of state may use up to 10 percent of the amount provided in this subsection for administrative costs.

(19) \$730,000 of the general fund—state appropriation for fiscal year 2024 and \$580,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office's migration of its applications and systems to Azure cloud environments, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(20) \$160,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a contract with the University of Washington Evans school of public policy and governance to complete a study based on the preliminary report and research design submitted to the office on June 30, 2022. The preliminary report analyzed the 2022 state auditor's performance audit titled "evaluating Washington's ballot rejection rates." The study must be reported to the governor and the appropriate committees of the legislature by November 1, 2023.

(21) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state

appropriation for fiscal year 2025 are provided solely for the office to continue developing a statewide digital assessment tool and protocol for the tool's usage. The office must use the tool and protocol it developed to reach additional underserved audiences and make improvements to the tool and protocol. The office must develop and publish recommendations to improve implementation of the tool by June 30, 2025.

(22) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to establish a Washington state library branch at Green Hill school.

(23) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office to contract with the University of Washington Evans school of public policy and governance to examine processes for providing voting registration, voting materials, and voting assistance for people held in Washington jails.

(a) The study must:

(i) Identify challenges and obstacles to voting in Washington jails;

(ii) Examine how election offices and jails can ensure that voter registration, materials, and assistance are provided to registered voters and eligible citizens who are in jail prior to each election;

(iii) Develop recommendations for facilitating voter registration for eligible citizens and voting for registered voters in Washington jails; and

(iv) Develop recommendations for identifying individuals who are registered to vote upon jail admission and for providing voter assistance upon release from jail.

(b) The study is due to the office, the governor, and the appropriate committees of the legislature by December 1, 2024.

(24) \$236,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1272 (voters' pamphlets). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(25) \$148,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of House Bill No. 1962 (voter address changes). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(26) \$788,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of House Bill No. 2023 (elections language assistance). Of the amount provided in this subsection, a minimum amount of \$715,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for costs for covered counties under the bill. If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(27) \$137,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for costs associated with verifying signatures on initiatives to the legislature.

**Sec. 120.** 2023 c 475 s 121 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2024)	<del>(\$801,000)</del>
	\$802,000
General Fund—State Appropriation (FY 2025)	<del>(\$797,000)</del>
	\$958,000
Climate Commitment Account—State Appropriation	\$658,000
TOTAL APPROPRIATION	<del>(\$2,256,000)</del>
	\$2,418,000

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

(1) The office shall assist the department of enterprise services

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to engage a contractor to:

- (i) Conduct a detailed analysis of the opportunity gap for native American students;
- (ii) Analyze the progress in developing effective government-to-government relations and identification and adoption of curriculum regarding tribal history, culture, and government as provided under RCW 28A.345.070;
- (iii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and
- (iv) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(3)(a) \$404,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). Within amounts provided in this subsection, the governor's office of Indian affairs, in consultation with the department of ecology, the department of commerce, and the department of archaeology and historic preservation, must coordinate government-to-government engagement with federally recognized Indian tribes who have treaty rights in Washington. Topics of engagement may include:

- (i) Implementation of environmental and energy laws, policy regulations, programs, and finances;
  - (ii) The climate commitment act, chapter 316, Laws of 2021;
  - (iii) Engrossed Second Substitute House Bill No. 1216 (clean energy siting); and
  - (iv) Other related policy.
- (b) Funding provided within this subsection may support:
- (i) Participation on the interagency clean energy siting coordinating council;
  - (ii) Creation and maintenance of a list of contacts of federally recognized tribes, and tribal preferences regarding outreach about clean energy siting and permitting; and
  - (iii) Development and delivery of training to clean energy project developers on consultation and engagement processes for federally recognized Indian tribes.

(4) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**Sec. 121.** 2023 c 475 s 122 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2024) ~~(((\$913,000))~~

~~General Fund—State Appropriation (FY 2025) ~~(((\$897,000))~~~~

~~TOTAL APPROPRIATION ~~(((\$1,810,000))~~~~

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

- ~~(1) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:~~
- ~~(i) Conduct a detailed analysis of the opportunity gap for Asian American students;~~
- ~~(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and~~
- ~~(iii) Identify performance measures to monitor adequate yearly progress.~~
- ~~(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.~~

~~(2)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:~~

- ~~(i) Conduct a detailed analysis of the opportunity gap for Native Hawaiian and Pacific Islander students;~~
- ~~(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and~~
- ~~(iii) Identify performance measures to monitor adequate yearly progress.~~
- ~~(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.~~

~~**Sec. 122.** 2023 c 475 s 123 (uncodified) is amended to read as follows:~~

~~**FOR THE STATE TREASURER**~~

~~State Treasurer's Service Account—State Appropriation ~~(((\$23,658,000))~~~~

General Fund—State Appropriation (FY 2025) ~~(((\$897,000))~~

TOTAL APPROPRIATION ~~(((\$1,810,000))~~

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

- (1)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

- (i) Conduct a detailed analysis of the opportunity gap for Asian American students;
- (ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and
- (iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(2)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

- (i) Conduct a detailed analysis of the opportunity gap for Native Hawaiian and Pacific Islander students;
- (ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and
- (iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

~~**Sec. 122.** 2023 c 475 s 123 (uncodified) is amended to read as follows:~~

~~**FOR THE STATE TREASURER**~~

~~State Treasurer's Service Account—State Appropriation ~~(((\$23,658,000))~~~~

~~TOTAL APPROPRIATION ~~(((\$23,658,000))~~~~

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

- ~~(1) ~~(((\$500,000 of the state treasurer's service account—state appropriation is provided solely for the review of local government tax increment financing proposals as provided in RCW 39.114.020.~~~~

~~(2)) \$500,000 of the state treasurer's service account—state appropriation is provided solely for the office to study existing and proposed laws in other jurisdictions that limit consideration of material factors in public financing and investments. The study must consider any investment risk and economic risk to Washington associated with identified laws. Authorized uses of the amount provided in this subsection include, but are not limited to, staffing, consulting fees, travel expenditures, or other goods~~

~~(2)) \$500,000 of the state treasurer's service account—state appropriation is provided solely for the office to study existing and proposed laws in other jurisdictions that limit consideration of material factors in public financing and investments. The study must consider any investment risk and economic risk to Washington associated with identified laws. Authorized uses of the amount provided in this subsection include, but are not limited to, staffing, consulting fees, travel expenditures, or other goods~~

and services. The office must submit the study to the appropriate committees of the legislature by December 1, 2024.

((3)) (2) Pursuant to RCW 82.08.225, the legislature authorizes the state treasurer to deposit up to \$3,000,000 of taxes collected pursuant to RCW 82.08.020(1) into the statewide tourism marketing account created in RCW 43.384.040 for the 2023-2025 fiscal biennium.

**Sec. 123.** 2023 c 475 s 124 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2024)	\$1,072,000
General Fund—State Appropriation (FY 2025)	<del>(\$1,080,000)</del>
	<u>\$1,580,000</u>
Auditing Services Revolving Account—State Appropriation	<del>(\$18,519,000)</del>
	<u>\$18,551,000</u>
Performance Audits of Government Account—State Appropriation	<del>(\$1,871,000)</del>
	<u>\$2,673,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$22,542,000)</del>
	<u>\$23,876,000</u>

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

(1) \$1,585,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state-funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) ~~(Within existing resources of the performance audits of government account, the state auditor's office shall conduct a performance audit or accountability audit of Washington charter public schools to satisfy the requirement to contract for an independent performance audit pursuant to RCW 28A.710.030(2)).~~

(3)) \$825,000 of the auditing services revolving account—state appropriation is provided solely for accountability and risk based audits.

((4)) (3) \$1,030,000 of the general fund—state appropriation for fiscal year 2024 and \$1,030,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for law enforcement audits pursuant to RCW 43.101.460 and 43.101.465.

(4) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the state auditor's office to conduct a performance audit of the Washington state housing finance commission's oversight of housing developers that offer a rent-to-own option for projects funded by the commission. The audit must review how rent-to-own policies have affected affordable housing and home ownership options for eligible tenants; make recommendations for the commission to improve outcomes for rent-to-own tenants; and evaluate whether the commission has followed applicable state and federal laws related to financing and overseeing housing developers that offer rent-to-own options for tenants.

(5) \$800,000 of the performance audits of government account—state appropriation is for implementation of Substitute House Bill No. 2180 (special education cap). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 124.** 2023 c 475 s 125 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund—State Appropriation (FY 2024)	<del>(\$299,000)</del>
	<u>\$305,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$295,000)</del>
	<u>\$322,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$594,000)</del>
	<u>\$627,000</u>

**Sec. 125.** 2023 c 475 s 126 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY 2024)	<del>(\$39,778,000)</del>
	<u>\$48,549,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$36,313,000)</del>
	<u>\$42,374,000</u>
General Fund—Federal Appropriation	<del>(\$23,595,000)</del>
	<u>\$25,273,000</u>
Public Service Revolving Account—State Appropriation	\$4,717,000
New Motor Vehicle Arbitration Account—State Appropriation	\$1,889,000
Medicaid Fraud Penalty Account—State Appropriation	<del>(\$6,584,000)</del>
	<u>\$6,587,000</u>
Child Rescue Fund—State Appropriation	<del>(\$80,000)</del>
	<u>\$200,000</u>
Legal Services Revolving Account—State Appropriation	<del>(\$401,733,000)</del>
	<u>\$409,701,000</u>
Local Government Archives Account—State Appropriation	<del>(\$1,117,000)</del>
	<u>\$1,118,000</u>
Tobacco Prevention and Control Account—State Appropriation	\$274,000
<b>TOTAL APPROPRIATION</b>	<del>(\$516,080,000)</del>
	<u>\$540,682,000</u>

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

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of the office of financial management and the chairs and ranking members of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) ~~(\$1,217,000)~~ \$1,806,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$1,217,000)~~ \$1,981,000 of the general fund—state appropriation for fiscal year 2025 are



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

provided solely for multi-year arbitrations of the state's diligent enforcement of its obligations to receive amounts withheld from tobacco master settlement agreement payments.

(5) \$6,189,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 326, Laws of 2021 (law enforcement data).

(6) (~~(\$1,958,000)~~) \$1,458,000 of the general fund—state appropriation for fiscal year 2024 and (~~(\$958,000)~~) \$1,458,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of a program for receiving and responding to tips from the public regarding risks or potential risks to the safety or well-being of youth, called the YES tip line program. Risks to safety or well-being may include, but are not limited to, harm or threats of harm to self or others, sexual abuse, assault, rape, bullying or cyberbullying, substance use, and criminal acts. Any person contacting the YES tip line, whether for themselves or for another person, must receive timely assistance and not be turned away. The program must operate within the guidelines of this subsection.

(a) During the development and implementation of the YES tip line program the attorney general shall convene an advisory committee consisting of representatives from the Washington state patrol, the department of health, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the Washington association of educational service districts, and other participants the attorney general appoints.

(b) The attorney general shall develop and implement policies and processes for:

(i) Assessing tips based on the level of severity, urgency, and assistance needed using best triage practices including the YES tip line;

(ii) Risk assessment for referral of persons contacting the YES tip line to service providers;

(iii) Threat assessment that identifies circumstances requiring the YES tip line to alert law enforcement, mental health services, or other first responders immediately when immediate emergency response to a tip is warranted;

(iv) Referral and follow-up on tips to schools or postsecondary institution teams, local crisis services, law enforcement, and other entities;

(v) YES tip line information data retention and reporting requirements;

(vi) Ensuring the confidentiality of persons submitting a tip and to allow for disclosure when necessary to respond to a specific emergency threat to life; and

(vii) Systematic review, analysis, and reporting by the YES tip line program of YES tip line data including, but not limited to, reporting program utilization and evaluating whether the YES tip line is being implemented equitably across the state.

(c) The YES tip line shall be operated by a vendor selected by the attorney general through a competitive contracting process. The attorney general shall ensure that the YES tip line program vendor and its personnel are properly trained and resourced. The contract must require the vendor to be bound by confidentiality policies developed by the office. The contract must also provide that the state of Washington owns the data and information produced from the YES tip line and that vendor must comply with the state's data retention, use, and security requirements.

(d) The YES tip line program must develop and maintain a reference and best practices tool kit for law enforcement and mental health officials that identifies statewide and community mental health resources, services, and contacts, and provides best

practices and strategies for investigators to use in investigating cases and assisting youths and their parents and guardians.

(e) The YES tip line program must promote and market the program and YES tip line to youth, families, community members, schools, and others statewide to build awareness of the program's resources and the YES tip line. Youth perspectives must be included and consulted in tip line development and implementation including creating marketing campaigns and materials required for the YES tip line program. The insights of youth representing marginalized and minority communities must be prioritized for their invaluable insight. Youths are eligible for stipends and reasonable allowances for reimbursement, lodging, and travel expenses as provided in RCW 43.03.220.

(7) \$561,000 of the general fund—state appropriation for fiscal year 2024 and \$508,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the attorney general to support the Washington state missing and murdered indigenous women and people task force in (~~section 912 of this act~~) section 905 of this act.

(8) \$9,188,000 of the legal services revolving fund—state appropriation is provided solely for additional legal services to address additional legal services necessary for dependency actions where the state and federal Indian child welfare act apply. The office must report to the fiscal committees of the legislature within 90 days of the close of the fiscal year the following information for new cases initiated in the previous fiscal year to measure quantity and use of this funding:

(a) The number and proportion of cases where the state and federal Indian child welfare act (ICWA) applies as compared to non-ICWA new cases;

(b) The amount of time spent advising on, preparing for court, and litigating issues and elements related to ICWA's requirements as compared to the amount of time advising on, preparing for court, and litigating issues and elements that are not related to ICWA's requirements;

(c) The length of state and federal Indian child welfare act cases as compared to non-ICWA cases measured by time or number of court hearings; and

(d) Any other information or metric the office determines is appropriate to measure the quantity and use of the funding in this subsection.

(9)(a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the establishment of a truth and reconciliation tribal advisory committee to conduct research and outreach to understand the operations and impact of Indian boarding schools in Washington run by public and faith-based institutions, and to develop recommendations for the state to acknowledge and address the historical and intergenerational harms caused by Indian boarding schools and other cultural and linguistic termination practices.

(b) The advisory committee shall consist of five members nominated by the attorney general. The committee members must be citizens from federally recognized tribes in diverse geographic areas across the state that possess personal, policy, or specific expertise with Indian boarding school history and policies, or who have expertise in truth and healing endeavors that are traditionally and culturally appropriate.

(c) The advisory committee must hold its first meeting by September 30, 2023, and shall meet at least quarterly. The advisory committee may conduct meetings in person or virtually and must accept written testimony. The advisory committee may, when feasible, invite and consult with any entity, agency, or individual deemed necessary to further its work, or with experts or professionals involved, having expertise, or having lived

experience regarding Indian boarding schools or tribal engagement.

(d) The office and the advisory committee must conduct at least six listening sessions in collaboration with tribes and Native-led organizations. The listening sessions must be held with consideration of the cultural, emotional, spiritual, and psychological well-being of survivors, family members, and community members. In planning and facilitating the listening sessions, the office must seek to avoid imposing undue burdens on survivors, family members, or community members.

(e) The office of the attorney general must administer and provide staff support for the advisory committee.

(f) By June 30, 2025, the office must submit a final report to the appropriate committees of the legislature that includes, but is not limited to:

(i) A summary of activities undertaken by the advisory committee;

(ii) Findings regarding the extent and types of support provided by the state to Indian boarding schools;

(iii) Findings regarding current state policies and practices that originate from Indian boarding schools or other assimilationist policies and practices and that cause disproportionate harm to American Indian and Alaska Native people and communities; and

(iv) Recommendations regarding how the state can address the harm done by Indian boarding schools and other cultural and linguistic termination practices through a truth and reconciliation model, including but not limited to:

(A) Resources and assistance that the state may provide to aid in the healing of trauma caused by Indian boarding school policies; and

(B) Actions to correct current state policies and practices with origins in assimilationist policies or that cause disproportionate harm to Native people and communities.

(10) \$1,381,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for legal services and other costs related to voter rights and redistricting commission litigation.

(11) \$566,000 of the general fund—state appropriation for fiscal year 2024 and \$436,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for legal services related to litigation challenging chapter 104, Laws of 2022 (ESSB 5078).

(12) \$749,000 of the general fund—state appropriation for fiscal year 2024 and \$689,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for legal services related to the defense of the state and its agencies in a federal environmental cleanup action involving the Quendall terminals superfund site.

(13) \$731,000 of the general fund—state appropriation for fiscal year 2024 and \$1,462,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional resources for the prosecution of sexually violent predator cases pursuant to chapter 71.09 RCW.

(14) \$699,000 of the general fund—state appropriation for fiscal year 2024 and \$699,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional resources for the criminal litigation unit to address increased wrongfully convicted person claims under chapter 4.100 RCW and increased workload and complexity of cases referred to the unit.

(15) \$755,000 of the general fund—state appropriation for fiscal year 2024 and \$1,510,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to create a centralized statewide organized retail crime task force to coordinate, investigate, and prosecute multijurisdictional retail crime.

(16) \$1,399,000 of the general fund—state appropriation for fiscal year 2024 and \$1,399,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5078 (firearms industry duties). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(17) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of the attorney general to update the introduction to Washington water law legal primer. The updated primer must cover subjects including, but not limited to, municipal water law, the trusts water rights program, instream flows, and significant appellate water law cases that have been decided since the previous introduction to Washington water law was prepared in 2000. The office must complete the updated primer by June 30, 2025.

(18) \$39,000 of the general fund—state appropriation for fiscal year 2024, \$39,000 of the general fund—state appropriation for fiscal year 2025, and \$30,000 of the legal services revolving fund—state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(19) \$2,071,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5080 (cannabis social equity). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(20) \$204,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5236 (hospital staffing standards). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(21) \$2,316,000 of the legal services revolving fund—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5272 (speed safety cameras). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(22) \$138,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for staff support to the joint legislative task force on jail standards authorized by RCW 70.48.801. The task force shall report finding and recommendations to the governor and the appropriate committees of the legislature no later than December 1, 2023.

(23) \$463,000 of the general fund—state appropriation for fiscal year 2024, \$454,000 of the general fund—state appropriation for fiscal year 2025, \$398,000 of the general fund—federal appropriation, \$91,000 of the public service revolving account—state appropriation, \$133,000 of the medicaid fraud penalty account—state appropriation, and \$6,740,000 of the legal services revolving fund—state appropriation are provided solely for implementation of the legal matter management system and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(24) \$50,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(25) \$138,000 of the general fund—state appropriation for fiscal year 2024 and \$138,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(26) \$213,000 of the general fund—state appropriation for fiscal year 2024 and \$213,000 of the general fund—state

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1469 (health care services/access). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(27) \$158,000 of the general fund—state appropriation for fiscal year 2024 and \$153,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1512 (missing persons). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(28) \$1,005,000 of the general fund—state appropriation for fiscal year 2024 and \$1,005,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1177 (indigenous women). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(29) \$26,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1470 (private detention facilities). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(30) \$75,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1570 (TNC insurance programs). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(31) \$106,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(32) \$338,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(33)(a) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the attorney general, in collaboration with the office of the insurance commissioner, to study approaches to improve health care affordability including, but not limited to:

(i) Health provider price or rate regulation policies or programs, other than traditional health plan rate review, in use or under consideration in other states to increase affordability for health insurance purchasers and enrollees. At a minimum, this shall include:

(A) Analysis of payment rate or payment rate increase caps and reference pricing strategies;

(B) Analysis of research or other findings related to the outcomes of the policy or program, including experience in other states;

(C) A preliminary analysis of the regulatory authority and administrative capacity necessary to implement each policy or program reviewed in Washington state;

(D) Analysis of such approaches used in Washington state including, but not limited to, the operation of the hospital commission, formerly established under chapter 70.39 RCW; and

(E) A feasibility analysis of implementing a global hospital budget strategy in one or more counties or regions in Washington state, including potential impacts on spending and access to health care services if such a strategy were adopted;

(ii) Regulatory approaches in use or under consideration by other states to address any anticompetitive impacts of horizontal consolidation and vertical integration in the health care

marketplace to supplement federal antitrust law. At a minimum, this regulatory review shall include:

(A) Analysis of research, case law, or other findings related to the outcomes of the state's activities to encourage competition, including implementation experience;

(B) A preliminary analysis of regulatory authority and administrative capacity necessary to implement each policy or program reviewed in Washington state; and

(C) Analysis of recent health care consolidation and vertical consolidation activity in Washington state, to the extent information is available;

(iii) Recommended actions based on other state approaches and Washington data, if any; and

(iv) Additional related areas of data or study needed, if any.

(b) The office of the insurance commissioner or office of the attorney general may contract with third parties and consult with other state entities to conduct all or any portion of the study.

(c) The attorney general and office of the insurance commissioner shall submit a preliminary report to the relevant policy and fiscal committees of the legislature by December 1, 2023, and a final report by August 1, 2024.

(34) \$9,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor compensation). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(35) \$526,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(36) \$801,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office to create a permanent sexual assault kit initiative program.

(37) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the attorney general to provide grants to local jurisdictions to conduct DNA testing for unidentified remains, and to conduct forensic genetic genealogy analysis for those remains for which DNA testing failed to yield a match. Local jurisdictions may contract for these services.

(38) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the attorney general, in collaboration with the Washington association of sheriffs and police chiefs, to support the Washington state indigenous demographic data collection work group of the Washington state missing and murdered indigenous women and people task force established in section 905(5) of this act.

(39)(a) \$247,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the attorney general, jointly with the department of health, to form a task force to provide recommendations to establish a comprehensive public health and community-based framework to combat extremism and mass violence.

(b) The office of the attorney general must, in consultation with the department of health, appoint a minimum of 10 members to the task force representing different stakeholder groups including, but not limited to:

(i) Community organizations working to address the impacts of or to assist those who are affected by extremism and mass violence;

(ii) Law enforcement organizations that gather data about or work to combat extremism and mass violence; and

(iii) Public health and nonprofit organizations that work to address the impacts of extremism and mass violence.

(c) The office of the attorney general and the department of health may each have no more than one voting member on the task force.

(d) The office of the attorney general must provide staff support for the task force.

(e) Any reimbursement for nonlegislative members of the task force is subject to chapter 43.03 RCW.

(f) The first meeting of the task force must be held by December 31, 2024. The task force must submit a preliminary report to the governor and the appropriate committees of the legislature by June 1, 2025, and a final report by December 1, 2026. The final report must include legislative and policy recommendations for establishing the comprehensive framework. It is the intent of the legislature to provide funding for the task force to complete the final report in the 2025-2027 fiscal biennium.

(g) No aspect of this subsection should be construed as a directive to alter any aspect of criminal law, create new criminal penalties, or increase criminal law enforcement.

(40) \$61,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 1905 (equal pay/protected classes). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(41) \$30,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 2061 (health employees/overtime). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1618 (childhood sexual abuse/SOL). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(43) \$1,000 of the general fund—state appropriation for fiscal year 2025 is for implementation of Third Substitute House Bill No. 1579 (independent prosecutions). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(44) \$73,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6058 (carbon market linkage). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(45) \$1,464,000 of the legal services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1205 (service by pub./dependency). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(46) \$883,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Substitute House Bill No. 2114 (residential tenants). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(47) \$106,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2301 (waste material management). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(48) \$33,000 of the legal services revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 2467 (LTSS portability). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(49) \$432,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for personnel and associated costs to implement and maintain functional operations such as

support, records management and disclosure, victim liaisons, and information technology for the clemency and pardons board.

**Sec. 126.** 2023 c 475 s 127 (uncodified) is amended to read as follows:

**FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY 2024)	( <del>(\$2,378,000)</del> )
	<u>\$2,380,000</u>
General Fund—State Appropriation (FY 2025)	( <del>(\$2,378,000)</del> )
	<u>\$2,383,000</u>
Workforce Education Investment Account—State Appropriation	\$356,000
<b>TOTAL APPROPRIATION</b>	<b>(<del>(\$5,112,000)</del>)</b>
	<b><u>\$5,119,000</u></b>

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

(1) \$356,000 of the workforce education investment account—state appropriation is provided solely to forecast the caseload for the Washington college grant program.

(2) Within existing resources, and beginning with the November 2021 forecast, the caseload forecast council shall produce an unofficial forecast of the long-term caseload for juvenile rehabilitation as a courtesy.

(3) \$39,000 of the general fund—state appropriation for fiscal year 2024 and \$39,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1218 (caseload forecast/tax credit). (~~If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~)

(4) Within the amounts appropriated in this section, the council must forecast the number of people eligible for the apple health expansion for Washington residents with incomes at or below 138 percent of the federal poverty level, regardless of immigration status, beginning in July 2024.

**Sec. 127.** 2023 c 475 s 129 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE—COMMUNITY SERVICES AND HOUSING**

General Fund—State Appropriation (FY 2024)	( <del>(\$334,486,000)</del> )
	<u>\$402,322,000</u>
General Fund—State Appropriation (FY 2025)	( <del>(\$391,233,000)</del> )
	<u>\$502,028,000</u>
General Fund—Federal Appropriation	\$281,789,000
General Fund—Private/Local Appropriation	\$5,252,000
Affordable Housing for All Account—State Appropriation	\$109,227,000
Apple Health and Homes Account—State Appropriation	\$28,452,000
Climate Commitment Account—State Appropriation	\$35,000,000
Community Reinvestment Account—State Appropriation	\$200,000,000
Community and Economic Development Fee Account—State Appropriation	\$3,159,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	( <del>(\$77,878,000)</del> )
	<u>\$7,778,000</u>
Covenant Homeownership Account—State Appropriation	\$150,000,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation	\$2,631,000
Home Security Fund Account—State Appropriation	\$290,410,000
Lead Paint Account—State Appropriation	\$233,000

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

Prostitution Prevention and Intervention Account—State Appropriation	\$26,000
Washington Housing Trust Account—State Appropriation	\$9,863,000
<b>TOTAL APPROPRIATION</b>	<b>(\$1,919,639,000)</b>
	<u>\$2,028,170,000</u>

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

(1) \$10,500,000 of the general fund—state appropriation for fiscal year 2024 and \$10,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the retired senior volunteer program.

(3) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

(4) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington new Americans program. The department may require a cash match or in-kind contributions to be eligible for state funding.

(5) \$768,000 of the general fund—state appropriation for fiscal year 2024 and \$797,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a private, nonprofit organization to provide developmental disability ombuds services.

(6) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, \$1,000,000 of the home security fund—state appropriation, \$2,000,000 of the Washington housing trust account—state appropriation, and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families and youth through the Washington youth and families fund.

(7) \$1,000,000 of the general fund—state appropriation for fiscal year 2024, \$1,000,000 of the general fund—state appropriation for fiscal year 2025, and \$2,000,000 of the home security fund—state appropriation are provided solely for the administration of the grant program required in chapter 43.185C RCW, linking homeless students and their families with stable housing.

~~(8) ((a) \$1,980,000 of the general fund—state appropriation for fiscal year 2024 and \$1,980,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community beds for individuals with a history of mental illness. Currently, there is little to no housing specific to populations with these co-occurring disorders; therefore, the department must consider how best to develop new bed capacity in combination with individualized support services, such as intensive case management and care coordination, clinical supervision, mental health, substance abuse treatment, and vocational and employment services. Case management and care coordination services must be provided. Increased case-managed housing will help to reduce the use of jails and emergency services and will help to reduce admissions to the state psychiatric hospitals. The department must coordinate with the health care authority and the department of social and health services in establishing conditions for the awarding of these funds. The department must contract~~

~~with local entities to provide a mix of (i) shared permanent supportive housing; (ii) independent permanent supportive housing; and (iii) low and no barrier housing beds for people with a criminal history, substance abuse disorder, and/or mental illness.~~

~~(b) Priority for permanent supportive housing must be given to individuals on the discharge list at the state psychiatric hospitals or in community psychiatric inpatient beds whose conditions present significant barriers to timely discharge.)~~ \$11,844,000 of the general fund—state appropriation for fiscal year 2024 and \$11,844,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for housing assistance, including long-term rental subsidies, permanent supportive housing, and low and no barrier housing beds, for unhoused individuals. Priority must be given to individuals with a mental health disorder, substance use disorder, or other complex conditions; individuals with a criminal history; and individuals transitioning from behavioral health treatment facilities or local jails.

(9) \$557,000 of the general fund—state appropriation for fiscal year 2024 and \$557,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to design and administer the achieving a better life experience program.

(10) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$8,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with organizations and attorneys to provide either legal representation or referral services for legal representation, or both, to indigent persons who are in need of legal services for matters related to their immigration status. Persons eligible for assistance under any contract entered into pursuant to this subsection must be determined to be indigent under standards developed under chapter 10.101 RCW.

(11)(a) \$12,500,000 of the general fund—state appropriation for fiscal year 2024, \$12,500,000 of the general fund—state appropriation for fiscal year 2025, and \$37,000,000 of the affordable housing for all account—state appropriation are provided solely for grants to support the building operation, maintenance, and service costs of permanent supportive housing projects or units within housing projects that have or will receive funding from the housing trust fund—state account or other public capital funding that:

- (i) Is dedicated as permanent supportive housing units;
- (ii) Is occupied by low-income households with incomes at or below 30 percent of the area median income; and
- (iii) Requires a supplement to rent income to cover ongoing property operating, maintenance, and service expenses.

(b) Permanent supportive housing projects receiving federal operating subsidies that do not fully cover the operation, maintenance, and service costs of the projects are eligible to receive grants as described in this subsection.

(c) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(d) Within amounts provided in this subsection, the department must provide staff support for the permanent supportive housing operations, maintenance, and services forecast. The department must develop a model to estimate demand for operating, maintenance, and services costs for permanent supportive housing units that qualify for grant funding under (a) of this subsection. The model shall incorporate factors including the number of qualifying units currently in operation; the number of new qualifying units assumed to come online since the previous forecast and the timing of when those units will become operational; the impacts of enacted or proposed investments in the capital budget on the number of new potentially qualifying units;

the number of units supported through a grant awarded under (a) of this subsection; the historical actuals for per unit average grant awards under (a) of this subsection; reported data from housing providers on actual costs for operations, maintenance, and services; and other factors identified as appropriate for estimating the demand for maintenance, operations, and services for qualifying permanent supportive housing units. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the office of financial management, and the appropriate fiscal committees of the state legislature. The forecast must be updated each February and November during the fiscal biennium and the department must submit a report to the legislature summarizing the updated forecast based on actual awards made under (a) of this subsection and the completed construction of new qualifying units.

(12) \$7,000,000 of the home security fund—state appropriation is provided solely for the office of homeless youth prevention and protection programs to:

(a) Expand outreach, services, and housing for homeless youth and young adults including but not limited to secure crisis residential centers, crisis residential centers, and HOPE beds, so that resources are equitably distributed across the state;

(b) Contract with other public agency partners to test innovative program models that prevent youth from exiting public systems into homelessness; and

(c) Support the development of an integrated services model, increase performance outcomes, and enable providers to have the necessary skills and expertise to effectively operate youth programs.

(13) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth to build infrastructure and services to support a continuum of interventions, including but not limited to prevention, crisis response, and long-term housing, to reduce youth homelessness in communities identified as part of the anchor community initiative.

(14) \$2,125,000 of the general fund—state appropriation for fiscal year 2024 and \$2,125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth to contract with one or more nonprofit organizations to provide youth services and young adult housing on a multi-acre youth campus located in the city of Tacoma. Youth services include, but are not limited to, HOPE beds and crisis residential centers to provide temporary shelter and permanency planning for youth under the age of 18. Young adult housing includes, but is not limited to, rental assistance and case management for young adults ages 18 to 24. The department shall submit an annual report to the legislature on the use of the funds. The report is due annually on June 30th. The report shall include but is not limited to:

(a) A breakdown of expenditures by program and expense type, including the cost per bed;

(b) The number of youth and young adults helped by each program;

(c) The number of youth and young adults on the waiting list for programs, if any; and

(d) Any other metric or measure the department deems appropriate to evaluate the effectiveness of the use of the funds.

(15) \$65,310,000 of the general fund—state appropriation for fiscal year 2024 and \$65,310,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the essential needs and housing support program and related services. The department may use a portion of the funds provided in this subsection to continue the pilot program established in section

127(106) of chapter 357, Laws of 2020 (addressing the immediate housing needs of low or extremely low-income elderly or disabled adults in certain counties who receive social security disability or retirement income). The department must ensure the timely redistribution of the funding provided in this subsection among entities or counties to reflect actual caseload changes as required under RCW 43.185C.220(5)(c).

~~(16) ((\$198,000 of the general fund—state appropriation for fiscal year 2024 and \$198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aid in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with the local government legislative authorities, planning departments, behavioral health providers, health care authority, department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.))~~ \$5,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to King county for costs to provide transitional and long-term housing supports for unsheltered, recently-arrived individuals and families.

(17) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an entity located in the Beacon hill/Chinatown international district area of Seattle to provide low income housing, low income housing support services, or both. To the extent practicable, the chosen location must be colocated with other programs supporting the needs of children, the elderly, or persons with disabilities.

(18) \$4,740,000 of the general fund—state appropriation for fiscal year 2024, \$4,740,000 of the general fund—state appropriation for fiscal year 2025, and \$4,500,000 of the home security fund—state appropriation are provided solely for the consolidated homeless grant program.

(a) Of the amounts provided in this subsection, \$4,500,000 of the home security fund—state appropriation is provided solely for permanent supportive housing targeted at those families who are chronically homeless and where at least one member of the family has a disability. The department will also connect these families to medicaid supportive services.

(b) Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for diversion services for those families and individuals who are at substantial risk of losing stable housing or who have recently become homeless and are determined to have a high probability of returning to stable housing.

(c) Of the amounts provided in this subsection, \$3,240,000 of the general fund—state appropriation for fiscal year 2024 and \$3,240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for up to nine months of rental assistance for individuals enrolled in the foundational community supports initiative who are transitioning off of benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The health care authority, department of social and health services, and department of commerce shall collaborate on this effort.

~~(19) ((\$958,000))~~ \$1,258,000 of the general fund—state

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

appropriation for fiscal year 2024 and \$1,332,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the operations of the long-term care ombudsman program.

(20) \$1,007,000 of the general fund—state appropriation for fiscal year 2024 and \$1,007,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer a transitional housing program for nondependent homeless youth.

(21) \$80,000 of the general fund—state appropriation for fiscal year 2024 and \$80,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to establish an identification assistance and support program to assist homeless persons in collecting documentation and procuring an identicard issued by the department of licensing. This program may be operated through a contract for services. The program shall operate in one county west of the crest of the Cascade mountain range with a population of 1,000,000 or more and one county east of the crest of the Cascade mountain range with a population of 500,000 or more.

(22)(a) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth prevention and protection programs to administer flexible funding to support the anchor community initiative and anchor communities through the homeless prevention and diversion fund and serve eligible youth and young adults. The flexible funding administered under this subsection may be used for the immediate needs of eligible youth or young adults. An eligible youth or young adult may receive support under this subsection more than once.

(b) Flexible funding provided under this subsection may be used for purposes including but not limited to:

- (i) Car repair or other transportation assistance;
- (ii) Rental application fees, a security deposit, or short-term rental assistance;
- (iii) Offsetting costs for first and last month's rent and security deposits;
- (iv) Transportation costs to go to work;
- (v) Assistance in obtaining photo identification or birth certificates; and
- (vi) Other uses that will support the eligible youth or young adult's housing stability, education, or employment, or meet immediate basic needs.

(c) The flexible funding provided under this subsection may be provided to:

- (i) Eligible youth and young adults. For the purposes of this subsection, an eligible youth or young adult is a person under age 25 who is experiencing or at risk of experiencing homelessness, including but not limited to those who are unsheltered, doubled up or in unsafe living situations, exiting inpatient programs, or in school;
- (ii) Community-based providers assisting eligible youth or young adults in attaining safe and stable housing; and
- (iii) Individuals or entities, including landlords, providing safe housing or other support designed to lead to housing for eligible youth or young adults.

(23) \$607,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$607,000)~~ \$5,607,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to assist homeowners at risk of foreclosure pursuant to chapter 61.24 RCW. Funding provided in this section may be used for activities to prevent mortgage or tax lien foreclosure, housing counselors, a foreclosure prevention hotline, legal services for low-income individuals, mediation, and other activities that promote homeownership. The department may

contract with other foreclosure fairness program state partners to carry out this work.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a nonprofit entity located in Seattle that focuses on poverty reduction and racial equity to convene and staff a poverty reduction workgroup steering committee comprised of individuals that have lived experience with poverty. Funding provided in this section may be used to reimburse steering committee members for travel, child care, and other costs associated with participation in the steering committee.

(25) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for capacity-building grants through the Latino community fund for emergency response services, educational programs, and human services support for children and families in rural and underserved communities.

(26) \$1,400,000 of the general fund—state appropriation for fiscal year 2024 and \$1,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth to administer a competitive grant process to award funding to licensed youth shelters, HOPE centers, and crisis residential centers to provide behavioral health support services for youth in crisis, and to increase funding for current grantees.

~~(27) ((\$9,864,000 of the general fund—state appropriation for fiscal year 2024 and \$9,864,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for long-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served.))~~ \$2,500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to the city of Tukwila for costs incurred related to unsheltered, recently-arrived individuals and families, on the condition that the city of Tukwila contract with the office of refugee and immigrant assistance for the use of a location for providing tiered support services for unsheltered, recently-arrived individuals and families. The office may subcontract to provide the support services. Of the amount provided in this subsection, \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for transitional and long-term housing supports.

(28) \$9,575,000 of the general fund—state appropriation for fiscal year 2024 and \$9,575,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue the Washington state office of firearm safety and violence prevention, including the creation of a state and federal grant funding plan to direct resources to cities that are most impacted by community violence. Of the amounts provided in this subsection:

- (a) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community-based violence prevention and intervention services to individuals identified through the King county shots fired social network analysis. The department must complete an evaluation of the program and provide a report to the governor and the appropriate legislative committees by June 30, 2023.

(b) \$5,318,000 of the general fund—state appropriation for fiscal year 2024 and \$5,318,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to support existing programs and capacity building for new programs providing evidence-based violence prevention and intervention services to youth who are at high risk to perpetrate or be victims of firearm violence and who reside in areas with high rates of firearm violence as provided in RCW 43.330A.050.

(i) Priority shall be given to programs that partner with the University of Washington, school of medicine, department of psychiatry and behavioral sciences for training and support to deliver culturally relevant family integrated transition services through use of credible messenger advocates.

(ii) The office may enter into agreement with the University of Washington or another independent entity with expertise in evaluating community-based grant-funded programs to evaluate the grant program's effectiveness.

(iii) The office shall enter into agreement to provide funding to the University of Washington, school of medicine, department of psychiatry and behavioral sciences to directly deliver trainings and support to programs providing culturally relevant family integrated transition services through use of credible messenger and to train a third-party organization to similarly support those programs.

(iv) Of the amounts provided under (b) of this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a certified credible messenger program that does work in at least three regions of Washington state to train and certify credible messengers to implement a culturally responsive, evidence-based credible messenger violence prevention and intervention services program.

(c) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided to further support firearm violence prevention and intervention programs and initiatives consistent with the duties of the office as set forth in RCW 43.330A.020.

(d) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided to support safe storage programs and suicide prevention outreach and education efforts across the state.

(29) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants to diaper banks for the purchase of diapers, wipes, and other essential baby products, for distribution to families in need. The department must give priority to providers serving or located in marginalized, low-income communities or communities of color; and providers that help support racial equity.

(30) \$4,500,000 of the general fund—state appropriation for fiscal year 2024 and \$4,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to counties to stabilize newly arriving refugees, including those from the 2021 Afghanistan conflict and the 2022 Ukraine-Russia conflict.

(31) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$120,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit resource center in King county that provides sexual assault advocacy services, therapy services, and prevention and outreach to begin a three-year, multigrade sexual violence prevention program in the Renton school district.

(32) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of homeless youth prevention and protection programs to colead a prevention work group with the department of children, youth, and families. The work group must focus on preventing youth and young adult homelessness and other related negative outcomes. The work group shall consist of members representing the department of social and health services, the employment security department, the health care authority, the office of the superintendent of public instruction, the Washington student achievement council, the interagency work group on homelessness, community-based organizations, and young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement.

(a) The work group shall help guide implementation of:

(i) The state's strategic plan on prevention of youth homelessness;

(ii) Chapter 157, Laws of 2018 (SSB 6560);

(iii) Chapter 312, Laws of 2019 (E2SSB 5290);

(iv) Efforts to reform family reconciliation services; and

(v) Other state initiatives addressing the prevention of youth homelessness.

(b) The office of homeless youth prevention and protection programs must use the amounts provided in this subsection to contract with a community-based organization to support the involvement with the work group of young people and families with lived experience of housing instability, child welfare involvement, justice system involvement, or inpatient behavioral health involvement. The community-based organization must serve and be substantially governed by marginalized populations. The amounts provided in this subsection must supplement private funding to support the work group.

(33) \$22,802,000 of the general fund—state appropriation for fiscal year 2024 and \$22,803,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase existing grantee contracts providing rental or housing subsidy and services for eligible tenants in housing and homeless programs. The department must distribute funding in a manner that will prioritize maintaining current levels of homeless subsidies and services and stabilizing the homeless service provider workforce.

(34)(a) \$35,000,000 of the climate commitment account—state appropriation is provided solely for the department to administer grant funding through the existing network of federal low-income home energy assistance program grantees to provide low-income households with energy utility bill assistance.

(b) To qualify for assistance, a household must be below 80 percent of the area median income and living in a community that experiences high environmental health disparities.

(c) Under the grant program, each household accessing energy bill assistance must be offered an energy assessment that includes determining the household's need for clean cooling and heating system upgrades that improve safety and efficiency while meeting Washington's climate goals. If beneficial, households may be offered grant funding to cover the replacement of inefficient, outdated, or unsafe home heating and cooling systems with more energy efficient electric heating and cooling technologies, such as heat pumps.

(d) Of the amounts provided in this subsection, no more than 60 percent of the funding may be utilized by the department to target services to multifamily residential buildings across the state that experience high energy use, where a majority of the residents within the building are below 80 percent of the area median income and the community experiences high environmental health disparities.



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(e) In serving low-income households who rent or lease a residence, the department must establish processes to ensure that the rent for the residence is not increased and the tenant is not evicted as a result of receiving assistance under the grant program.

(f) The department must incorporate data collected while implementing this program into future energy assistance reports as required under RCW 19.405.120. The department may publish information on its website on the number of furnace or heating and cooling system replacements, including replacements within multifamily housing units.

(g) The department may utilize a portion of the funding provided within this subsection to create an electronic application system.

(35) \$49,900,000 of the general fund—state appropriation for fiscal year 2024, \$55,500,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$55,500,000)~~ \$5,600,000 of the coronavirus state fiscal recovery account—federal appropriation are provided solely for the department to continue grant funding for emergency housing and shelter capacity and associated supports such as street outreach, diversion services, short-term rental assistance, hotel and motel vouchers, housing search and placement, and housing stability case management. Entities eligible for grant funding include local governments and nonprofit entities. The department may use existing programs, such as the consolidated homelessness grant program, to award funding under this subsection. Grants provided under this subsection must be used to maintain or increase current emergency housing capacity, funded by the shelter program grant and other programs, as practicable due to increased costs of goods, services, and wages. Emergency housing includes transitional housing, congregate or noncongregate shelter, sanctioned encampments, or short-term hotel or motel stays.

(36)(a) \$75,050,000 of the general fund—state appropriation for fiscal year 2024 and \$75,050,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a targeted grant program to transition persons residing in encampments to safer housing opportunities, with an emphasis on ensuring individuals living unsheltered reach permanent housing solutions. Eligible grant recipients include local governments and nonprofit organizations operating to provide housing or services. The department may provide funding to state agencies to ensure individuals accessing housing services are also able to access other wrap-around services that enable them to obtain housing such as food, personal identification, and other related services. Local government and nonprofit grant recipients may use grant funding to provide outreach, housing, case management, transportation, site monitoring, and other services needed to assist individuals residing in encampments and on public rights-of-way with moving into housing.

(b) Of the amounts provided in this subsection:

(i) No less than \$120,000,000 must be used for housing services for persons residing on state-owned rights-of-way; and

(ii) All remaining funds may be used for housing services for persons residing in encampments, including encampments located on public lands, as defined in RCW 79.02.010, or state parks and parkways.

(c) Grant criteria must include, but are not limited to:

(i) Whether a site where the grantee will conduct outreach and engagement has been identified as a location where individuals residing in encampments or on the public right-of-way are in specific circumstances or physical locations that expose them to especially or imminently unsafe conditions;

(ii) A commitment to resolve encampments through extensive outreach followed by matching individuals with temporary

lodging or permanent housing that is reasonably likely to fit with their actual needs and situation, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability;

(iii) A commitment to transition individuals who are initially matched to temporary lodging into a permanent housing placement within six months except under unusual circumstances;

(iv) Local government readiness and capacity to enter into and fulfill the grant requirements as applicable; and

(v) Other criteria as identified by the department.

(d) When awarding grants under (a) of this subsection, the department must prioritize applicants that focus on ensuring an expeditious path to sustainable permanent housing solutions, and that demonstrate an understanding of working with individuals to identify their optimal housing type and level of ongoing services through the effective use of outreach, engagement, and temporary lodging and permanent housing placement.

(e) Grant recipients under (a) of this subsection must enter into a memorandum of understanding with the department, and other state agencies if applicable, as a condition of receiving funds. Memoranda of understanding must specify the responsibilities of the grant recipients and the state agencies, consistent with the requirements of (c) of this subsection, and must include specific measurable outcomes for each entity signing the memorandum. The department must publish all signed memoranda on the department's website and must publish updates on outcomes for each memorandum at least every 90 days, while taking steps to protect the privacy of individuals served by the program. At a minimum, outcomes must include:

(i) The number of people actually living in any encampment identified for intervention by the department or grantees;

(ii) The demographics of those living in any encampment identified for intervention by the department or grantees;

(iii) The duration of engagement with individuals living within encampments;

(iv) The types of housing options that were offered;

(v) The number of individuals who accepted offered housing;

(vi) Any reasons given for why individuals declined offered housing;

(vii) The types of assistance provided to move individuals into offered housing;

(viii) Any services and benefits in which an individual was successfully enrolled; and

(ix) The housing outcomes of individuals who were placed into housing six months and one year after placement.

(f) Grant recipients under (a) of this subsection may not transition individuals from encampments or close encampments unless they have provided extensive outreach and offered each individual temporary lodging or permanent housing that matches the actual situation and needs of each person, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability. Grant recipients who initially match an individual to temporary lodging must make efforts to transition the person to a permanent housing placement within six months except under unusual circumstances. The department must establish criteria regarding the safety, accessibility, and habitability of housing options to be offered by grant recipients to ensure that such options are private, sanitary, healthy, and dignified, and that grant recipients provide options that are well-matched to an individual's assessed needs.

(g) Funding granted to eligible recipients under (a) of this subsection may not be used to supplant or replace existing

funding provided for housing or homeless services.

(37) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase funding for the community services block grant program. Distribution of these funds to community action agencies shall prioritize racial equity and undoing inequity from historic underinvestment in Black, indigenous, and people of color, and rural communities.

(38) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a nonprofit organization to identify opportunities for cities in Whatcom county to improve access to affordable housing through conducting market research, engaging stakeholders, and developing tools and implementation strategies for cities that will increase access to affordable housing. The grant recipient must be a nonprofit organization based in Bellingham that promotes affordable housing solutions and with a mission to create thriving communities.

(39) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a nonprofit organization located in the city of Redmond that serves Latino low-income, immigrant, and Spanish-speaking communities in King and Snohomish counties through arts and culture events and community services. The grant funding may be used to expand existing programs including, but not limited to, support for small businesses, rent assistance, vaccination and COVID-19 outreach, programs aimed at increasing postsecondary enrollments in college and trade schools, and other community services and programs.

(40) ~~(\$4,000,000)~~ \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$4,000,000)~~ \$6,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants to community-based organizations that serve historically disadvantaged populations to conduct outreach and to assist community members in applying for state and federal assistance programs including, but not limited to, those administered by the department of social and health services, department of commerce, and department of children, youth, and families.

(41) ~~(\$150,000)~~ \$110,000 of the general fund—state appropriation for fiscal year 2024 ~~(~~is~~)~~ and \$40,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a nonprofit organization located in the city of Issaquah to provide cultural programs and navigational supports for individuals and families who may face language or other cultural barriers when engaging with schools, public safety, health and human services, and local government agencies.

(42) \$200,000,000 of the community reinvestment account—state appropriation is provided solely for the department to distribute grants for economic development, civil and criminal legal assistance, community-based violence intervention and prevention services, and reentry services programs. Grants must be distributed in accordance with the recommendations of the community reinvestment plan developed pursuant to section 128(134), chapter 297, Laws of 2022 (ESSB 5693).

(43) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000,000 of the covenant homeownership account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1474 (covenant homeownership prg.). ~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

(44) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional staffing for the developmental disabilities council.

(45) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Spokane to provide transitional housing, educational programs, and other resources for refugee and immigrant families.

(46) \$1,169,000 of the general fund—state appropriation for fiscal year 2024 and \$1,169,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). ~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

(47) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a dispute resolution center located in Snohomish county to provide mediation and resolution services for landlords and tenants, with the goal of avoiding evictions.

(48) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for grants to nonprofit organizations to operate hunger relief response programs serving individuals living in permanent supportive housing. Of the amounts provided in this subsection:

(a) \$275,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization located in King county.

(b) \$225,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization located in Spokane county.

(49) \$180,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit organization operating a teen center in the city of Issaquah to provide case management and counseling services for youth ages 12 to 19.

(50)(a) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit community-based organization for the coordination of a gang violence prevention consortium with entities including community-based organizations, law enforcement, and members of the faith community, and to continue and expand after-school activities and social services for students and young adults in the Yakima valley. Social services may include, but are not limited to, employment, mental health, counseling, tutoring, and mentoring services. The grant recipient must be a community-based organization located in Granger operating a Spanish language public radio station and with the mission of addressing the social, educational, and health needs of economically disadvantaged Spanish-speaking residents of central and eastern Washington.

(b) By June 30, 2025, the department must provide a report to the appropriate committees of the legislature. The report must include: (i) A description of the gang violence prevention programs conducted by the consortium and how they were implemented; and (ii) The number of individuals who participated in or received services through the programs conducted by the consortium, including any relevant demographic data for those individuals.

(51) \$400,000 of the general fund—state appropriation for fiscal year ~~(2024)~~ 2025 is provided solely for the department to contract with a nonprofit organization to develop an affordable housing predevelopment plan. The affordable housing

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

predevelopment plan must assess the feasibility of using surplus public land located at or near north Seattle Community College and Highline Community College for the development of affordable colocated housing that could serve low and moderate-income state workers. The contract recipient must be an organization that provides consultation services on affordable housing development. In creating the predevelopment plan, the contract recipient must solicit input from interested parties including, but not limited to, low-income and affordable housing experts, policy staff in the office of the governor, state public employee unions, and legislators. The contract recipient may also use funds provided under this subsection for affordable housing predevelopment work at North Seattle Community College or Highline Community College.

(52) \$781,000 of the general fund—state appropriation for fiscal year 2024 and \$781,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1406 (youth seeking housing assist). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(53)(a) \$1,750,000 of the general fund—state appropriation for fiscal year 2024 and \$1,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of firearm safety and violence prevention to continue a healthy youth and violence prevention initiative demonstration program serving south King county, with the goal of preventing violence, decreasing involvement with the juvenile justice system, and encouraging health and wellbeing for youth and young adults ages 12 to 24. As part of the demonstration program, the office must provide grant funding to and partner with a community-based organization to serve as a regional coordinator to:

(i) Connect youth and young adults ages 12 to 24 who are most vulnerable to violence with programs that provide services including, but not limited to, street outreach, youth employment and preapprenticeship programs, case management, behavioral health services, and other services as appropriate; and

(ii) Assist local governments, service providers, and nonprofit organizations in accessing and leveraging federal, state, and local funding for violence prevention and related services.

(b) The grant recipient under (a) of this subsection must be a nonprofit health system currently administering a violence prevention initiative in King and Pierce counties. The grant recipient may subgrant or subcontract funds to programs providing services as described in (a)(i) of this subsection.

(54) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to a nonprofit sexual assault resource center located in Renton. Grant funding may be used for information technology improvements focused on client data management that will improve client access to health services, cybersecurity, and data privacy.

(55)(a) \$850,000 of the general fund—state appropriation for fiscal year 2024 and \$850,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of existing contracts with a nonprofit organization to increase housing supply and equitable housing outcomes by advancing affordable housing developments, including supportive housing, transitional housing, shelter, or housing funded through the apple health and homes program, that are colocated with community services such as education centers, health clinics, nonprofit organizations, social services, or community spaces or facilities, available to residents or the public, on underutilized or tax-exempt land.

(b) The contract recipient must use the funding provided under this subsection to:

(i) Implement strategies to accelerate development of affordable housing with space for education centers, health clinics, nonprofit organizations, social services, or community space or facilities, available to residents or the public, on underutilized or tax-exempt land;

(ii) Analyze the suitability of properties and sites for affordable housing as described under (b)(i) of this subsection, including existing buildings for supportive housing, through completing due diligence, conceptual design, and financial analysis activities, and applying and implementing an equity lens in site selection, program planning, development, and operations;

(iii) Work with elected officials, local governments, educational institutions, public agencies, local housing and community development partners, early learning partners, health care providers, and nonprofit service organizations to:

(A) Identify and catalyze surplus, underutilized, or tax-exempt properties for the development of affordable housing;

(B) Provide catalytic funding and technical assistance to advance the development of affordable housing, including by identifying funding sources to support the needs of specific projects; and

(C) Identify impediments to the development of affordable housing and develop recommendations and strategies to address those impediments, reduce costs, advance community vision and equitable outcomes, and accelerate predevelopment and development times associated with affordable housing;

(iv) Organize community partners and build capacity to develop affordable housing sites;

(v) Facilitate collaboration and codevelopment between affordable housing and education centers, health clinics, nonprofit organizations, social services, or community spaces and facilities available to residents or the public;

(vi) Provide technical assistance and predevelopment services to support future development of sites; and

(vii) Catalyze the redevelopment of at least 20 sites to create approximately 2,000 affordable homes.

(c) Funding may also be used to:

(i) Partner with state, regional, and local public entities, nonprofit housing developers, and service providers to develop a broad range of housing types for supportive housing for populations authorized to receive the housing benefit under the apple health and homes act;

(ii) Provide technical assistance on the constructive alignment of state or local capital funds and other services for the construction, acquisition, refurbishment, redevelopment, master leasing of properties for noncongregate housing, or conversion of units from nonresidential to residential, of dwelling units for supportive housing funded through the apple health and homes program;

(iii) Advise on local community engagement, especially with populations with lived experience of homelessness and housing insecurity, for supportive housing funded through the apple health and homes program;

(iv) Subcontract for specialized predevelopment services, as needed, and subgrant to reimburse for supportive housing funded through the apple health and homes program; and

(v) Hire staff necessary to implement activities under (b) and (c) of this subsection.

(56)(a) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue a lifeline support system pilot project to assist individuals who have experienced or are at risk of entering into public systems of care. Public systems of care include office of homeless youth prevention and protection shelter and housing

programs, the juvenile justice system, dependency under chapter 13.34 RCW, and inpatient behavioral health treatment.

(b)(i) The lifeline must function as a no-wrong-door access point for support and connections to services for qualifying individuals who require assistance to overcome a life challenge that could escalate into a crisis, or who are in need of general mentorship and counsel. The lifeline support system must facilitate and promote partnerships across state agencies, federally recognized tribes, counties, and community-based providers to coordinate trauma-informed and culturally responsive services for youth and young adults and their supports. The department is authorized to implement lifeline services through contracts with community partners and nonprofit organizations.

(ii) From amounts provided in this subsection, the department must allocate funding to establish a lifeline fund program. The department may use moneys allocated for the fund program to assist community partners and nonprofit organizations to implement lifeline services when those providers cannot identify an existing resource to resolve a recipient's need. The department must establish an application process and criteria for the fund program.

(c) By June 30, 2025, the department shall report to the legislature regarding the success and shortcomings of the lifeline support system, request-for-service outcomes, and the demographics of beneficiaries.

(57) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization to provide legal aid in subjects including, but not limited to, criminal law and civil rights cases for underserved populations focusing on Black gender-diverse communities. The grant recipient must be a nonprofit organization with offices in Seattle and Tacoma and with a mission to provide intersectional legal and social services for Black intersex and gender-diverse communities in Washington.

(58) \$213,000 of the general fund—state appropriation for fiscal year 2024 and \$213,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization within the city of Tacoma that provides social services and educational programming to assist Latino and indigenous communities in honoring heritage and culture through the arts, and in overcoming barriers to social, political, economic, and cultural community development. Of the amounts provided in this subsection:

(a) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for education and training programming in community health organizing, "promotora" health education, grassroots organizing, leadership development, and civic engagement focused on Latino and indigenous community members; and

(b) \$38,000 of the general fund—state appropriation for fiscal year 2024 and \$38,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for advocacy, translation services, emergency housing, and other services for victims of crime and domestic violence.

(59) ~~(\$500,000)~~ \$1,000,000 of the general fund—state appropriation for fiscal year 2024 ~~(\*\*)~~ and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grants to nonprofit organizations including, but not limited to, religious nonprofits, "by and for" organizations, or cultural community centers, to fund the physical security or repair of such institutions. Grant recipients must ~~((have reasons to believe they have been subject to security threats and must demonstrate a need for enhanced~~

~~security. Grant funding must be used and limited to the purchase of security hardware and equipment to enhance the security of the buildings and grounds of such organizations));~~

(a) Substantiate that their site or sites have been subject to or at risk of physical attacks, threats, vandalism, or damages based on their mission, ideology, or beliefs and demonstrate a need for investments in physical security enhancements, construction or renovation, target hardening, preparedness planning, training, or exercises; and

(b) Provide proof that they have applied for, but have not received, funding through the nonprofit security grant program administered by the federal emergency management agency.

(60) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grant funding to a nonprofit organization to provide supports, including behavioral health resources, housing services, and parenting education, to parents with substance use disorder. The grant recipient must be a nonprofit organization located in the south Puget Sound region that provides a parent child assistance program and focuses on building parenting skills and confidence to ensure children have safe and healthy childhoods.

(61) \$450,000 of the general fund—state appropriation for fiscal year 2024 and \$450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for costs to develop and operate community-based residential housing and services for youth wellness spanning a range of needs and circumstances at the Pacific hospital preservation and development authority quarters, buildings three through 10 in Seattle. The amounts provided in this subsection may be used for planning, lease payments, and other related expenses for the development and operation of comprehensive residential programs providing housing, on-site social services, and community-based resources for youth identified by the department of commerce, the department of children, youth, and families, or the health care authority. The funding may also be used for the preparation and issuance of a request for qualifications for a site operator, or lease management and related administrative functions. The department is authorized to enter into a lease, with an option to enter into multiyear extensions, for the Pacific hospital preservation and development authority quarters, buildings three through 10.

(62) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization based in the city of Seattle that works to improve the quality of life for low-income families and members of the refugee and immigrant community, with a focus on the Somali and Oromos community. The grant funding may be used to expand current programs including, but not limited to, case management and referral services for immigrants and refugees, youth programs, and services for seniors.

(63) \$270,000 of the general fund—state appropriation for fiscal year 2024 and \$270,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization headquartered in Mount Vernon for costs to operate and provide homeless services at a low-barrier emergency temporary homeless center located in Burlington.

(64) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Seattle that provides legal assistance and representation to survivors of sexual and gender-based violence to expand their current services including, but not limited to, legal assistance and representation;

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

technical assistance for advocates, providers, and attorneys; community education and trainings; and other legal support services. In providing services, the grant recipient must protect the privacy, safety, and civil rights of survivors and utilize trauma-informed practices and equity principles.

(65) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a nonprofit organization serving King and Snohomish counties for a program conducted in partnership with King county, which serves individuals who are involved in the criminal justice system and who have experienced domestic, sexual, or gender-based violence. The grant recipient may use the funding for costs including, but not limited to, legal advocacy, outreach, connecting clients to housing and other resources, data analytics, and staffing.

(66) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of crime victims advocacy to contract for a study of the impacts of the commercial sex industry on Black and African American communities in Washington, with a focus on Black and African American persons who identify as female. The office must contract with an organization that has expertise on the topic of the commercial sex industry and Black communities in Washington. The study must include a review of the impacts of the commercial sex industry on Black and African American residents of Washington, and culturally informed and survivor-informed policy recommendations for reducing sex trafficking and sexual exploitation of Black and African American Washingtonians. The department must submit a report of the study findings to the appropriate committees of the legislature by September 1, 2024.

(67) \$20,656,000 of the general fund—state appropriation for fiscal year 2024 and \$20,655,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to crime victims service providers to ensure continuity of services impacted by reductions in federal victims of crime act funding and to help address increased demand for services attributable to the COVID-19 pandemic. The department must distribute the funding in a manner that is consistent with the office of crime victims advocacy's state plan. Of the amounts provided in this subsection:

(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to programs operated by and for historically marginalized populations to support "by and for" culturally specific services for victims of domestic violence, sexual assault, and other crimes in historically marginalized populations. Marginalized populations can include, but are not limited to, organizations or groups composed along racial, ethnic, religious, sexual orientation, and gender lines.

(b) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to programs developed to support the enhancement and development of additional services for tribal members, including programs to address needs of crime victims, including strategies which integrate services or multiple crime types.

(68) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the city of Seattle for start-up costs for the Seattle social housing developer and to meet the requirements of the city of Seattle initiative 135, which concerns developing and maintaining affordable social housing in Seattle. The funding provided under this subsection may only be

used for costs associated with creating social housing developments, operating costs associated with maintaining social housing developments, and administrative costs of operating social housing.

(69) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to contract with a nonprofit to provide wraparound services for homeless families with children, including prevention, shelter, and stabilization services. The nonprofit must be located in Pierce county and be an affiliate of a national organization dedicated to preventing and ending family homelessness by providing prevention, shelter, and stabilization services.

(70) Within existing resources, the department must submit an interim and a final report to the appropriate committees of the legislature on efforts taken by the department to stabilize rents for tenants of affordable housing units financed through the housing assistance program created under RCW 43.185.015 including, but not limited to, efforts to limit or mitigate the impacts of rent increases for tenants of qualifying units. The department must submit the interim report by December 1, 2023, and the final report by December 1, 2024.

(71) Before awarding or entering into grants or contracts for the 2023-2025 fiscal biennium for homeless housing and service programs that are funded from the home security fund account or the affordable housing for all account, the department must first consult with local governments and eligible grantees to ensure that funding from these accounts is used to maintain the quantity and types of homeless housing and services funded in local communities as of February 28, 2023. The department may take into consideration local document recording fee balances and individual county fluctuations in recording fee collections when allocating state funds. The department must redeploy funds to other nonprofit and county grantees if originally granted amounts are not expended or committed within a reasonable timeline. The department may then provide funding to eligible entities to undertake the activities described in RCW 36.22.176(1)(c)(i), such as funding for project-based vouchers and other assistance necessary to support permanent supportive housing as defined in RCW 36.70A.030 or as administered by the office of apple health and homes created in RCW 43.330.181.

(72) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to an Everett-based affiliate of a national nonprofit human services organization to stabilize newly arriving refugees from the 2021 Afghanistan conflict and the 2022 Ukraine conflict.

(73) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a nonprofit organization to expand private capacity to provide legal services for indigent foreign nationals in contested domestic relations and family law cases. The contract recipient must be a nonprofit organization headquartered in the city of Seattle that provides training to attorneys and judges on international family law issues and provides direct representation to qualified indigent clients. Amounts provided in this subsection may not be expended for direct private legal representation of clients in domestic relations and family law cases.

(74) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a youth development organization providing civic engagement and education through a youth and government program. The grant is provided solely for support of the organization's mock trial and youth legislature programs.

(75) \$252,000 of the general fund—state appropriation for

fiscal year 2024 and \$229,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5198 (mobile home community sales). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(76) \$1,694,000 of the general fund—state appropriation for fiscal year 2024 and \$1,694,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5561 (law enforcement community grants). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(77) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5599 (protected health care/youth). The entirety of this amount is provided for the office of homeless youth for prevention and protection programs to provide supportive care grants to organizations to address the needs of youth seeking protected health care services. ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(78) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the city of Monroe to continue existing pilot projects that enable the city to dispatch human services and social services staff in conjunction with law enforcement staff to support unsheltered residents and residents in crisis.

(79) ~~(\$2,850,000)~~ \$2,574,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$2,850,000)~~ \$3,126,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5114 (sex trafficking). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

~~(81))~~ (80) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the city of Bellevue for one-time expenses required for the operation of an expanded community service center to help low-income individuals and immigrant and refugee community members. The center will join with community partners to provide utility rate and rent relief; health care access; energy assistance; food access; medical, legal and financial services; housing; childcare resources; employment assistance; and resources for starting a business.

~~((82))~~ (81) \$215,000 of the general fund—state appropriation for fiscal year 2024 and \$345,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to produce a report to the legislature detailing the scope of work, cost estimates, and implementation timeline to create or procure an online registry of rental units in Washington state subject to state information system planning and oversight requirements. The online rental unit registry must have the capacity to collect and report out timely information on each rental unit in the state. Information to collect includes, but is not limited to, the rental unit's physical address, identity of the property owner, monthly rent charged, and vacancy status. The scope of work must assume integration with existing rental registries operated by local governments. Cost and timeline estimates must provide two alternatives with one assuming statewide implementation and the other assuming implementation in the six largest counties of the state. The department shall consult with landlord representatives, tenant representatives, local governments operating existing rental registries, and other

interested stakeholders as part of the process of developing the scope of work and timeline for the online rental unit registry. The department must submit the report to the legislature by December 1, 2024.

~~((83))~~ (82) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a Seattle based nonprofit to create a temporary space to allow youth and low-income populations to participate in ice rink related events during the 2024 national hockey league winter classic.

~~((84))~~ (83) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization based in Kitsap county that partners with the Bremerton and central Kitsap school districts, first responders, and other organizations to expand implementation of the handle with care program.

~~((85))~~ (84) \$371,000 of the general fund—state appropriation for fiscal year 2024 and \$371,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for Pacific county to operate or participate in a drug task force to enhance coordination and intelligence while facilitating multijurisdictional criminal investigations.

~~((86))~~ (85) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for distribution to statewide and community asset building coalitions across Washington to support capacity in organizations that coordinate financial health services and outreach efforts around poverty reduction resources such as the earned income tax credit and the working families tax credit.

~~((87))~~ (86) \$400,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a community based organization in Whatcom county to expand services to unhoused and low-income residents of Ferndale and north Whatcom county and to provide a safe parking program.

~~((88))~~ (87) \$155,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training, to develop and implement a program aimed at reducing workplace sexual harassment in the agricultural sector. Funding will be used to continue peer-to-peer trainings for farmworkers in Yakima county and expand services into Grant and Benton counties. Funding may also be used to support an established network of farmworker peer trainers whose primary purpose is to prevent workplace sexual harassment and assault through leadership and education. The organization is expected to share best practices from their peer-to-peer model at a statewide conference.

~~((89))~~ (88) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a Seattle-based nonprofit that provides holistic services to help refugee and immigrant women. Funds must be used to expand an existing program that increases equity in ice skating and hockey by providing skate lessons to preschoolers from diverse and low-income families.

~~((90))~~ (89)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$1,000,000)~~ \$3,300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants to strengthen family resource center services and increase capacity statewide. Grant funding may be used: For an organization to provide new services in order to meet the statutory requirements of a family resource center, as defined in RCW 43.216.010; to increase capacity or enhance service provision at current family

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

resource centers, including but not limited to direct staffing and administrative costs; and to conduct data collection, evaluation, and quality improvement activities. The department may award an amount from \$30,000 up to \$200,000 per grant recipient.

(b) Eligible applicants for a grant under (a) of this subsection include current family resource centers, as defined in RCW 43.330.010, or organizations in the process of becoming qualified as family resource centers. Applicants must affirm their ability and willingness to serve all families requesting services in order to receive a grant. Applicants must currently be or agree to become a member of a statewide family resource center network during the grant award period in order to receive a grant. Applicants must provide proof of certification in the standards of quality for family strengthening and support developed by the national family support network for one member of the applicant's organizational leadership in order to receive a grant.

(c) In distributing grant funding, the department must, to the extent it is practicable, award 75 percent of funding to organizations located west of the crest of the Cascade mountains, and 25 percent of funding to organizations located east of the crest of the Cascade mountains.

(d) By July 1, 2025, grant recipients must submit a report to the department on the use of grant funding, including, but not limited to, progress in attaining status as a family resource center, if applicable; the number and type of services offered to families; demographic and income data for families served; and family post-service outcomes. By September 1, 2025, the department must submit a report to the Legislature on topics including, but not limited to, the grant application process; needs identified by family resource centers; and use of funds by grant recipients.

(e) Of the amounts provided in (a) of this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to the statewide nonprofit organization that serves as the registered Washington state network member of the national family support network. The grant recipient may use the grant funding for costs including, but not limited to, outreach and engagement, data and evaluation, and providing training and development opportunities in support of family resource centers statewide.

~~((94))~~ (90) \$9,000,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$9,000,000)~~ \$39,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department for grants to local governments for maintaining programs and investments which are primarily funded through the document recording fee~~((s))~~ collected pursuant to RCW ((36.22.178, 36.22.179, and 36.22.1794)) 36.22.250. In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties.

~~((93))~~ (91)(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a law enforcement technology grant program for the purpose of providing law enforcement with modern vehicle pursuit management technology including, but not limited to, global positioning system tracking equipment, automated license plate reading technology, aircraft, and nonarmed and nonarmored drone technology.

(b) Grants must be awarded to local law enforcement agencies based on locally developed proposals. The department shall establish policies for applications under this subsection in addition to criteria for evaluating and selecting grant recipients. A proposal must include a request for specific technology and a

specific plan for the implementation, use, and effectiveness reporting of that technology.

(c) Before grants are awarded, each local law enforcement agency seeking to acquire vehicle pursuit technology must:

(i) Establish data-sharing and management policies including policies related to sharing data between law enforcement agencies and other third parties; and

(ii) Establish policies ensuring all personnel who operate the vehicle pursuit technology, or access the vehicle pursuit technology data, are trained to use that technology and are able to comply with the data-sharing and management policies prior to the operational use of the vehicle pursuit technology.

(92) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the distribution of grants to cities, counties, or nonprofit organizations to support individuals in need of emergency housing assistance. Emergency housing assistance may include, but is not limited to, short-term rental assistance, moving costs, other one-time costs associated with identifying and obtaining housing, or temporary shelter in the event of a crisis or when people have been displaced. Funding provided under this subsection must be prioritized for entities that can demonstrate that the population served includes families with children, pregnant individuals, or other medically vulnerable individuals. The department may only distribute funding under this subsection upon coordination with the office of the governor.

(93)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to continue to provide grant funding to local multijurisdictional task forces that previously received funding through the federal Edward Byrne memorial justice assistance grant program. Grants provided under this section must be used consistent with the requirements of Edward Byrne memorial justice assistance grants and with national best practices for law enforcement.

(b) Of the amounts provided in this subsection, \$50,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department, with the office of the governor, to coordinate three roundtables to review policies, regulations, and fiscal investments regarding multijurisdictional drug task forces in Washington state. The roundtables must include representatives from state, tribal, and local governments, and invite representatives from the federal government. By June 30, 2025, the department must submit a summary report of the roundtable's findings to the appropriate committees of the legislature.

(94) \$475,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization located in King county that develops training and support for low-income individuals, with a focus on women and people of color, to move into the construction industry for living wage jobs. The grant funding must be used to support a preapprenticeship program that, through the construction of units, integrates housing and workforce development in service of the following goals:

(a) Creating a blueprint to integrating workforce development and housing for local jurisdictions;

(b) Providing construction training to underserved populations;

(c) Creating a pathway for trainees to enter construction careers; and

(d) Addressing the effects of sexism and racism in housing, education, training, employment, and career development.

(95) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to assist local law enforcement agencies throughout

the state in establishing community-supported programs for officers to provide short-term assistance such as food, clothing, fuel, and other means of support during interactions with community members in need. The grant recipient must be a nonprofit organization headquartered in Puyallup with experience in assisting local law enforcement agencies in administering such programs. Local law enforcement agencies that establish community-supported programs under this subsection may also pursue private funding to support the provision of assistance.

(96) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to nonprofit organizations to provide homeownership assistance to homeowners and first-time homebuyers from communities served by those organizations. Homeownership assistance activities may include, but are not limited to, housing counseling for current homeowners; housing counseling for first-time homebuyers; financial literacy education for homeowners and homebuyers; and outreach. Of the amounts provided in this subsection:

(a) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are for a grant to a nonprofit community land trust headquartered in the city of Seattle with a mission to acquire, develop, and steward land in the greater Seattle area to empower and preserve the Black diaspora community; and

(b) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are for a grant to a nonprofit community-based organization based in the city of Seattle with a mission to provide resources, education, and advocacy to help Black homeowners achieve and sustain homeownership.

(97) \$240,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to provide holistic reentry support to persons formerly incarcerated in prisons in Washington state. The grant recipient must be a nonprofit organization based in King county that promotes healing, relationships, and humanity by providing services including community-based reintegration support, gun violence intervention processes, and healing work through antioppression and culturally-responsive compassionate communication workshops, and which uses the evidence-based credible messengers model.

(98) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to provide essential social services for low-income families and individuals. The grant recipient must be a nonprofit community action agency based in the city of Seattle that provides safety-net services for low-income families and individuals and that has a history of serving the African American community in the Central District.

(99) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to contract with a social purpose corporation that operates a cultural community center located in the city of Tumwater to provide a trauma-informed cultural and job training program for people of color and those facing barriers to employment.

(100) \$395,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to provide a grant to the Yakima valley local crime lab for analysis and data collection on firearm crimes, support for investigations for deaths related to fentanyl, and to support the rapid DNA work group.

(101) \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract with the housing finance commission for activities related to the implementation of the covenant homeownership program created

in chapter 43.181 RCW. Of the amounts provided in this subsection:

(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the commission to contract through a request for proposals process with nonprofit community organizations, public housing agencies, or public development authorities across the state who are focused on increasing homeownership or are serving communities eligible for assistance through the covenant homeownership program to:

(i) Provide the full spectrum of housing counseling services, including prepurchase counseling, assistance in the home buying process, and support to maintain homeownership and prevent foreclosure, including community outreach efforts; and

(ii) Provide technical assistance to "by and for" homeownership developers in areas such as site identification and predevelopment activities in order to increase the quantity of starter homes for first-time homebuyers who are eligible for assistance through the covenant homeownership program.

(b)(i) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the commission to draft a plan with specific strategies to:

(A) Reduce the cost of starter homes for first-time homebuyers and lessen other costs associated with purchasing a home;

(B) Acquire publicly owned and other sites that can be dedicated to homeownership;

(C) Identify other ways to further enable first-time homebuyers to afford their home purchase; and

(D) Encourage a variety of design and development options for starter homes.

(ii) The commission must submit the plan developed under (b)(i) of this subsection to the governor and the appropriate committees of the legislature by January 15, 2025.

(102) \$750,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to complete the acquisition of property for a community center to provide services to residents in south King county. The grant recipient must be a community action agency headquartered in the city of Seattle with an office in the city of Federal Way, and that is grounded in the Latino community of Washington state.

(103) \$1,500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to administer housing assistance for persons who are fleeing or who have recently fled intimate partner violence. The department must allocate funding through contracts with service providers that have current contracts with the office of crime victims advocacy to provide services for survivors of intimate partner or domestic violence. A provider must use at least 80 percent of contracted funds for rental payments to landlords and the remainder for other program operation costs. Priority for assistance must be provided to survivors who face the greatest risk of serious violence and have the least access to housing resources.

(104) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization that operates a community resource center in the city of Ferndale to maintain and expand services for families and individuals, including but not limited to providing one-on-one navigation services to access housing and other assistance; providing clothing, food, and other forms of immediate assistance; and conducting direct outreach to unhoused individuals and families.

(105) \$300,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to conduct planning and site development activities for building affordable housing in the city of Roslyn. The grant recipient must be a nonprofit organization with offices in Seattle



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

and Roslyn and with a mission to innovate and scale land-based solutions to address the climate crisis and support equitable, green, and prosperous communities.

(106) \$350,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to provide culturally competent legal services, training, outreach, and education to immigrant workers regarding a federal deferred action program for workers who are victims or witnesses of violations of labor rights during labor disputes. The grant recipient must be a nonprofit organization that operates a free civil legal aid clinic in partnership with Seattle University and the University of Washington that educates, advises, and represents workers in employment law cases.

(107) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract with two nongovernmental organizations to host a Washington state developmental disabilities intersectional summit in October 2024. The purpose of the summit is to analyze systemic barriers impacting the lives of BIPOC individuals with intellectual and developmental disabilities and their families, and to identify solutions for addressing those barriers. The contract recipients must be nongovernmental organizations that are BIPOC-led and that have demonstrated skills and experience working for and with people with developmental disabilities and their families.

(108) \$1,518,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the statewide reentry council to implement a pilot project to operate trauma-informed, peer-based, human dignity model reentry programs at two jails. The reentry programs must provide peer-led intensive case management services for participants that are both prerelease and postrelease.

(109) \$40,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for grants to local governments for homeless housing programs and services, including but not limited to emergency housing and shelter, temporary housing, and permanent supportive housing programs. Of the amounts provided in this subsection:

(a) \$12,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to King county to maintain shelter, emergency housing, and permanent supportive housing programs.

(b) \$3,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to the city of Tacoma to prevent the closure of temporary and emergency shelter beds.

(c) \$4,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to the city of Spokane to provide temporary emergency shelter for homeless individuals and for costs associated with transitioning individuals from their current shelter location to smaller shelters and inclement weather centers.

(d) \$21,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for grants to local jurisdictions who are not eligible for funding under (a), (b), or (c) of this subsection. Grant funds must be prioritized for maintaining existing levels of service and preventing the closure of existing beds or programs.

(110) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to expand support services and mentorship programs serving at-risk youth, with a focus on BIPOC and transgender youth, in Kitsap county. The grant recipient must be a nonprofit organization based in Kitsap county that provides advocacy and other support services for at-risk youth and their families, with a focus on BIPOC and LGBTQ youth.

(111) \$125,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to support the development of and outreach for community-led mental health support groups and classes serving individuals and families throughout Washington state, with special focus on Latino communities, rural areas, and tribes. The grant recipient must be a nonprofit organization that serves as the Washington state office of a national grassroots mental health organization dedicated to building better lives for individuals affected by mental health conditions.

(112) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to provide support to self-advocates, caregivers, and others in attending a summit addressing the topic of federal and state funding for programs that benefit people with developmental disabilities in 2025. The grant recipient must be a nonprofit organization that advocates for and beside children and adults with intellectual and developmental disabilities and their families that is headquartered in the city of Olympia.

(113) \$300,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract with a nonprofit organization to maintain and increase access to technical assistance, advice, fundraising services, and foundational support such as human resources, information technology, and financial services for community-based nonprofit organizations in Washington. The contract recipient must be a nonprofit organization headquartered in the city of Seattle that provides management and technology consulting; training; and free advisory services for nonprofit and community-based organizations.

(114) \$230,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to expand an existing gang prevention program that provides mentoring, education, and drug awareness services for elevated-risk youth in middle and elementary schools in Yakima county, with the goals of reducing youth gang involvement, increasing school enrollment and reducing truancy, and reducing the accessibility and usage of drugs by elevated-risk youth. The grant recipient must be a nonprofit organization based in Yakima that provides outreach, education, and prevention services to improve community safety in the Yakima valley, including a drug-free coalition and a youth mentoring program.

(115) \$120,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for grants to two nonprofit entities to establish 4-H curriculum-based initiatives for students and foster educational opportunities tied to the land grant university knowledge base. One grant recipient must be a nonprofit entity operating multiple locations in Skagit county and have at least 25 years of experience serving youth in the region, and one grant recipient must be a nonprofit entity operating multiple locations in Snohomish county with at least 75 years of experience serving youth in the region.

(116) \$125,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to expand their mentoring, job training, and internship programs for at-risk youth. The grant recipient must be a nonprofit organization who serves at-risk youth in the Snoqualmie and Issaquah valleys through mentoring, job skill development, and teen internship programs in coordination with local school districts.

(117) \$350,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to the Vancouver housing authority for the operational and services costs of a licensed residential care facility located in Vancouver that provides housing and other services for low-income, disabled,

and homeless and formerly homeless individuals.

(118) \$198,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization for activities to develop affordable housing units and permanent supportive housing units for individuals with intellectual and developmental disabilities in rural Snohomish and Skagit counties. The grant recipient must be a nonprofit organization headquartered in Arlington that offers client housing, residential supported living services, employment services, job readiness and life skills training, and arts and music enrichment programs to individuals with intellectual and developmental disabilities.

(119) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to Whatcom county to increase the number of families served through a family motel shelter program.

(120) \$81,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2329 (insurance market/housing). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(121) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2065 (offender score/recalc.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(122) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to provide technical assistance and direct resident support to residents of manufactured and mobile home communities immediately following a notice of sale issued pursuant to RCW 59.20.300. The grant recipient must be a nonprofit organization headquartered in the city of Olympia that assists new and existing cooperative businesses, with emphasis on resident owned communities, home care agencies, and converting existing businesses into worker-owned or community-owned cooperatives.

(123) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to conduct a comprehensive study to identify and analyze funding structures to preserve manufactured and mobile home communities as nonprofit or cooperatively-run affordable housing projects. In conducting the study, the department must consult with financial experts, conduct field interviews, and identify existing and innovative funding options to support the creation of resident-owned communities. The department must submit a report summarizing the study's findings to the governor and the legislature by June 30, 2025.

(124) \$104,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2308 (existing structures/housing). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(125)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a contract with a statewide organization with a mission of developing new and innovative ways to combat organized retail crime to implement a pilot program to respond to organized retail crime, with a focus on diversion-oriented programs.

(b) The contract recipient must establish three pilot program sites. The contract recipient must make a reasonable effort to establish at least one site east of the Cascade mountains. No single pilot site may use more than \$300,000 of the funding provided under this subsection.

(c) The contract recipient must use the funds to coordinate community efforts to enhance responses to organized retail crime

within each pilot site area. Coordination must include the following entities: Cities, counties, or affiliated associations with programs focused on diversion and restitution; local retail stores; law enforcement agencies; local prosecutors and public defense; and therapeutic courts. Funding may also be used for planning and other activities to achieve a targeted response to reported retail crimes from diversion programs or law enforcement agencies.

(d) The contract recipient must provide a report to the department by June 15, 2025, on the number of responses to retail crime and the number of diversions initiated for each pilot site, data regarding the role of local prosecutors at each site, and opportunities and challenges in retail crime response and diversion identified by pilot participants. The department must submit the report to the appropriate committees of the legislature by June 30, 2025.

**Sec. 128.** 2023 c 475 s 130 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE—LOCAL GOVERNMENT**

General Fund—State	Appropriation	(FY 2024)	
			(\$50,775,000)
			\$48,629,000
General Fund—State	Appropriation	(FY 2025)	
			(\$46,258,000)
			\$63,957,000
General Fund—Federal	Appropriation		(\$39,374,000)
			\$44,574,000
General Fund—Private/Local	Appropriation		\$1,050,000
Climate Commitment Account—State	Appropriation		(\$43,353,000)
			\$53,353,000
Community Preservation and Development Authority Account—State	Appropriation		\$4,750,000
Growth Management Planning and Environmental Review Fund—State	Appropriation		\$5,681,000
Liquor Excise Tax Account—State	Appropriation		\$986,000
Liquor Revolving Account—State	Appropriation		\$6,827,000
Model Toxics Control Operating Account—State	Appropriation		\$1,000,000
Model Toxics Control Stormwater Account—State	Appropriation		\$100,000
Natural Climate Solutions Account—State	Appropriation		\$2,747,000
Public Facilities Construction Loan Revolving Account—State	Appropriation		\$1,026,000
Public Works Assistance Account—State	Appropriation		\$7,267,000
<b>TOTAL APPROPRIATION</b>			<b>(\$210,194,000)</b>
			<b>\$241,947,000</b>

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

(1) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(2) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(3) \$6,827,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

(4) The department must develop a model ordinance for cities and counties to utilize for siting community based behavioral

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

health facilities.

(5) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to produce the biennial report identifying a list of projects to address incompatible developments near military installations as provided in RCW 43.330.520.

(6) \$100,000 of the model toxics control stormwater account—state appropriation is provided solely for planning work related to stormwater runoff at the aurora bridge and I-5 ship canal bridge. Planning work may include, but is not limited to, coordination with project partners, community engagement, conducting engineering studies, and staff support.

(7) \$2,000,000 of the community preservation and development authority account—state ~~(/operating)~~ appropriation is provided solely for ~~((the operations of))~~ the Pioneer Square-International district community preservation and development authority established in RCW 43.167.060 to carry out the duties and responsibilities set forth in RCW 43.167.030.

(8) \$1,160,000 of the general fund—state appropriation for fiscal year 2024 and \$1,159,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the statewide broadband office established in RCW 43.330.532.

(9) \$10,000,000 of the general fund—state appropriation for fiscal year 2024 and \$10,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department for grants for updating and implementing comprehensive plans and development regulations in order to implement the requirements of the growth management act.

(a) In allocating grant funding to local jurisdictions, awards must be based on a formula, determined by the department, to ensure that grants are distributed equitably among cities and counties. Grants will be used primarily to fund the review and update requirements for counties and cities required by RCW 36.70A.130. Funding provided on this formula basis shall cover additional county and city costs, if applicable, to implement chapter 254, Laws of 2021 (Engrossed Second Substitute House Bill No. 1220) and to implement Second Substitute Senate Bill No. 5412 (land use permitting/local).

(b) Within the amounts not utilized under (a) of this subsection, the department shall establish a competitive grant program to implement requirements of the growth management act.

(c) Up to \$500,000 per biennium may be allocated toward growth management policy research and development or to assess the ongoing effectiveness of existing growth management policy.

(d) The department must develop a process for consulting with local governments, affected stakeholders, and the appropriate committees of the legislature to establish emphasis areas for competitive grant distribution and for research priorities.

(10) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with the municipal research and services center, in coordination with the Washington procurement technical assistance center, to provide training and technical assistance to local governments and contractors on public works contracting. Training topics may include utilization of supplemental bidding criteria, utilization of alternate public works, contracting, cost estimating, obtaining performance and payment bonds, and increasing participation of women-owned and minority-owned businesses.

(11) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to administer grants and provide technical assistance

to cities or counties for actions relating to adopting ordinances that plan for and accommodate housing. Of this amount:

(a) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to cities and counties. Grants may be used for the following activities:

(i) Analyzing comprehensive plan policies and development regulations to determine the extent of amendments required to meet the goal of authorizing middle housing types on at least 30 percent of lots currently zoned as single family residential within the city, or for counties inside the unincorporated urban growth area. For the purposes of this subsection, "middle housing types" means buildings that are compatible in scale, form, and character with single family houses, and contain two or more attached, stacked, or clustered homes. This includes duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, and cottage housing;

(ii) Planning work to facilitate transit-oriented development, including costs associated with the preparation of state environmental policy act environmental impact statements, planned action ordinances, and subarea plans, costs associated with the use of other tools under the state environmental policy act, and the costs of local code adoption and implementation of such efforts; and

(iii) Planning for and accommodating housing that is affordable for individuals and families earning less than 50 percent of the area median income, including:

(A) Land use and regulatory solutions to address homelessness and low-income housing; and

(B) Bridging homeless service planning with land use planning.

(b) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an affordable housing auditing program to monitor ongoing affordability of income-restricted units constructed with affordable housing incentives, including the multifamily tax exemption.

(12) Within the amounts provided in this section, the department must publish on its website housing data needed to complete housing needs assessments required by RCW 36.70A.070(2)(a). The data shall include:

(a) Housing profiles for each county and city in the state, including cost burden, vacancy, and income;

(b) Data to assess racially disparate impacts, exclusion, and displacement; and

(c) A dashboard to display data in an easily accessible format.

(13) \$1,330,000 of the general fund—state appropriation for fiscal year 2024 and \$995,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1110 (middle housing). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(14) \$15,000,000 of the general fund—state appropriation for fiscal year 2024 and ~~((15,000,000))~~ \$20,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grants to entities that provide digital navigator services, devices, and subscriptions. These services must include, but are not limited to, one-on-one assistance for people with limited access to services, including individuals seeking work, students seeking digital technical support, families supporting students, English language learners, medicaid clients, people experiencing poverty, and seniors. Of the amounts provided from the general fund—state appropriation for fiscal year 2025, at least \$3,000,000 must be provided to tribes.

(15) \$2,750,000 of the community preservation and development authority account—state appropriation is provided solely for ~~((the operations of))~~ the Central district community preservation and development authority established in RCW 43.167.070 to carry out the duties and responsibilities set forth in RCW 43.167.030.

(16) ~~(\$375,000)~~ \$187,000 of the general fund—state appropriation for fiscal year 2024 ~~((is))~~ and \$188,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the city of Battle Ground to contract for a study to explore feasible options to redesign their downtown corridor to emphasize pedestrian accessibility, improve safety, and highlight community amenities.

(17) \$175,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the city of Cheney fire department for the purchase of a new type 6 fire truck to replace one destroyed in a mutual aid fire.

(18) \$175,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to Ferry/Okanogan fire protection district number 14 for the purchase of a new ambulance and related costs for response to 911 calls, including those from local residents, recreators, and hunters.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the Pierce county public transportation benefit area corporation (Pierce transit) to administer a public transit and behavioral health co-responder pilot program in partnership with a Pierce county behavioral health professional agency.

(20) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$115,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the transportation demand management program at the canyon park subarea in the city of Bothell.

(21) ~~(\$40,953,000)~~ (a) \$50,953,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse-))~~

(b) Of the amount provided in (a) of this subsection, \$10,000,000 of the climate commitment account—state appropriation is provided solely for programs, services, or capital facilities included in greenhouse gas emissions reduction subelements required by chapter 228, Laws of 2023 (E2SHB 1181). The department shall provide funding to jurisdictions for programs, services, or capital facilities included in approved subelements that the department concludes will reduce greenhouse gas emissions or per capita vehicle miles traveled until funds in this subsection are expended. The department shall prioritize funding for programs, services, or capital facilities that result in cobenefits or address disproportionately impacted communities. Funds provided in this subsection (b) may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection (b) is null and void upon the effective date of the measure.

(22) \$490,000 of the public works assistance account—state appropriation is provided solely for the public works board to develop a data dashboard to map investments made by the public works board, the department of commerce, the department of health, the department of ecology, the department of transportation, the transportation improvement board, and by board partners to the system improvement team created in RCW 43.155.150.

(23) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$423,000 of the general fund—state appropriation

for fiscal year 2025 are provided solely for the department to conduct a study on the feasibility of implementing a Washington state zoning atlas project that will provide a publicly available mapping tool illustrating key features of zoning codes across jurisdictions.

(24) \$733,000 of the general fund—state appropriation for fiscal year 2024 and \$734,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5268 (public works procurement). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse-))~~

(25) \$37,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5536 (controlled substances). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse-))~~

(26) \$134,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the city of Tacoma for the operating costs of the hilltop community hub. The hilltop community fund shall support a distribution center to provide housing goods.

(27) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the city of Ferndale for the purpose of implementing and improving a wayfinding system throughout the greater Ferndale market area.

(28) ~~(\$3,464,000)~~ \$464,000 of the general fund—state appropriation for fiscal year 2024 ~~((is))~~ and \$3,510,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5290 (local permit review). Of the amount provided in this subsection, at least \$3,000,000 is provided solely for grants to local governments. ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse-))~~

(29) \$2,400,000 of the climate commitment account—state appropriation is provided solely for the Port Gamble S'Klallam Tribe for phase 3 of the Port Gamble shoreline restoration project.

(30) \$1,000,000 of the model toxics control account—state appropriation is provided solely for grants to address emergency drinking water problems in overburdened communities. The department may utilize existing programs to distribute the funding provided under this section, including the emergency rapid response program.

(31) \$198,000 of the general fund—state appropriation for fiscal year 2024 and \$198,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to retain a behavioral health facilities siting administrator within the department to coordinate development of effective behavioral health housing options and provide technical assistance in siting of behavioral health treatment facilities statewide to aide in the governor's plan to discharge individuals from the state psychiatric hospitals into community settings. This position must work closely with local government legislative authorities, planning departments, behavioral health providers, the health care authority, the department of social and health services, and other entities to facilitate linkages among disparate behavioral health community bed capacity-building efforts. This position must work to integrate building behavioral health treatment and infrastructure capacity in addition to ongoing supportive housing benefits.

(32) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to Spokane county for disaster case management services and assistance with housing, rent, transportation, property

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

replacement, health, child care, and similar disaster response needs for victims of the Gray and Oregon road fires in 2023. Collectively, the Gray and Oregon road fires destroyed several hundred homes, more than any other wildfire in state history, caused the deaths of two people, and burned more than 20,000 acres.

(33) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract with a consultant to study incorporating the unincorporated communities of Dash Point and Browns Point into a single city. The study must include, but not be limited to, the impact of incorporation on the local tax base, crime, homelessness, infrastructure, public services, and behavioral health services, in the listed communities. The department must submit the results of the study to the office of financial management and the appropriate committees of the legislature by June 1, 2025.

(34) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to convene a task force to make recommendations on integrating water, sewer, school, and port districts into the growth management act planning process. The task force shall build upon the findings, concepts, and recommendations in recent reports, including the "collaborative roadmap phase III" report prepared for the department in 2023 and the "roadmap to Washington's future" issued by the William D. Ruckelshaus center in 2019. The task force must involve diverse perspectives including but not limited to representatives of state agencies, cities, counties, special districts, tribal governments, builders, and planning and environmental organizations that have experience with local or special purpose district planning processes. The department must provide a preliminary report on the task force's activities and progress by June 30, 2025. It is the intent of the legislature to continue funding the study in the 2025-2027 fiscal biennium, with a final report with recommendations due December 1, 2025.

(35) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for Whatcom county to study the potential of creating an interjurisdictional coordinating body focused on improving the housing market for tenants, landlords, and those interested in becoming landlords. The study should examine the potential for an office of healthy housing with a sustainable funding model that assists landlords and tenants in understanding leases and procedures, increases housing supply by providing resources to small landlords, and works with major local employers and local higher education institutions to ensure a thriving local housing market.

(36) \$1,484,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Substitute House Bill No. 2474 (transitional housing siting). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(37) \$213,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Substitute House Bill No. 2321 (middle housing requirements). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(38) \$94,000 of the general fund—state appropriation for fiscal year 2024 and \$1,456,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2160 (housing development). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

**Sec. 129.** 2023 c 475 s 131 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE—OFFICE OF ECONOMIC DEVELOPMENT**

General Fund—State Appropriation (FY 2024)	\$25,089,000
General Fund—State Appropriation (FY 2025)	(\$24,967,000)
	\$28,968,000
General Fund—Federal Appropriation	\$108,069,000
General Fund—Private/Local Appropriation	\$1,230,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$3,446,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	(\$3,587,000)
	\$3,591,000
Andy Hill Cancer Research Endowment Fund Match Transfer Account—State Appropriation	(\$20,684,000)
	\$30,684,000
Climate Commitment Account—State Appropriation	(\$352,000)
	\$2,867,000
Community and Economic Development Fee Account—State Appropriation	\$765,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	(\$22,400,000)
	\$23,400,000
Economic Development Strategic Reserve Account—State Appropriation	\$2,786,000
Statewide Tourism Marketing Account—State Appropriation	\$9,000,000
<b>TOTAL APPROPRIATION</b>	<b>(\$222,375,000)</b>
	<b>\$239,895,000</b>

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

(1) \$4,304,000 of the general fund—state appropriation for fiscal year 2024 and \$4,304,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for associate development organizations. During the 2023-2025 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086. The department must distribute the funding as follows:

(a) For associate development organizations serving urban counties, which are counties other than rural counties as defined in RCW 82.14.370, a locally matched allocation of up to \$1.00 per capita, totaling no more than \$300,000 per organization; and

(b) For associate development organizations in rural counties, as defined in RCW 82.14.370, a \$1.00 per capita allocation with a base allocation of \$75,000.

(2) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the northwest agriculture business center.

(3) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the regulatory roadmap program for the construction industry and to identify and coordinate with businesses in key industry sectors to develop additional regulatory roadmap tools.

(4) \$1,070,000 of the general fund—state appropriation for fiscal year 2024 and \$1,070,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the small business export assistance program. The department must ensure that at least one employee is located outside the city of Seattle for purposes of assisting rural businesses with export strategies.

(5) \$60,000 of the general fund—state appropriation for fiscal year 2024 and \$60,000 of the general fund—state appropriation

for fiscal year 2025 are provided solely for the department to submit the necessary Washington state membership dues for the Pacific Northwest economic region.

(6) \$1,808,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$1,808,000)~~ \$2,438,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade-dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. Sector leads established by the department must include the industries of: (a) Aerospace; (b) clean technology and renewable and nonrenewable energy; (c) wood products and other natural resource industries; (d) information and communication technology; (e) life sciences and global health; (f) maritime; (g) military and defense; and (h) creative industries. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and other agencies to serve in the role of sector lead.

(7) ~~(\$20,684,000)~~ \$30,684,000 of the Andy Hill cancer research endowment fund match transfer account—state appropriation is provided solely for the Andy Hill cancer research endowment program. Amounts provided in this subsection may be used for grants and administration costs.

(8) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to establish representation in key international markets that will provide the greatest opportunities for increased trade and investment for small businesses in the state of Washington. Prior to entering into any contract for representation, the department must consult with associate development organizations and other organizations and associations that represent small business, rural industries, and disadvantaged business enterprises.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to assist people with limited incomes in urban areas of the state start and sustain small businesses. The grant recipient must be a nonprofit organization involving a network of microenterprise organizations and professionals to support micro entrepreneurship and access to economic development resources.

(10) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonprofit organization whose sole purpose is to provide grants, capacity building, and technical assistance support to a network of microenterprise development organizations. The microenterprise development organizations will support rural and urban Black, indigenous and people of color owned businesses, veteran owned businesses, and limited resourced and other hard to serve businesses with five or fewer employees throughout the state with business training, technical assistance, and microlans.

(11) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a business center that provides confidential, no-cost, one-on-one, client-centered assistance to small businesses to expand outreach in underserved communities, especially Black, indigenous, and people of color-owned businesses, providing targeted assistance where needed. Funding may also be used to collaborate the department, the Washington economic

development association, and others to develop a more effective and efficient service delivery system for Washington's women and minority-owned small businesses.

(12) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to strengthen capacity of the keep Washington working act work group established in RCW 43.330.510.

(13) \$7,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to continue to administer the small business innovation and competitiveness fund program created in section 128(167), chapter 297, Laws of 2022 (ESSB 5693). The department may prioritize projects that received conditional awards in the 2021-2023 fiscal biennium but were not funded due to the project's inability to be substantially completed by June 30, 2023.

(14) \$2,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for the department to administer grants to businesses and nonprofits in the arts, heritage, and science sectors, including those that operate live entertainment venues, to provide bridge funding for continued recovery from the COVID-19 pandemic and related economic impacts. The department must develop criteria for successful grant applications in coordination with the Washington state arts commission.

(15) \$352,000 of the climate commitment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1176 (climate-ready communities). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(16) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an associate development organization located in Thurston county to provide a training curriculum to assist small businesses in scaling up to reach their next tier of operations. The contract recipient may use the funding for costs including, but not limited to, curriculum materials, trainers, and follow up coaching and mentorship in multiple languages.

(17) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract for technical assistance programs focused on assisting small minority, women, and veteran-owned businesses in south King and Pierce counties. The contract recipient must be a nonprofit organization located in Tukwila that provides educational and business assistance for underserved and minority groups, with a focus on the African American community. The department must provide a preliminary report on program outcomes by June 30, 2024, and a final report by June 30, 2025, to the relevant committees of the legislature. The preliminary and final reports must include outcome data including, but not limited to, the number of events or workshops provided, the number of businesses served, and ownership and other demographics of businesses served.

(18) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with a nonprofit organization to conduct workforce and economic development activities serving the south Puget Sound region. The contract recipient must be a nongovernmental nonprofit organization located in Federal Way that has been in operation for at least 10 years and whose mission is to develop resources to enhance the economy of the south sound region by facilitating innovation, job creation, and the growth and development of

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

businesses.

(19) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide grant funding to a nonprofit biotech incubator and science research center located in the city of Tacoma. The grant funding is to provide support for programs aimed at increasing workforce readiness and entrepreneurship in the life sciences, with a focus on promoting access to science, technology, engineering, and math careers for individuals from underserved communities.

(20) \$700,000 of the general fund—state appropriation for fiscal year 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to associate development organizations pursuant to Substitute House Bill No. 1783 (grant writers). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(21) \$9,000,000 of the statewide tourism marketing account—state appropriation is provided solely for the statewide tourism marketing program and operation of the statewide tourism marketing authority pursuant to chapter 43.384 RCW.

(22) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to renew licenses for cloud-based business engagement tools for state agencies and local workforce and economic development boards, and to procure additional licenses for state agency procurement professionals, to assist in complying with the department of enterprise services supplier diversity policy effective April 1, 2023.

(23) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for activities related to securing federal funding from programs created by or funded through federal legislation including, but not limited to, the inflation reduction act, P.L. 117-169; the chips and science act, P.L. 117-167; and the infrastructure investment and jobs act, P.L. 117-58. Funding provided under this subsection may be used to support regional and locally led initiatives seeking federal funding, to provide technical support for application development and grant writing, to conduct economic analysis of various sectors, and other activities the department deems necessary for the state and partners with the state to compete for federal funds.

(24) \$877,000 of the general fund—state appropriation for fiscal year 2024 and \$878,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5096 (employee ownership). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(25) \$409,000 of the general fund—state appropriation for fiscal year 2024 and \$411,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5269 (manufacturing). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(26) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in consultation with other agencies as necessary, to support activities related to cooperation with governmental and public agencies of the Republic of Finland, the Kingdom of Sweden, and the Kingdom of Norway. Eligible activities include, but are not limited to, cooperation in clean energy, clean technology, clean transportation, telecommunications, agriculture and wood science technology, general economic development,

and other areas of mutual interest with Nordic nations and institutions.

(27) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a Bellingham based nonprofit that assists entrepreneurs to create, build, and grow businesses in northwest Washington to help establish a network of innovation centers for entrepreneurs and innovative small businesses between Seattle and the Canadian border.

(28)(a) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to develop strategies for cooperation with governmental agencies of Vietnam, including higher education institutions, and organizations around the following:

(i) Trade and investment, including, but not limited to, the agriculture, information technology, food processing, manufacturing, and textile industries;

(ii) Combating climate change, including, but not limited to, cooperation on clean energy, clean transportation, and climate-smart agriculture; and

(iii) Academic and cultural exchange.

(b) By June 30, 2024, the department must provide a report on the use of funds in this subsection, any key metrics and deliverables, and any recommendations for further opportunities for collaboration.

(29) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide an economic development grant to a nongovernmental organization established in Federal Way, in operation for at least 30 years, whose primary focus is the economic development of the greater Federal Way region, in order to provide assessment for the development of innovation campuses in identified economic corridors.

(30) \$200,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a grant to a Tacoma based automotive museum as businesses assistance to address COVID-19 pandemic impacts to revenues from decreased attendance and loss of other revenue generating opportunities.

(31) \$250,000 of the climate commitment account—state appropriation is provided solely for a study or studies to assess strategies necessary for the state of Washington to engage in the offshore wind supply chain. The study may address public infrastructure needed for manufacturing, assembly, and transport of supply chain components, and an assessment of workforce needs and community benefits. The department must submit a preliminary report summarizing the status of the study or studies to the governor and the appropriate committees of the legislature by June 30, 2025, and a final report summarizing the findings of the study or studies by November 30, 2025. It is the intent of the legislature to provide funding to complete the final report in the 2025-2027 fiscal biennium. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved, this subsection is null and void upon the effective date of the measure.

(32) \$1,000,000 of the climate commitment account—state appropriation is provided solely to expand the industrial symbiosis program. At least 20 percent of the amount provided in this section must be prioritized to benefit individuals in overburdened communities. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved, this subsection is null and void upon the effective date of the measure.

(33) \$250,000 of the general fund—state appropriation for

fiscal year 2025 is provided solely for a grant to a nonprofit organization for a small business incubator program focused on the arts and culture sectors that provides technical assistance and business training to creative entrepreneurs, with a focus on BIPOC-owned and women-owned businesses. The grant recipient must be a nonprofit arts organization based in the city of Tacoma that hosts live performances and provides youth and adult arts education programming.

(34) \$696,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 1717 (associate development orgs.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(35) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization to administer a workforce development program serving youth and young adults from underserved communities to learn technical, creative, and business skills related to concert and event promotion. The grant recipient must be a nonprofit organization headquartered in the city of Seattle that provides youth arts and education programming and produces a music festival based in Seattle that takes place over Labor Day weekend.

(36) \$375,000 of the climate commitment account—state appropriation is provided solely for the department to contract with a nonregulatory coalition to identify economic, community, and workforce development opportunities resulting from Washington state's participation in the offshore wind supply chain through conducting convenings, workshops, and studies as appropriate. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved, this subsection is null and void upon the effective date of the measure.

(37) \$200,000 of the general fund—state appropriation is provided solely for a grant to a nonprofit organization to provide a workforce development and small business training program serving primarily low-income Latinx immigrant families in south King county. The grant recipient must be a nonprofit organization based in the city of Seattle that advances the power and well-being of Latino immigrants through employment, education, and community organizing.

(38) \$390,000 of the climate commitment account—state appropriation is provided solely for the department to establish a circular economy market development program. At least 20 percent of the amount provided in this subsection must be prioritized to benefit individuals in overburdened communities. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved, this subsection is null and void upon the effective date of the measure.

(39) \$500,000 of the climate commitment account—state appropriation is provided solely for the innovation cluster accelerator program to support innovation clusters in industry sectors related to clean energy. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved, this subsection is null and void upon the effective date of the measure.

(40) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to an associate development organization to provide technical assistance, workforce development training, and business innovation training to small businesses in Benton and Franklin counties, with a focus on businesses in BIPOC communities. Technical assistance may also include financial literacy, grant writing, and federal grant assistance for tribes and overburdened communities. The grant recipient must be an associate development organization comprised of a coalition of more than 25 but less than 100 small

businesses, nonprofit, and business leaders located in Benton and Franklin counties, and must be a recognized "by and for" organization serving the BIPOC community.

(41)(a) \$275,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to convene an electrical transmission workforce needs work group and study. The work group must provide advice, develop strategies, and make recommendations to the legislature, state and local agencies, and utilities on efforts to support the needs of Washington's electrical transmission industry workforce. The work group must consist of eight members:

(i) One representative each from a labor organization located in Tacoma, Clark county, and Spokane county that represents line workers;

(ii) One representative from a statewide labor organization with at least 250,000 affiliated members that represents line workers and workers from outside the electrical transmission and construction industry; and

(iii) Two representatives from two different investor-owned utilities and two representatives from two different consumer-owned utilities each.

(b)(i) The department must conduct a study of the employment and workforce education needs of the electrical transmission industry of the state. The work group must assist the department in developing the scope of the study; review the preliminary and final reports of the study; and, if appropriate, recommend any legislative changes needed to address issues raised as a result of the study. The study must focus on the following job classifications in the electrical transmission industry: Line workers, line clearance tree trimmers, and substation technicians. The department may contract with a third party to complete the study.

(ii) By December 1, 2024, the department must submit a preliminary report of the study to the appropriate committees of the legislature, including the methodology that will be used to conduct the study and any demographic data or other information gathered regarding the electrical transmission industry workforce in preparation for the study.

(iii) By November 1, 2025, the department must submit a final report of the study to the appropriate committees of the legislature. It is the intent of the legislature to provide funding to complete the final report in the 2025-2027 fiscal biennium.

(iv) The final report must at a minimum include:

(A) Estimates of electrical transmission industry jobs needed to expand electrical transmission capacity to meet the state's clean energy and climate goals, inclusive of the workforce needed to maintain existing infrastructure. These estimates should cover, at a minimum, the time periods required for the planning, including the construction, reconstruction, or enlargement, of new or existing electrical transmission facilities under RCW 19.28.010, 80.50.060, and 80.50.045, and the state environmental policy act;

(B) The number of apprenticeships in the job classifications listed in (b)(i) of this subsection;

(C) An inventory of existing apprentice programs and anticipated need for expansion of existing apprenticeships or supplemental training programs to meet current and future workforce needs;

(D) Demographic data of the workforce, including age, gender, race, ethnicity, and, where possible, other categories of identity;

(E) Identification of gaps and barriers to a full electrical transmission workforce pool, including, but not limited to, the loss of workers to retirement in the next five, 10, and 15 years, and other current and anticipated retention issues;

(F) A comparison of wages between different jurisdictions in Washington state, and between Washington and other neighboring states, including any incentives offered by other



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

states;

(G) Data on the number of workers in the job classifications identified in (b)(i) of this subsection who completed training in Washington and left to work in a different state;

(H) Data on the number of out-of-state workers who enter Washington to meet workforce needs on large scale electrical transmission projects in Washington;

(I) Key challenges that could emerge in the foreseeable future based on factors such as growth in demand for electricity and changes in energy production and availability; and

(J) Recommendations for the training, recruitment, and retention of the current and anticipated electrical transmission workforce that supplement, enhance, or exceed current training requirements. This must include identification of barriers to entrance into the electrical transmission workforce, and recommendations to attract and retain a more diverse workforce, such as members of federally recognized Indian tribes and individuals from overburdened communities as defined in RCW 70A.02.010.

(42) \$750,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 1870 (local comm. federal funding). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(43) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the innovation cluster accelerator program to support an industry-led fusion energy cluster. By June 30, 2025, the fusion energy cluster must submit a report to the appropriate committees of the legislature that includes recommendations for promoting the development of fusion energy and the manufacturing and assembling of component parts for fusion energy in Washington state. The report must:

(a) Include an evaluation of the applicability of new and existing clean energy incentives for manufacturing, facility construction, and the purchase of materials and equipment; and

(b) Identify opportunities for state funding, including matching federal grants.

(44) \$350,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract for technical assistance services for small businesses owned or operated by members of historically disadvantaged populations located in western Washington. The contract recipient must be a business in the arts, entertainment, and media services sector based in the city of Federal Way and with experience working with BIPOC communities. Technical assistance includes but is not limited to services such as: Business and intellectual property development; franchise development and expansion; digital and social media marketing and brand development; community outreach; opportunities to meet potential strategic partners or corporate sponsors; executive workshops; networking events; small business coaching; and start-up assistance.

(45) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit organization for a program to assist low-income individuals from Washington state in entering the maritime industry as mariners, including training, credentialing, and wrap-around services. The grant recipient must be a nonprofit organization located in the city of Seattle that serves as a workforce development intermediary creating equitable workforce systems and developing impactful partnerships to address structural racism. The nonprofit organization must consult with two unions based in the city of Seattle who represent mariners on the West coast in developing the program.

(46) \$1,000,000 of the coronavirus state fiscal recovery fund—

federal appropriation is provided solely for the department to administer a business assistance program to provide grants to statewide or local destination marketing organizations in Washington state for activities to promote tourism to Washington in advance of the 2026 FIFA World Cup. The department must enter into contracts with grant recipients by December 31, 2024. To qualify for a grant under this subsection, a destination marketing organization must have been negatively impacted by the COVID-19 public health emergency and:

(a) Have revenues at the time of applying for the grant that are less than their revenues in calendar year 2019;

(b) Have used reserve operating funds after March 3, 2021, to make up for revenue shortfalls; or

(c) Have demonstrated needs for funding to support programs designed to increase tourism to Washington state from across the country and the world in advance of the 2026 FIFA World Cup.

**Sec. 130.** 2023 c 475 s 132 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE—ENERGY AND INNOVATION**

General Fund—State	Appropriation	(FY 2024)	
			(\$140,959,000)
			\$10,459,000
General Fund—State	Appropriation	(FY 2025)	
			(\$141,187,000)
			\$18,626,000
General Fund—Federal	Appropriation		(\$39,461,000)
			\$325,724,000
General Fund—Private/Local	Appropriation		\$34,000
Building Code Council	Account—State	Appropriation	\$13,000
Climate Commitment	Account—State	Appropriation	(\$52,611,000)
			\$234,284,000
Community and Economic Development Fee	Account—State	Appropriation	\$160,000
Electric Vehicle Incentive	Account—State	Appropriation	\$50,000,000
Low-Income Weatherization and Structural Rehabilitation Assistance	Account—State	Appropriation	\$1,399,000
Natural Climate Solutions	Account—State	Appropriation	\$167,000
<b>TOTAL APPROPRIATION</b>			<b>(\$425,991,000)</b>
			<b>\$640,866,000</b>

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

(1) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

(2)(a) \$50,000,000 of the electric vehicle incentive account—state appropriation is provided solely for the department to implement programs and incentives that promote the purchase of or conversion to alternative fuel vehicles. The department must work with the interagency electric vehicle coordinating council to develop and implement alternative fuel vehicle programs and incentives.

(b) In developing and implementing programs and incentives under this subsection, the department must prioritize programs and incentives that:

(i) Will serve individuals living in an overburdened community, as defined in RCW 70A.02.010;

(ii) Will serve individuals who are in greatest need of this assistance in order to reduce the carbon emissions and other

environmental impacts of their current mode of transportation in the overburdened community in which they live; and

(iii) Will serve low-income communities, communities with the greatest health disparities, and communities of color that are most likely to receive the greatest health benefits from the programs through a reduction in greenhouse gas emissions and other pollutants that will result in improved groundwater and stormwater quality, improved air quality, and reductions in noise pollution.

(3) (~~(\$69,000,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development of community electric vehicle charging infrastructure.~~

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

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

(c) ~~Grant funding must be used for level 2 or higher charging infrastructure and related costs including but not limited to construction and site improvements. Projects may include a robust public and private outreach plan that includes engaging with affected parties in conjunction with the new electric vehicle infrastructure.~~

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

- ~~(i) Multifamily housing;~~
- ~~(ii) Publicly available charging at any location;~~
- ~~(iii) Schools and school districts;~~
- ~~(iv) State and local government buildings and office buildings;~~
- ~~(v) All other eligible projects.~~

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

(4) ~~\$37,000,000 of the general fund—state appropriation for fiscal year 2024 and \$37,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to increase solar deployment and installation of battery storage in community buildings to enhance grid resiliency and provide backup power for critical needs, such as plug load and refrigeration for medication, during outages or to provide incentives to support electric utility demand response programs that include customer sited solar and battery storage systems. Eligible uses of the amounts provided in this subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities. For the purposes of this subsection "community buildings" means K-12 schools, community colleges, community centers, recreation centers, libraries, tribal buildings, state and local government buildings, and other publicly owned infrastructure.~~

(5) ~~\$19,500,000 of the general fund—state appropriation for fiscal year 2024 and \$19,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant program to provide solar and battery storage community solar projects for public assistance organizations serving low income communities. Eligible uses of the amounts provided in this~~

~~subsection include, but are not limited to, planning and predevelopment work with vulnerable, highly impacted, and rural communities.~~

(a) ~~Grants are not to exceed 100 percent of the cost of the project, taking into account any federal tax credits or other federal or nonfederal grants or incentives that the project is benefiting from.~~

(b) ~~Priority must be given to projects sited on "preferred sites" such as rooftops, structures, existing impervious surfaces, landfills, brownfields, previously developed sites, irrigation canals and ponds, storm water collection ponds, industrial areas, dual use solar projects that ensure ongoing agricultural operations, and other sites that do not displace critical habitat or productive farmland.~~

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

(6) ~~(\$8,500,000) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and ((8,500,000)) \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to build a mapping and forecasting tool that provides locations and information on charging and refueling infrastructure as required in chapter 300, Laws of 2021 (zero emissions transp.). The department shall collaborate with the interagency electric vehicle coordinating council established in chapter 182, Laws of 2022 (transportation resources) when developing the tool and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).~~

(7) ~~(4) \$10,000,000 of the climate commitment account—state appropriation is provided solely for grants to support port districts, counties, cities, towns, special purpose districts, any other municipal corporations or quasi-municipal corporations, and tribes to support siting and permitting of clean energy projects in the state. Eligible uses of grant funding provided in this section include supporting predevelopment work for sites intended for clean energy projects, land use studies, conducting or engaging in planning efforts such as planned actions and programmatic environmental impact statements, and staff to improve permit timeliness and certainty.~~

(8) ~~(5)(a) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with one or more of the western national laboratories, or a similar independent research organization, in consultation with state and federal energy agencies, stakeholders, and relevant utilities, to conduct an analysis for new electricity generation, transmission, ancillary services, efficiency and storage sufficient to offset those presently provided by the lower Snake river dams. The analysis should include a list of requirements for a replacement portfolio that diversifies and improves the resilience and maintains the reliability and adequacy of the electric power system, is consistent with the state's statutory and regulatory requirements for clean electricity generation, and is supplementary to the resources that will be required to replace fossil fuels in the electrical generation, transportation, industry, and buildings sectors. The department and its contractor's assessment will include quantitative analysis based on available data as well as qualitative input gathered from tribal and other governments, the Northwest power and conservation council, relevant utilities, and other key stakeholders. The analysis must include the following:~~

- (i) ~~Expected trends for demand, and distinct scenarios that~~

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

examine potential outcomes for electricity demand, generation, and storage technologies development, land use and land use constraints, and cost through 2050, as well as the most recent analysis of future resource adequacy and reliability;

(ii) A resource portfolio approach in which a combination of commercially available generating resources, energy efficiency, conservation, and demand response programs, transmission resources, and other programs and resources that would be necessary prerequisites to replace the power and grid reliability services otherwise provided by the lower Snake river dams and the time frame needed to put those resources into operation;

(iii) Identification of generation and transmission siting options consistent with the overall replacement resource portfolio, in coordination with other state processes and requirements supporting the planning of clean energy and transmission siting;

(iv) An evaluation of alternatives for the development, ownership and operation of the replacement resource portfolio;

(v) Examination of possible impacts and opportunities that might result from the renewal of the Columbia river treaty, revisions of the Bonneville power administration preference contracts, implementation of the western resource adequacy program (WRAP), and other changes in operation and governance of the regional electric power system, consistent with statutory and regulatory requirements of the clean energy transformation act;

(vi) Identification of revenue and payment structures sufficient to maintain reliable and affordable electricity supplies for ratepayers, with emphasis on overburdened communities;

(vii) Development of distinct scenarios that examine different potential cost and timeline potentials for development and implementation of identified generation and transmission needs and options including planning, permitting, design, and construction, including relevant federal authorities, consistent with the statutory and regulatory requirements of the clean energy transformation act;

(viii) Quantification of impacts to greenhouse gas emissions including life-cycle emissions analysis associated with implementation of identified generation and transmission needs and options including (A) planning, permitting, design, and construction, and, if relevant, emissions associated with the acquisition of non-Washington state domestic or foreign sources of electricity, and (B) any additional operations of existing fossil-fueled generating resources; and

(ix) An inventory of electricity demand by state-owned or operated facilities and information needed to complete a request for proposals (RFP) to satisfy this demand through new nonhydro renewable energy generation and/or conservation.

(b) The department shall, to the extent determined practicable, consider related analyses undertaken by the federal government as part of the Columbia river system operation stay of litigation agreed to in *National Wildlife Federation et al. v. National Marine Fisheries Service et al.* in October 2021.

(c) The department shall provide a status update to the energy and environment committees of the legislature and governor's office by December 31, 2024.

~~((9))~~ (6) \$10,664,000 of the climate commitment account—state appropriation is provided solely for the department to administer a pilot program to provide grants and technical assistance to support planning, predevelopment, and installation of commercial, dual-use solar power demonstration projects. Eligible grant recipients may include, but are not limited to, nonprofit organizations, public entities, and federally recognized tribes.

~~((40))~~ (7) \$20,592,000 of the climate commitment account—state appropriation is provided solely for the department to

administer a grant program to assist owners of public buildings in covering the costs of conducting an investment grade energy audit for those buildings. Public buildings include those owned by state and local governments, tribes, and school districts.

~~((44))~~ (8)(a) \$300,000 of the climate commitment account—state appropriation is provided solely for the department to develop recommendations on a design for a statewide energy assistance program to address the energy burden and provide access to energy assistance for low-income households. The department may contract with a third-party entity to complete the work required in this subsection.

(b) The recommendations must include considerations for data collection on the energy burden and assistance need of households, universal intake coordination and data sharing across statewide programs serving low-income households, program eligibility, enrollment, multilingual services, outreach and community engagement, program administration, funding, and reporting.

(c) By January 1, 2024, the department must submit a report with the recommendations to the appropriate committees of the legislature.

~~((42))~~ (9) \$250,000 of the climate commitment account—state appropriation is provided solely for a grant to a nonprofit for a smart buildings education program to educate building owners and operators about smart building practices and technologies, including the development of onsite and digital trainings that detail how to operate residential and commercial facilities in an energy efficient manner. The grant recipient must be located in a city with a population of more than 700,000 and must serve anyone within Washington with an interest in better understanding energy efficiency in commercial and institutional buildings.

~~((43))~~ (10) \$111,000 of the general fund—state appropriation for fiscal year 2024 and \$109,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((44))~~ (11) \$3,152,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~((45))~~ (12) \$167,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~((46))~~ (13) \$250,000 of the climate commitment account—state appropriation is provided solely for the department to convene stakeholders and plan for a statewide energy rebate navigator aimed at assisting residential and small commercial buildings, with priority for buildings owned or occupied by low-income, Black, indigenous, and people of color and converting overburdened communities to clean energy. Of this amount:

(a) \$50,000 of the climate commitment account—state appropriation is for the department to convene a summit of stakeholders around building energy topics related to the development of a statewide energy rebate navigator, including initial and ongoing guidance regarding program design and implementation. The summit should develop recommendations for the program to improve and grow, addressing gaps in program design and implementation, outreach into overburdened communities, HEAL Act compliance, workforce development issues, and contractor needs.

(b) \$200,000 of the climate commitment account—state appropriation is for statewide rebate navigator evaluation and project planning, which shall include:

(i) Evaluation of how technical assistance can focus on serving Black, indigenous, and people of color, and low-income communities;

(ii) Research of existing data and software solutions the state can leverage to provide a one-stop-shop for energy improvements;

(iii) Evaluation of program delivery models to optimize energy service delivery, including realizing economies of scale and reaching high rates of penetration in overburdened communities, indigenous communities, and communities of color;

(iv) Evaluation and cultivation of potential program implementers who are qualified to deliver navigator program services, including community energy efficiency program grantees; and

(v) Evaluation and cultivation of qualified potential energy services providers, including providers owned by Black, indigenous, and people of color, utility trade ally programs, and weatherization plus health weatherization agencies.

~~((47))~~ (14) \$33,000 of the general fund—state appropriation for fiscal year 2024 and \$17,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1329 (utility shutoffs/heat). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~(48))~~ (15) \$93,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~(49))~~ (16)(a) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a third-party entity to conduct a study that analyzes how the economic impact of oil refining in Washington state is likely to impact Washington's refineries, refinery workers, and refinery communities. By December 31, 2024, the report must be distributed to the energy and environment committees of the state legislature.

(b) The study required in (a) of this subsection must include:

(i) An overview of Washington's five oil refineries including: Location, age, workforce demographics, direct and indirect jobs connected with the industry, health and environmental impacts, local tax revenues paid by refineries, and primary and secondary products and markets;

(ii) A summary of projected scenarios for Washington refineries' primary markets, taking into account realistic, real world outcomes, given existing mandated decarbonization targets, feedstock availability, and statutes that impact Washington refinery products;

(iii) A summary of anticipated short-term, medium-term, and long-term economic viability of the five Washington oil refineries based on refinery product demand forecasts as outlined in (b)(ii) of this subsection;

(iv) A forecast of direct and indirect effects of the projected petroleum decline, including indirect employment impacts, the geography of those impacts, and impacts to local jurisdictions, utilities, ports, and special purpose districts from reduction in tax revenues, and impacts to local nonprofits and community programs from the refining industry;

(v) An assessment of potential future uses of refinery sites that include energy industrial, nonenergy industrial, heavy manufacturing, and industrial symbiosis, including an assessment

of previously closed refinery sites throughout the United States and current use of those sites. Each potential future use shall be assessed and include data regarding: Greenhouse gas emissions, local pollution and environmental health, direct and indirect employment benefits, estimated tax impacts, potential costs to Washington residents, and feasibility based on relevant market trends; and an assessment of previously closed refinery sites throughout the United States and current use of those sites;

(vi) The competitive position of Washington refineries to produce alternative fuels consistent with Washington's emissions reductions defined in RCW 70A.45.020, the anticipated regional, national, and global demand for these fuels between 2023 and 2050; and the likely employment, tax, environmental, cultural, and treaty impacts of refinery conversion to these alternative fuels;

(vii) An identification of refinery workers' skillsets, potential alternative sectors and industries of employment, an assessment and comparison of total compensation and benefit packages including retirement and health care programs of current and alternative jobs, impacts to apprenticeship utilization, and the current and expected availability of those jobs in Pierce, Skagit, and Whatcom counties;

(viii) A land and water remediation analysis; including cost estimates, current terrestrial and aquatic pollution mapping, an overview of existing policies and regulations that determine accountability for cleanup and identifies gaps that may leave local and state taxpayers financially liable, and an assessment of the workforce and skills required for potential cleanup;

(ix) A summary of existing petroleum refining capacity and trends in Washington, the United States, and internationally; and

(x) An assessment of decline or loss of tax revenues supporting state environmental programs including the model toxics control act, the pollution liability insurance agency, and other programs, as well as the decline or loss of transportation gas tax revenues.

(c) The department may require data and analysis from refinery owners and operators to inform the study. Pursuant to RCW 42.56.270, data shared or obtained in the course of this study is not subject to public disclosure. Where unavailable, the department and entity commissioned to complete the study shall rely on the best available public data.

(d) The study must include a robust public engagement process including local and state elected officials, labor groups, fence line communities, port districts, economic development associations, and environmental organizations in Skagit, Whatcom, and Pierce counties, and the five Washington refineries.

(e) The department must offer early, meaningful, and individual consultation with any affected Indian tribe for the purpose of understanding potential impacts to tribal rights and resources including cultural resources, archaeological sites, sacred sites, fisheries, and human health.

~~((21))~~ (17) \$600,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5447 (alternative jet fuel). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~(22))~~ (18) \$1,000,000 of the climate commitment account—state appropriation is provided solely for a grant to the Yakama Nation for an advanced rail energy storage project.

(19) \$800,000 of the climate commitment account—state appropriation is provided solely to contract with a nonprofit entity to serve as a Washington state green bank. The purpose of the funds is to leverage federal funds available for green bank development to support development of sustainable and clean energy financing solutions within Washington. If Initiative Measure No. 2117 is approved at the 2024 general election, upon the effective date of the measure, funds from the consolidated

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

climate account may not be used for the purposes in this subsection.

(20) \$2,500,000 of the climate commitment account—state appropriation is provided solely for the department to build an internet web portal for grant seekers and to establish a marketing and outreach campaign that makes information about funding opportunities widely available. Of the amount provided in this subsection:

(a) \$1,000,000 of the climate commitment account—state appropriation is provided solely for the department to build an internet web portal that provides a centralized location for grant seekers to find all state and federal grant and incentive opportunities in the energy, climate, and clean technology sectors. The portal shall include, but is not limited to, an interactive internet website that is launched to include, at a minimum, information identifying every grant administered by the state and incentive opportunities that will provide clean energy and climate assistance. The department, in consultation with the governor's office, shall ensure that the internet website is accessible and provides helpful information to a diverse set of potential applicants including, but not limited to, nonprofit and community-based organizations, and other entities that are working to support and benefit tribes, rural communities, and vulnerable and overburdened communities. Funds provided in this subsection (a) may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection (a) is null and void upon the effective date of the measure.

(b) \$1,500,000 of climate commitment account—state appropriation is provided solely for the department to establish a marketing and outreach campaign that makes information about funding opportunities widely available and easy to understand, encouraging more people and organizations to participate. The department shall work with consultants and third-party administrators to identify a range of groups including tribes, vulnerable and overburdened communities, rural communities, local governments, businesses of all sizes, households, nonprofits, educational institutions, and the clean energy developers and clean tech manufacturers that would benefit from state and federal funding available for clean energy projects. The campaign shall include a comprehensive marketing and outreach strategy, using various ways to communicate, ensuring all materials are clear, simple, and available in multiple languages, and employing best practices for communicating with diverse and underserved communities. The department, along with selected partners and third-party administrators, shall work with organizations directly serving these communities to extend the reach of these communications, with a goal of directing at least 40 percent of the marketing and outreach funds expended to benefit vulnerable populations in overburdened communities. If Initiative Measure No. 2117 is approved at the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection (b).

(21)(a) \$5,000,000 of the climate commitment account—state appropriation is provided solely for the department to administer a program to assist community-based organizations, local governments, ports, tribes, and other entities to access federal tax incentives and grants. Eligible entities for the program include, but are not limited to, local governments in Washington, tribal governments and tribal entities, community-based organizations, housing authorities, ports, transit agencies, nonprofit organizations, and for-profit businesses. The department shall prioritize assistance that benefits vulnerable populations in overburdened communities, with a goal of directing at least 25

percent of funds to this purpose.

(b) Within the amounts provided in (a) of this subsection, the department must contract with a nonprofit organization to provide the following services:

(i) Development of tax guidance resources for clean energy tax credits, including core legal documents to be used broadly across stakeholders;

(ii) Providing tailored marketing materials for these resources targeting underserved entities; and

(iii) Providing funds to subcontract with clean energy tax attorneys to pilot office hours style support available to eligible entities across the state.

(c) If Initiative Measure No. 2117 is approved at the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(22)(a) \$2,500,000 of the climate commitment account—state appropriation is provided solely for the department to support a tribal clean energy innovation and training center in partnership and colocated at Northwest Indian College. The center aims to support tribal energy goals and pursue clean energy deployment opportunities that enhance tribal energy sovereignty and well-being among tribes.

(b) Activities of the center include, but are not limited to: (i) Developing technical training offerings that could build the tribal workforce pipeline, especially in emerging technologies like geothermal heat pumps and hydrogen technologies, and provide economic development opportunities and resources to the region; (ii) researching and demonstrating the feasibility of innovative clean energy technologies that also nourish and protect the environment; and (iii) creating a model for tribal clean energy centers that can be adopted by other tribal colleges in the region to establish clean energy deployment and land use best practices built on tribal knowledge.

(c) If Initiative Measure No. 2117 is approved at the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(23) \$4,500,000 of the climate commitment account—state appropriation is provided solely for the department to administer a grant program to assist community-based organizations, local governments, ports, tribes, and other entities to author federal grant applications and to provide support for federal grant reporting for entities that receive federal grants. The department will determine a process for prioritizing applicants, including first time or underserved applicants, tribes, and rural areas of the state. The state may also partner with third-party administrators and regional and local partners, such as associate development organizations and other local nonprofits to ensure equitable access to resources. Eligible entities for the program include, but are not limited to, local governments in Washington, tribal governments and tribal entities, community-based organizations, housing authorities, ports, transit agencies, nonprofit organizations, and for-profit businesses. The department shall prioritize grants that provide benefit to vulnerable populations in overburdened communities, with a goal of directing at least 60 percent of funds to this purpose. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(24) \$539,000 of the climate commitment account—state appropriation is provided solely for the department to develop plans to test hydrogen combustion and resulting nitrogen oxides (NOx) emissions, technical assistance for strategic end uses of

hydrogen, a feasibility assessment regarding underground storage of hydrogen in Washington, and an environmental justice toolkit for hydrogen projects. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(25) \$1,112,000 of the climate commitment account—state appropriation is provided solely for implementation of Second Engrossed Substitute House Bill No. 1282 (buy clean and buy fair), including to develop and maintain a publicly accessible database for covered projects to submit environmental and working conditions data, to convene a technical work group, and to develop legislative reports. If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse. If Initiative Measure No. 2117 is approved at the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(26) \$3,500,000 of the climate commitment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1391 (energy in buildings). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(27) \$750,000 of the climate commitment account—state appropriation is provided solely for the department to provide technical assistance and education materials to help counties establish effective commercial property assessed clean energy and resiliency (C-PACER) programs. If Initiative Measure No. 2117 is approved at the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(28) \$3,000,000 of the climate commitment account—state appropriation is provided solely for the department to establish a Washington clean energy ambassadors program. This program will offer education, planning, technical assistance, and community engagement across the state. Ambassadors will link local entities with resources and best practices to enable clean energy access for all communities and promote a just transition to a net-zero economy. The department must prioritize providing meaningful benefits to vulnerable populations in overburdened communities as defined under RCW 70A.02.010. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure. This program must:

- (a) Identify a pilot cohort of intermediary organizations;
- (b) Recruit and train clean energy ambassadors;
- (c) Host community energy and resilience educational events and workshops; and
- (d) Provide technical assistance to help governments, community-based organizations, businesses, and communities obtain clean energy resources.

(29)(a) \$150,000,000 of the climate commitment account—state appropriation is provided solely for the department to provide clean energy for Washington families grants for public and private electric utilities to provide one-time bill credits for low-income and moderate-income residential electricity customers to help with the clean energy transition in the amount of \$200 per household. Low and moderate-income is defined as less than 150 percent of area median income. Utilities must prioritize customers in vulnerable populations in overburdened communities as defined under RCW 70A.02.010, such as those that have participated in the low-income home energy assistance

program, utility payment plans, or ratepayer-funded assistance programs. Utilities must first prioritize bill credits for customers at or below 80 percent area median income and if funds remain, may expand bill credits for customers up to 150 percent of area median income. Utilities may qualify customers through self-attestation. Utilities may, but are not required to, work with community action agencies to administer these funds. Each utility shall disburse funds directly to customer accounts and adhere to program communications guidelines provided by the department. Utilities may use up to five percent of their grant funds for administrative costs associated with the disbursement of funds provided in this subsection.

(b) Of the amount provided in (a) of this subsection, \$75,000,000 shall be disbursed by the department to each utility on October 15, 2024.

(c) Of the amount provided in (a) of this subsection, the remaining \$75,000,000 in funding must be disbursed on February 15, 2025. If Initiative Measure No. 2117 is approved in the 2024 general election, this subsection (c) is null and void upon the effective date of the measure.

(30) \$350,000 of the climate commitment account—state appropriation is provided solely for the authority to contract with Tacoma power, to conduct a feasibility study, including scoping project costs, on pumped storage at Tacoma power's Mossyrock dam. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(31) \$6,000,000 of the climate commitment account—state appropriation is provided solely for the department to provide air quality mitigation equipment to residential, recreational, or educational facilities in King county that will measurably improve air quality including, but not limited to, the provision of high particulate air purifiers designed to mitigate or eliminate the ultrafine particles or other aviation-related air pollution. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(32)(a) \$600,000 of the climate commitment account—state appropriation is provided solely for the department to administer a grant program for cities and counties to establish permitting processes that rely on the online automated permit processing software developed by the national renewable energy laboratory and that applies to any combination of the following permitting: Solar, energy storage, electric vehicle charging infrastructure, or other similar clean energy applications included within the suite of capabilities of the online automated permit processing software. To be eligible for grant funding under this subsection, a city or county is only required to submit a notice of their intent to participate in the program.

(b) The department must award grants of no less than \$20,000 to each city or county that provides notice by December 1, 2024.

(c) In the event that more than a total of 30 cities and counties notify the department of their intent to participate in the program, the department must prioritize jurisdictions based on:

(i) The timeline on which the jurisdiction is willing to commit to transitioning to the online automated permit processing software; and

(ii) The total number of covered permits expected to be issued by the jurisdiction, based on recent historical permit data submitted to the department by the city or county.

(d) In the event that fewer than 30 cities and counties notify the department of their intent to participate in the program, the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

department may allocate a greater amount of financial assistance than a standard minimum grant of \$20,000 to jurisdictions that expect to experience comparatively high costs to transition to the online automated permit processing software.

(e) The department may use up to five percent of the amount provided in this subsection for administrative costs.

(f) Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(33) \$1,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a nonprofit social service organization located in King county's Rainier Valley neighborhood with an innovative learning center. Funding must be used to support an electrification preapprenticeship program for formerly incarcerated individuals and community members who are low income or homeless that offers hands-on technical training targeting clean energy methods that will align the participant's qualifications with solar technician apprenticeships and employment opportunities.

(34) \$250,000 of the climate commitment account—state appropriation is provided solely for the department to contract with a nonprofit entity that represents the maritime industry to develop and publish a strategic framework regarding the production, supply, and use of sustainable maritime fuels and deployment of low and zero-emissions vessel technologies in Washington. Funding under this subsection may be used for activities including, but not limited to, convening stakeholders and building organizational capacity. Stakeholder engagement pursuant to this subsection shall include, at a minimum, engagement with federal and state agencies, ports, industry, labor, research institutions, nongovernmental organizations, and relevant federally recognized tribes. The department shall submit a copy of the strategic framework and findings to the legislature and the governor by June 30, 2025. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(35) \$272,000 of the climate commitment account—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Substitute House Bill No. 2131 (thermal energy networks). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse. If Initiative Measure No. 2117 is approved at the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(36) \$6,439,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1899 (wildfire reconstruction). Of the amount provided in this subsection, \$6,000,000 is provided solely for grants. If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(37)(a) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract with the Washington state academy of sciences to conduct a study to determine the value of distributed solar and storage in Washington state, including any factors the academy finds relevant, in order to create recommendations and options for a methodology or methodologies that utility regulators and governing bodies may use after the statutory four percent net metering threshold is met. In the course of their research and analysis, the academy shall engage relevant stakeholders focused

on the value of distributed energy resources in Washington state, including solar, storage, vehicle to grid, and other resources. This shall include, but is not limited to, representatives from consumer-owned utilities, municipal-owned utilities, investor-owned utilities, utility regulators, the rooftop solar and storage industry, as well as advocacy organizations involved with consumer advocacy, environmental justice, clean energy, climate change, labor unions, and federally recognized Indian tribes.

(b) The Washington state academy of sciences shall submit an interim report to the department and the utilities and transportation commission by June 30, 2025. This interim report must include a plan and cost estimates for further work in the 2025-2027 fiscal biennium to develop policy recommendations and submit a final report to the department and the utilities and transportation commission.

Sec. 131. 2023 c 475 s 133 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE—PROGRAM SUPPORT**

General Fund—State Appropriation (FY 2024)	(\$26,300,000)
	\$25,088,000
General Fund—State Appropriation (FY 2025)	((\$18,107,000))
	\$24,217,000
General Fund—Federal Appropriation	((\$7,822,000))
	\$7,901,000
General Fund—Private/Local Appropriation	((\$2,055,000))
	\$2,077,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$5,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$7,000
Affordable Housing for All Account—State Appropriation	((\$184,000))
	\$188,000
Building Code Council Account—State Appropriation	\$4,000
Climate Commitment Account—State Appropriation	\$253,000
Community and Economic Development Fee Account—State Appropriation	((\$241,000))
	\$246,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$1,050,000
Economic Development Strategic Reserve Account—State Appropriation	((\$47,000))
	\$48,000
Energy Efficiency Account—State Appropriation	\$20,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation	\$47,000
Growth Management Planning and Environmental Review Fund—State Appropriation	\$147,000
Home Security Fund Account—State Appropriation	((\$1,401,000))
	\$1,418,000
Lead Paint Account—State Appropriation	\$29,000
Liquor Excise Tax Account—State Appropriation	((\$398,000))
	\$399,000
Liquor Revolving Account—State Appropriation	\$17,000
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation	\$10,000
Public Facilities Construction Loan Revolving Account—State Appropriation	((\$320,000))
	\$323,000
Public Works Assistance Account—State Appropriation	

	(( <del>\$2,005,000</del> ))
	<u>\$2,020,000</u>
Washington Housing Trust Account—State	Appropriation
	(( <del>\$1,141,000</del> ))
	<u>\$1,159,000</u>
TOTAL APPROPRIATION	(( <del>\$60,307,000</del> ))
	<u>\$66,673,000</u>

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

(1) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants and associated technical assistance and administrative costs to foster collaborative partnerships that expand child care capacity in communities. Eligible applicants include nonprofit organizations, school districts, educational service districts, and local governments. These funds may be expended only after the approval of the director of the department of commerce and must be used to support planning and activities that help communities address the shortage of child care, prioritizing partnerships serving in whole or in part areas identified as child care access deserts. The department must submit a report to the legislature on the use of funds by June 30, 2025. The report shall include, but is not limited to:

(a) The number and location of organizations, school districts, educational service districts, and local governments receiving grants;

(b) The number of grants issued and their size; and

(c) Any information from grantee organizations on outcomes.

(2) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization located in the city of Vancouver that is the lead organization in a collaborative partnership to expand child care capacity in southwest Washington, for activities that will increase access to affordable, high-quality child care and help meet community needs.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the work group created in section 916 of this act to examine fire service delivery.

(4)(a) \$30,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to produce a study of the retirement preparedness of Washington residents and the feasibility of establishing a portable individual retirement account savings program with automatic enrollment (auto-IRA) for private sector workers who do not have workplace retirement benefits. To conduct the study, the department shall enter into an agreement with a nonprofit, nonpartisan think tank and research center based in Washington, D.C. that is unaffiliated with any institution of higher education and with a mission to generate a foundation of facts that enriches the public dialog and supports sound decision making. This research center will be responsible for the production of the study to the department. The center shall not be reimbursed for costs nor shall it receive or retain any of the funds. With the advice and consent of the department, the center may select a research institution, entity, or individual located in Washington state with expertise and proficiency in demographic analysis, retirement systems, or retirement planning to collaborate with on this study. The appropriation may be used by the department to enter into a contract with this partner entity for the partner entity's contributions to the study. Any funds not provided to the partner entity or otherwise unused shall be returned.

(b) The study must analyze current state and federal programs and recent state and federal statutory and rule changes that encourage citizens to save for retirement by participating in retirement savings plans, including plans pursuant to sections

401(k), 403(b), 408, 408(a), 408(k), 408(p), and 457(b) of the internal revenue code. The scope of the analysis must include:

(i) An examination of potential retirement savings options for self-employed individuals, part-time employees, and full-time employees whose employers do not offer a retirement savings plan;

(ii) Estimates of the impact on the state budget from shortfalls in retirement savings or income, including on public budgets from taxpayer-financed elderly assistance programs and a loss of economic activity by seniors;

(iii) The level of interest by private sector Washington employers in participating in an auto-IRA program;

(iv) A determination of how prepared financial institutions will be to offer these plans in compliance with federal requirements on all new retirement plans going into effect in 2025;

(v) Findings that clarify the gaps in retirement savings services currently offered by financial institutions;

(vi) An examination of the impact of retirement savings on income and wealth inequality;

(vii) An estimate of the costs to start up an auto-IRA program, an estimate of the time for the program to reach self-sufficiency, and potential funding options;

(viii) The experience of other states that have implemented or are implementing a similar auto-IRA program for employers and employees, as well as program impacts on the market for retirement plan products and services;

(ix) An evaluation of the feasibility and benefits of interstate partnerships and cooperative agreements with similar auto-IRA programs established in other jurisdictions, including contracting with another state to use that state's auto-IRA program, partnering with one or more states to create a joint auto-IRA program, or forming a consortium with one or more other states in which certain aspects of each state's auto-IRA program are combined for administrative convenience and efficiency;

(x) An assessment of potential changes in enrollment in a joint auto-IRA program if potential participants are concurrently enrolled in the federal "saver's credit" program;

(xi) An assessment of how a range of individuals or communities view wealth, as well as ways to accumulate assets;

(xii) The appropriate state agency and potential structure for implementing an auto-IRA program; and

(xiii) Recommendations for statutory changes or appropriations for establishing an auto-IRA program.

(c) By December 15, 2023, the department must submit a report to the appropriate committees of the legislature in compliance with RCW 43.01.036 on the study findings.

(5) \$750,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for a nonprofit, tax-exempt charitable organization comprised of a coalition of over 90 nonprofit and business leaders located in King county working to include black, indigenous, and people of color in the region's COVID-19 pandemic recovery.

(6) \$253,000 of the climate commitment account—state appropriation is provided solely for the department to incorporate equity and environmental justice into agency grant programs with the goal of reducing programmatic barriers to vulnerable populations in overburdened communities in accessing department funds. The department shall prioritize grant programs receiving funds from the accounts established under RCW 70A.65.240, 70A.65.250, 70A.65.260, 70A.65.270, and 70A.65.280. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(7) \$325,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract for and



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

implement a pilot program for onsite or near-site child care facilities to serve children of construction workers. The pilot program must be administered as a competitive grant program and include at least one pilot site near a long-term construction project, onsite at construction companies, or onsite at places of apprenticeship training or worker dispatch. Eligible grant applicants for the program may include nonprofit organizations or employers in partnership with nonprofit organizations. To qualify for a grant, the applicant must be in partnership with one organization representing child care labor, and one organization representing construction labor or a registered apprenticeship program. Preference will be given to proposals that demonstrate commitment to providing nonstandard hours of care. Of the amounts provided in this subsection:

(a) \$300,000 of the general fund—state appropriation for fiscal year 2025 is for grants for the creation and implementation of the pilot site or sites. Grant funding may be used to acquire, renovate, or construct a child care facility, as well as for administrative start-up costs, licensing costs, reporting to the department, and creating a sustainability plan.

(b)(i) \$25,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract with a nonprofit organization to provide technical assistance to grant awardees and for status reports to the department. The nonprofit organization must be headquartered in Tukwila and provide grassroots professional development opportunities to early care and education professionals throughout Washington state.

(ii) The department must submit a report on the results of the pilot program to the legislature and the office of the governor by June 30, 2025.

(8)(a) \$600,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to convene a work group to examine allowable expenses in human service provider contracts in Washington state's local and state contracting processes. The work group must:

(i) Assess if existing contracting structures at the state and local levels for human service providers are adequate for sustaining the human services sector;

(ii) Assess the viability of a lowest responsible bidder contracting structure for human service providers contracts at the state and local levels;

(iii) Facilitate discussion amongst interested parties; and

(iv) Develop recommendations for necessary changes in the law or rule.

(b) The department must, in consultation with the department of enterprise services, appoint a minimum of 12 members to the work group representing different stakeholder groups including, but not limited to:

(i) Organizations whose mission includes serving Black, indigenous, and communities of color;

(ii) State government agencies that manage human service contracts;

(iii) Associations representing human service provider organizations; and

(iv) Associations of city or county governments.

(c) The department must convene the first meeting of the work group by October 1, 2024. Members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for travel expenses for other nonlegislative members is subject to chapter 43.03 RCW, and may include stipends to individuals as provided in RCW 43.03.220.

(d) The department must submit a final report to the governor

and appropriate committees of the legislature by June 30, 2025.

The final report must include:

(i) An evaluation of whether existing funding structures at the state and local levels for human service provider contracts are creating hardship for human service providers; and

(ii) Recommendations for necessary changes in law or rule to address structural hardships in human services contracting.

**Sec. 132.** 2023 c 475 s 134 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2024) ~~((973,000))~~  
\$1,155,000

General Fund—State Appropriation (FY 2025) ~~((1,040,000))~~  
\$1,028,000

Lottery Administrative Account—State Appropriation \$50,000  
TOTAL APPROPRIATION ~~((2,063,000))~~  
\$2,233,000

**Sec. 133.** 2023 c 475 s 135 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund—State Appropriation (FY 2024) ~~((19,943,000))~~  
\$20,400,000

General Fund—State Appropriation (FY 2025) ~~((21,286,000))~~  
\$27,617,000

General Fund—Federal Appropriation ~~((38,384,000))~~  
\$38,436,000

General Fund—Private/Local Appropriation ~~((1,499,000))~~  
\$3,943,000

Climate Investment Account—State Appropriation ~~((909,000))~~  
\$811,000

Climate Commitment Account—State Appropriation ~~((4,485,000))~~  
\$6,485,000

Coronavirus State Fiscal Recovery Fund—Federal Appropriation \$656,000

~~((Economic Development Strategic Reserve Account State Appropriation \$68,000))~~

Personnel Service Account—State Appropriation ~~((26,815,000))~~  
\$27,516,000

Higher Education Personnel Services Account—State Appropriation \$1,497,000

Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation \$300,000

Statewide Information Technology System Development Revolving Account—State Appropriation ~~((105,745,000))~~  
\$200,453,000

Office of Financial Management Central Service Account—State Appropriation ~~((30,929,000))~~  
\$33,084,000

~~((Performance Audits of Government Account State Appropriation \$108,000~~

~~Workforce Education Investment Account State Appropriation \$100,000))~~

TOTAL APPROPRIATION ~~((252,724,000))~~  
\$361,198,000

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

(1)(a) The student achievement council and all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118

RCW shall ensure that data needed to analyze and evaluate the effectiveness of state financial aid programs are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of Washington college grant and college bound recipients;

(ii) Persistence and completion rates of Washington college grant recipients and college bound recipients, disaggregated by institution of higher education;

(iii) Washington college grant recipients grade point averages; and

(iv) Washington college grant and college bound scholarship program costs.

(b) The student achievement council shall submit student unit record data for state financial aid program applicants and recipients to the education data center.

(2) ~~(\$100,000 of the workforce education investment account—state appropriation is provided solely to the office of financial management to implement career connected learning.~~

~~(3))~~(a) ~~(\$105,607,000))~~ \$200,312,000 of the information technology system development revolving account—state appropriation is provided solely for the one Washington enterprise resource planning statewide program phase 1A (agency financial reporting system replacement) and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(b) Of the amount provided in this subsection:

(i) ~~(\$41,000,000))~~ \$64,780,000 of the information technology system development revolving account—state appropriation is provided solely for a technology pool ~~(in fiscal year 2024))~~ to pay for phase 1A (agency financial reporting system replacement—core financials) state agency costs due to legacy system remediation work associated with impacted financial systems and interfaces. The office of financial management must manage the pool, authorize funds, track costs by agency by fiscal month, and report after each fiscal month close on the agency spending to the consolidated technology services agency so that the spending is included in the statewide dashboard actual spending;

(ii) \$5,650,000 of the information technology system development revolving account—state appropriation is provided solely for organizational change management;

(iii) \$690,000 of the information technology system development revolving account—state appropriation is provided solely for an interagency agreement in fiscal year 2024 with consolidated technology services for one dedicated information technology consultant and two dedicated system architect staff to be contracted from the office of the chief information officer. These staff will work with state agencies to ensure preparation and timely decommission of information technology systems that will no longer be necessary post implementation of phase 1A (agency financial reporting system replacement—core financials); and

(iv) \$1,854,000 of the information technology system development revolving account—state appropriation is provided solely for dedicated back office administrative support in fiscal year 2024. This includes resources for human resource staff, contract staff, information technology staff, and fiscal staff.

(c) The one Washington team must include at least the chair and ranking member of the technology committees and fiscal committees of the senate and house of representatives in system demonstrations of at least these key deliverables:

(i) Demonstration of integration build, which must be completed by July 31, 2023; and

(ii) Demonstration of workday tenant, which must be

completed by November 30, 2023.

(d) The one Washington solution and team must use an agile development model holding live demonstrations of functioning software, developed using incremental user research, held at the end of two-week sprints.

(e) The one Washington solution must be capable of being continually updated, as necessary.

(f) Beginning July 1, 2023, the office of financial management shall provide written quarterly reports, within 30 calendar days of the end of each fiscal quarter, to legislative fiscal committees and the legislative evaluation and accountability program committee to include how funding was spent compared to the budget spending plan for the prior quarter by fiscal month and what the ensuing quarter budget will be by fiscal month. All reporting must be separated by phase of one Washington subprojects. The written report must also include:

(i) A list of quantifiable deliverables accomplished and amount spent associated with each deliverable, by fiscal month;

(ii) A report on the contract full-time equivalent charged compared to the budget spending plan by month for each contracted vendor, to include interagency agreements with other state agencies, and what the ensuing contract equivalent budget spending plan assumes by fiscal month;

(iii) A report identifying each state agency that applied for and received technology pool resources, the staffing equivalent used, and the cost by fiscal month by agency compared to the budget spending plan by fiscal month;

(iv) A report on budget spending plan by fiscal month by phase compared to actual spending by fiscal month, and the projected spending plan by fiscal month for the ensuing quarter; and

(v) A report on current financial office performance metrics that at least 10 state agencies use, to include the monthly performance data, that began July 1, 2021.

(g) Prior to the expenditure of the amounts provided in this subsection, the director of the office of financial management must review and approve the spending in writing.

(h) The legislature intends to provide additional funding for fiscal year 2025 costs for phase 1A (agency financial reporting system replacement) to be completed, which is scheduled to be done by June 30, 2025.

~~((4))~~ (3) \$250,000 of the office of financial management central services account—state appropriation is provided solely for a dedicated information technology budget staff for the work associated with statewide information technology projects that at least are subject to the conditions, limitations, and review requirements of section 701 of this act and are under the oversight of the office of the chief information officer. The staff will be responsible for providing a monthly financial report after each fiscal month close to fiscal staff of the senate ways and means and house appropriations committees to reflect at least:

(a) Fund balance of the information technology pool account after each fiscal month close;

(b) Amount by information technology project, differentiated if in the technology pool or the agency budget, of what funding has been approved to date and for the last fiscal month;

(c) Amount by agency of what funding has been approved to date and for the last fiscal month;

(d) Total amount approved to date, differentiated if in the technology pool or the agency budget, and for the last fiscal month;

(e) A projection for the information technology pool account by fiscal month through the 2023-2025 fiscal biennium close, and a calculation spent to date as a percentage of the total appropriation;

(f) A projection of each information technology project spending compared to budget spending plan by fiscal month

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

through the 2023-2025 fiscal biennium, and a calculation of amount spent to date as a percentage of total project cost; and

(g) A list of agencies and projects that have not yet applied for nor been approved for funding by the office of financial management.

~~((5))~~ (4) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 245, Laws of 2022 (state boards, etc./stipends).

~~((6) \$137,000)~~ (5) \$39,000 of the climate investment account—state appropriation is provided solely for the office of financial management to complete an analysis of laws regulating greenhouse gas emissions as required by RCW 70A.65.200(10).

~~((7))~~ (6) \$3,060,000 of the general fund—federal appropriation and \$4,485,000 of the climate commitment account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1176 (climate-ready communities). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~ A minimum of 60 percent of climate service corps positions created pursuant to the bill shall be provided to members of vulnerable populations in overburdened communities as defined in RCW 70A.65.010, the climate commitment act.

~~((8))~~ (7) \$366,000 of the office of financial management central services account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5512 (higher ed. financial reports). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

~~(9))~~ (8) Within existing resources, the labor relations section shall produce a report annually on workforce data and trends for the previous fiscal year. At a minimum, the report must include a workforce profile; information on employee compensation, including salaries and cost of overtime; and information on retention, including average length of service and workforce turnover.

~~((10))~~ (9) \$298,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of financial management to convene a task force created in section 913 of this act to identify, plan, and make recommendations on the conversion of the Naselle youth camp property and facilities to an alternate use. Staff support for the task force must be provided by the office of financial management.

~~((11))~~ (10) Within existing resources, the office of financial management shall convene a work group with the goal to improve the state salary survey and provide employees with a voice in the process. The work group shall consist of five employees from the office of financial management, five representatives from employee labor organizations to act as a coalition on behalf of all labor organizations representing state employees, and one chairperson appointed by the director of the office of financial management, to share information and identify concerns with the state salary survey and benchmark job descriptions. By December 31, 2023, the work group shall provide a report of identified concerns to the fiscal and state government committees of the legislature and the director of the office of financial management.

~~((12))~~ (11)(a) \$410,000 of the general fund—state appropriation for fiscal year 2024 and \$615,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to establish a difficult to discharge task force to oversee a pilot program and make recommendations about how to address challenges faced with discharging patients from acute care settings and postacute care capacity by July 1, 2023.

(b) The task force shall consist of six members, one from each of the following:

- (i) The governor's office;
- (ii) The health care authority;
- (iii) The department of social and health services;
- (iv) The Washington state hospital association;
- (v) Harborview medical center; and
- (vi) Postacute care provider organizations.

(c) In consultation with stakeholder groups, the governor's office will identify task force members.

(d) The task force shall provide recommendations to the governor and appropriate committees of the legislature on topics including, but not limited to:

- (i) Pilot program implementation and evaluation, and recommendations for statewide implementation;
- (ii) Available funding mechanisms;
- (iii) Postacute care and administrative day rates;
- (iv) Managed care contracting; and
- (v) Legal, regulatory, and administrative barriers to discharge.

(e) The task force shall consult with stakeholders with relevant expertise to inform recommendations, including the health care authority, the department of social and health services, hospitals, postacute care providers, and medicaid managed care organizations.

(f) The task force may assemble ad hoc subgroups of stakeholders as necessary to complete its work.

(g) The task force and its operations, including any associated ad hoc subgroups, shall be organized and facilitated by the University of Washington through October 31, 2023. Beginning November 1, 2023, the office shall identify a contractor to undertake the following responsibilities, with oversight from the task force:

- (i) Organization and facilitation of the task force, including any associated subgroups;
- (ii) Management of task force process to ensure deliverables, including report writing;
- (iii) Oversight of the launch of a ~~((five-site,))~~ two-year pilot project based on a model created by Harborview medical center by November 1, 2023; and
- (iv) Coordination of pilot implementation, associated reports, and deliverables.

(h) The task force shall provide recommendations to the governor and appropriate committees of the legislature outlining its initial recommendations by November 1, 2023. A report outlining interim recommendations and findings shall be provided by July 1, 2024, and a final report shall be provided by July 1, 2025.

~~((13))~~ (12) \$277,000 of the office of financial management central services account—state appropriation is provided solely for implementation of House Bill No. 1679 (student homelessness group). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

~~(14))~~ (13) \$772,000 of the climate investment account—state appropriation is provided solely for the office to develop a data portal and other materials and strategies to improve public and community understanding of expenditures, funding opportunities, and grants, from climate commitment act accounts. The development of the data portal must be coordinated with the department of ecology and the expenditure tracking process described in section 302(13) of this act. "Climate commitment act accounts" means the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, and the

climate active transportation account created in RCW 46.68.490.

~~((45))~~ (14)(a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a joint legislative and executive committee on behavioral health, with members as provided in this subsection:

(i) The president of the senate shall appoint three legislative members, including a chair of a senate committee that includes behavioral health within its jurisdiction and a member of the children and youth behavioral health work group;

(ii) The speaker of the house of representatives shall appoint three legislative members, including a chair of a house committee that includes behavioral health within its jurisdiction and a member of the children and youth behavioral health work group;

(iii) The governor or his or her designee;

(iv) The secretary of the department of social and health services or his or her designee;

(v) The director of the health care authority or his or her designee;

(vi) The insurance commissioner or his or her designee;

(vii) The secretary of the department of health or his or her designee; and

(viii) The secretary of the department of children, youth, and families or his or her designee;

(ix) Other agency directors or designees as necessary; ~~(and)~~

(x) Two individuals representing the interests of individuals living with behavioral health conditions; and

(xi) The chief executive officer of a Washington nonprofit corporation wholly controlled by the tribes and urban Indian organizations in the state, or the commission delegate if applicable, or his or her designee.

(b)(i) The committee must convene by September 1, 2023, and shall meet at least quarterly. The committee member described in (a)(xi) of this subsection must be appointed or selected no later than June 1, 2024. Cochairs shall be one legislative member selected by members of the committee at the first meeting and the representative of the governor's office. All meetings are open to the public.

(ii) The office of financial management shall contract or hire dedicated staff to facilitate and provide staff support to the nonlegislative members and for facilitation and project management support of the committee. Senate committee services and the house of representatives office of program research shall provide staff support to the legislative members of the committee. The contractor shall support the work of all members of the committee, legislative and nonlegislative.

(iii) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate.

(c) The purpose of the committee is to identify key strategic actions to improve access to behavioral health services, by conducting at least, but not limited to, the following tasks:

(i) Establishing a profile of Washington's current population and its behavioral health needs and a projection of population growth and anticipated need through 2028;

(ii) Establishing an inventory of existing and anticipated behavioral health services and supports for adults, children, and youth, including health care providers and facilities;

(iii) Assessing the areas of the current system where additional support is needed for Washington's current population;

(iv) Establishing an anticipated inventory of future services and

supports that will be required to meet the behavioral health needs of the population in 2028 and beyond with a specific emphasis on prevention, early intervention, and home or community-based capacity designed to reduce reliance on emergency, criminal legal, crisis, and involuntary services;

(v) Reviewing the integrated care initiative on access to timely and appropriate behavioral health services for individuals with acute behavioral health needs; and

(vi)(A) Developing a strategy of actions that the state may take to prepare for the future demographic trends in the population and building the necessary capacity to meet these demands, including but not limited to:

(I) Exploring the role that education, housing and homelessness response systems, the criminal legal system, primary health care, and insurance systems have in the identification and treatment of behavioral health issues;

(II) Evaluating behavioral health workforce demand and workforce education, training, and continuing education requirements; and

(III) Statutory and regulatory changes to promote the most efficient use of resources, such as simplifying administrative procedures, facilitating access to services and supports systems, and improving transitions between care settings.

(B) Strategies must:

(I) Be based on explicit and measurable actions;

(II) Identify what must be done, by whom, and by when to assure implementation;

(III) Estimate a cost to the party responsible for implementation;

(IV) Recommend specific fiscal strategies that rely predominately on state and federal funding;

(V) Include recommendations for needed and appropriate additional caseload forecasting for state-funded behavioral health services; and

(VI) Incorporate and reconcile, where necessary, recommendations from past and current behavioral health work groups created by the legislature and network adequacy standards established by the health care authority.

(d) The committee shall incorporate input from the office of the insurance commissioner, the caseload forecast council, the health care authority, and other appropriate entities with specialized knowledge of the needs and growth trends of the population and people with behavioral health issues. In the conduct of its business, the committee shall have access, upon request, to health-related data available to state agencies by statute, as allowed by state and federal law. All requested data or other relevant information maintained by an agency shall be provided in a timely manner.

(e) The committee shall submit a sustainable five-year plan to substantially improve access to behavioral health for all Washington residents to the governor, the office of financial management, and the legislature by June 1, 2025.

~~((46))~~ (15) The office of financial management must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

~~((47))~~ (16) \$300,000 of the statewide 988 behavioral health crisis response and suicide prevention line account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1134 (988 system). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(17) \$50,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the purchase and distribution of accessible technology and devices to support the employment and

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

reasonable accommodation for state employees with disabilities. The office may use funds to purchase accessible technology and devices or the office may provide funds to agencies that employ persons with a disability to purchase accessibility devices such as screen readers, large button/print equipment, magnifiers, accessibility software, and other equipment.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of financial management to provide services and support to the business resource groups established by executive order 21-01. The office may use the funds for the business resource groups to provide services including, but not limited to: American sign language (ASL) and computer aided real-time transcription (CART) scheduling and services; business resource group annual events; professional development for leadership positions; and business resource group operational costs.

(19) \$2,000,000 of the climate commitment account—state appropriation is provided solely for the office to build a grant writing, tracking, and management database for state acquisition of federal funds, and to support development of state strategies for successfully bringing specific types of federal funding to Washington. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes of this subsection.

(20) \$274,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of financial management to conduct an analysis of health care services for pregnancy-related health care, including preconception, prenatal, labor and delivery, and postpartum care. The analysis should consider access to these services, cost of services, disparities in access to services, location of labor and delivery, provider type, and demographics of patients and providers. The office of financial management will issue an initial report to the governor and appropriate committees of the legislature, with recommendations for future analyses, by June 30, 2025.

(21) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of financial management to evaluate the timeline and effectiveness of services supporting agency requests to downsize, acquire, expand, or relocate state facilities. The office, in collaboration with the department of enterprise services, will contract with an independent entity for the analysis and mapping of service delivery workflow and timeline, with the goal of identifying gaps and opportunities to improve efficiency by June 30, 2025. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(22) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office to conduct a study related to the hiring and retention of county-level elections staff, including staff members of a county auditor's office.

- (a) The study must include analysis of:
  - (i) The potential effects of the following on the hiring and retention of county-level elections staff:
    - (A) Implementing ranked-choice voting;
    - (B) Shifting local government elections to even-numbered years; and
    - (C) Negative interactions with voters and other members of the public, such as experiencing harassment and abuse or receiving threats;
    - (ii) The demographic information of county-level elections staff;
    - (iii) Job market conditions in Washington for elections staff recruitment and retention; and
    - (iv) Elections staffing models in other states, including in states

that use ranked-choice voting and states where at least one election has shifted from an odd-numbered year to an even-numbered year.

(b) The study must also include recommendations for recruiting, hiring, and retaining county-level elections staff in Washington.

(c) A final report must be submitted to the governor and the appropriate policy and fiscal committees of the legislature by June 30, 2025.

(23)(a) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$210,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office, in coordination with the department of revenue, to conduct a study of costs to the state, whether actual spending or foregone revenue collections, related to nonprofit health care providers, facilities, and insurers.

(b) The study shall quantify the value of state and federal tax preferences, tax-preferred capital financing such as financing available through the Washington health care facilities authority, and other public reimbursement streams available to nonprofit health care providers, facilities, and insurers outside of payment for health care claims.

(c) The office must submit a report to the governor and the relevant policy and fiscal committees of the legislature by October 1, 2024.

(24)(a) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of financial management to conduct a study of the future long-term uses of the Olympic heritage behavioral health campus. The study must consider data related to forecasted bed need for civil and forensic state hospital populations and gaps after accounting for current and planned future statewide capacity. The study must assess the options for maximizing the facility's ability to receive federal matching funds for services provided while contributing to the health of the entire state behavioral health system. The study must examine community-based behavioral health system trends, including short-term civil commitment capacity trends and trends in prosecutorial forensic referrals and how these trends may impact demand for state-operated services to forensic and civil conversion clients. The study must include:

- (i) An analysis on the types of services which could be provided at the property, including but not limited to:
  - (A) Services for patients that are deemed not guilty by reason of insanity;
  - (B) Long-term involuntary treatment services for civil conversion patients;
  - (C) Long-term involuntary treatment services for specialized populations such as those with developmental disabilities or dementia;
  - (D) Short-term involuntary treatment services;
  - (E) Other services that will increase the state's ability to comply with requirements for providing timely admission of competency restoration patients into treatment beds;
  - (F) Voluntary behavioral health treatment services, including diversion, prediversion and specialty services for people with co-occurring conditions including substance use disorders, intellectual or developmental disabilities, traumatic brain disorders, or dementia; and
  - (G) Integrated service approaches that address medical, housing, vocational and other needs of behaviorally disabled individuals with criminal legal involvement or likelihood of criminal legal involvement;
  - (ii) Identification and evaluation of strategies to obtain federal matching funding opportunities, specifically focusing on

innovative medicaid framework adjustments and the consideration of necessary state plan amendments; and

(iii) Consideration of options for providers that can provide the different services recommended at the facility and an analysis on the cost differential and potential federal reimbursement for the different providers, including, but not limited to:

- (A) The University of Washington;
- (B) Harborview medical center;
- (C) Tribal government partners;
- (D) Providers contracted by the health care authority; and
- (E) The department of social and health services.

(b) The office of financial management shall submit a report with its findings and recommendations to the governor and the appropriate committees of the legislature by June 30, 2025.

(c) The office of financial management may contract with one or more third parties and consult with other state entities to conduct the study. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(25)(a) \$400,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office to contract with a consultant to collect, review, and analyze data related to vehicular pursuits and to compile a report. The report must include recommendations to the legislature on what data should be collected by law enforcement agencies throughout the state so that the legislature and other policymakers have consistent and uniform information necessary to evaluate policies on vehicular pursuits. The contractor must gather input from individuals and families with lived experience interacting with law enforcement, including Black, indigenous, and communities of color, and incorporate this information into the report and recommendations. The report must:

(i) Review available data on vehicular pursuits from those agencies accredited by the Washington association of sheriffs and police chiefs, and review a stratified sample of nonaccredited agencies for as many years as their data have been collected, including:

(A) The date, time, location, maximum speed, and duration of the incident;

(B) The reason for initiating a pursuit;

(C) Whether the pursuing officer sought authorization for the pursuit, or only gave notice of the pursuit, and whether authorization for the pursuit was granted;

(D) Whether a supervisor denied authorization for the pursuit and the reason for the denial;

(E) The number of vehicles and officers involved in the pursuit;

(F) The number of law enforcement agencies involved in the pursuit;

(G) Whether pursuit intervention techniques were employed, and if so, which ones;

(H) Whether the pursuit was terminated at any point, and if so, the reason for termination;

(I) The officer's perception of the age, gender, race, ethnicity, or applicable tribal affiliation of the driver and any passengers of the motor vehicle being pursued;

(J) Whether the pursuit resulted in no action, termination, apprehension, warning, citation, arrest and grounds for the arrest, or other action;

(K) Whether the pursuit resulted in any property damage, injury, or death, and to whom and what, including law enforcement, drivers, passengers, and bystanders;

(L) Copies of reports, annual or other frequencies, used for internal review of pursuit statistics; and

(M) Whether the law enforcement agency has a record-keeping system for pursuits, and if so, what that system is, how long it has been in place, and whether the system and the data collected has changed over time;

(ii) Provide recommendations on what data elements law enforcement agencies should collect, in relation to the list identified in (a)(i) of this subsection, and provide rationale for the recommendations;

(iii) Develop a protocol for data collection by law enforcement agencies and provide a statement regarding the use of such data and the purpose for its collection and analysis;

(iv) Make the data readily available to the public using standard open data protocols;

(v) Recommend an entity to collect and manage this data on a statewide basis;

(vi) Review existing statewide police data reporting systems, including:

(A) The national incident based reporting system program, which is for the federal uniform crime reporting program;

(B) The Washington technology solutions police traffic collision reporting system, which is used for both state systems and the federal fatality analysis reporting system; and

(C) The statewide use of force data program established in RCW 10.118.030;

(vii) Assess the benefits and drawbacks of each of the existing systems in (a)(vi) of this subsection as a possible platform for collecting, reporting, and hosting pursuit open source downloadable data from agencies, and recommend whether any of these, or another system, would be most appropriate; and

(viii) Recommend any changes in state law to accomplish and facilitate the collection and analysis of the data, including whether to align or integrate the data collection with the use of force data under chapter 10.118 RCW.

(b) The report and recommendations are due to the governor and the appropriate committees of the legislature by June 30, 2025.

(26) \$1,969,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2128 (certificate of need program). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(27) \$181,000 of the personnel service account—state appropriation is provided solely for implementation of Substitute House Bill No. 2216 (state employee degree reqs.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(28) \$1,500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2270 (department of housing). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(29)(a) \$15,000 of the general fund—state appropriation for fiscal year 2024 and \$45,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to review, report, and make recommendations on cost-effective contracting, management, and implementation of legislative request provisos. For purposes of this subsection, "legislative request provisos" means provisos in the operating budget that designate funding for public services to be provided by specific private sector contractors, which may be either named or described. The legislature finds that study and analysis of legislative request provisos is necessary due to the role such provisos play in funding community services and engagement; the increasing use of these provisos to fund community services in the budget bill; potential uncertainty regarding applicability of chapter 39.26, the public bidding laws, to these provisos; and variations in agency practices regarding contracting, oversight, and administrative costs of implementing these provisos.

(b) The report shall include an analysis of how these contracts fit into existing statutory law on bidding and contracting and a

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

fiscal survey of recipient agency practices regarding contracting, oversight, and agency administrative overhead. The fiscal survey shall request data from recipient agencies regarding amounts expended on workload associated with contracting, oversight, and administration relative to the amounts appropriated for legislative request provisos in the most recent fiscal period in which data is available. Recipient agencies shall specify whether amounts expended on contracting, oversight, and administration of legislative request provisos are deducted from amounts within legislative request provisos or from their unrestricted appropriations.

(c) The report shall contain recommendations on more transparent and efficient methods for contracting, oversight, and administration of legislative request provisos at the agency level. The report must consider efficiencies and improvements that could result from consolidating these types of provisos within a single office or agency, including reduced or more consistent administrative costs. The report shall include the results of the survey described in (b) of this subsection and may include recommendations on best practices to minimize recipient agency expenditures on contracting, oversight, and administration of legislative request provisos. If the recommended changes in the report require changes to codified statutes, the report shall include draft legislation. If the recommended changes in the report require a change to operating budget drafting or structure, the report shall include specific recommendations on those points.

(d) The office must provide the report and recommendations to the governor and appropriate committees of the legislature by December 1, 2024.

**Sec. 134.** 2023 c 475 s 136 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State Appropriation	(( <del>\$72,194,000</del> ))
	<u>\$76,318,000</u>
Administrative Hearings Revolving Account—Local Appropriation	\$12,000
<b>TOTAL APPROPRIATION</b>	(( <del>\$72,206,000</del> ))
	<u>\$76,330,000</u>

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

(1) \$597,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5080 (cannabis social equity). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(2) \$80,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5225 (working conn. child care). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(3) \$34,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5236 (hospital staffing standards). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(4) \$61,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(5) \$2,487,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5272 (speed safety cameras). ~~((If the bill is not enacted by June 30,~~

~~2023, the amount provided in this subsection shall lapse.))~~

(6) \$74,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1893 (unemp. ins./strikes & lockouts). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(7) \$16,000 of the administrative hearings revolving account—state appropriation is provided solely for implementation of Substitute House Bill No. 2061 (health employees/overtime). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 135.** 2023 c 475 s 137 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State Appropriation	(( <del>\$32,896,000</del> ))
	<u>\$32,933,000</u>
<b>TOTAL APPROPRIATION</b>	(( <del>\$32,896,000</del> ))
	<u>\$32,933,000</u>

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

(1) No portion of this appropriation may be used for acquisition of gaming system capabilities that violate state law.

(2) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce retail commissions to an average of 5.1 percent of sales.

**Sec. 136.** 2023 c 475 s 138 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2024)	(( <del>\$1,494,000</del> ))
	<u>\$1,495,000</u>
General Fund—State Appropriation (FY 2025)	\$1,347,000
<b>TOTAL APPROPRIATION</b>	(( <del>\$2,841,000</del> ))
	<u>\$2,842,000</u>

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

(1)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for Hispanic and Latinx students;

(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators as identified in the state's every student succeeds act consolidated plan; and

(iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

(2) \$105,000 of the general fund—state appropriation for fiscal year 2024 and \$105,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to gang youth intervention specialists for a pilot program within high schools in Washington. Grants may be provided without using a competitive selection process.

**Sec. 137.** 2023 c 475 s 139 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2024)	(( <del>\$660,000</del> ))
--	----------------------------

	<u>\$661,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$662,000)</del>
	<u>\$663,000</u>
TOTAL APPROPRIATION	<del>(\$1,322,000)</del>
	<u>\$1,324,000</u>

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

(1)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to engage a contractor to:

(i) Conduct a detailed analysis of the opportunity gap for African American and Black students;

(ii) Develop recommendations for continuing efforts to close the educational opportunity gap while meeting the state's academic achievement indicators, as identified in the state's every student succeeds act consolidated plan; and

(iii) Identify performance measures to monitor adequate yearly progress.

(b) The contractor shall submit a study update by December 1, 2024, and submit a final report by June 30, 2025, to the educational opportunity gap oversight and accountability committee, the governor, the superintendent of public instruction, the state board of education, and the education committees of the legislature.

**Sec. 138.** 2023 c 475 s 140 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

General Fund—State Appropriation (FY 2024)	\$387,000
Department of Retirement Systems Expense Account—State Appropriation	<del>(\$115,088,000)</del>
	<u>\$116,511,000</u>
TOTAL APPROPRIATION	<del>(\$115,475,000)</del>
	<u>\$116,898,000</u>

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

(1) \$34,491,000 of the department of retirement systems expense account—state appropriation is provided solely for pension system modernization, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$143,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Substitute House Bill No. 1007 (military service credits). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(3) \$1,172,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5538 (postretirement nursing). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(4) \$1,058,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Substitute House Bill No. 1056 (postretirement employment). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(5) \$199,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of House Bill No. 1055 (public safety telecommunications). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(6) \$536,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of House Bill No. 1481 (tribal peace officers/LEOFF). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

~~((7) \$116,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of House Bill No. 1949 (DSHS competency rest./PSERS). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.~~

~~((8) \$16,000 of the department of retirement systems expense account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 2014 (definition of a veteran). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.~~

**Sec. 139.** 2023 c 475 s 141 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2024)	<del>(\$427,926,000)</del>
	<u>\$358,442,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$436,344,000)</del>
	<u>\$399,467,000</u>
Climate Commitment Account—State Appropriation	\$895,000
Timber Tax Distribution Account—State Appropriation	<del>(\$8,095,000)</del>
	<u>\$8,104,000</u>
Business License Account—State Appropriation	<del>(\$19,774,000)</del>
	<u>\$19,807,000</u>
Waste Reduction, Recycling, and Litter Control Account—State Appropriation	\$183,000
Model Toxics Control Operating Account—State Appropriation	\$127,000
Financial Services Regulation Account—State Appropriation	\$5,000,000
TOTAL APPROPRIATION	<del>(\$898,344,000)</del>
	<u>\$792,025,000</u>

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

(1) \$1,669,000 of the general fund—state appropriation for fiscal year 2024 and \$1,661,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 196, Laws of 2021 (capital gains tax).

(2) ~~(\$251,639,000)~~ \$181,639,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$263,768,000)~~ \$221,768,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 195, Laws of 2021 (working families tax exempt.). Of the total amounts provided in this subsection:

(a) \$16,639,000 of the general fund—state appropriation for fiscal year 2024 and \$15,768,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for administration of the working families tax exemption program; and

(b) ~~(\$235,000,000)~~ \$165,000,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$248,000,000)~~ \$206,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for remittances under the working families tax exemption program.

(3) \$2,408,000 of the general fund—state appropriation for fiscal year 2024, \$780,000 of the general fund—state appropriation for fiscal year 2025, and \$895,000 of the climate commitment account—state appropriation are provided solely for the department to implement 2023 revenue legislation.

(4) \$415,000 of the general fund—state appropriation for fiscal year 2024, \$1,579,000 of the general fund—state appropriation for fiscal year 2025, and \$4,000 of the business license account—state appropriation are provided solely for the department to implement 2024 revenue legislation.



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(5) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to develop an implementation plan for an online searchable database of all taxes and tax rates in the state for each taxing district. A report summarizing options, estimated costs, and timelines to implement each option must be submitted to the appropriate committees of the legislature by June 30, 2024. The implementation plan must include an array of options, including low cost options that may change the scope of the database. However, each low cost option must still provide ease of public access to state and local tax information that is currently difficult for the public to collect and efficiently navigate.

(6)(a) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to conduct a study and provide a report to the legislature on royalty receipts apportionment for local business taxes throughout the state. The study must:

(i) Examine how gross income derived as royalties from the granting of intangible rights in RCW 35.102.130 could be apportioned uniformly by local jurisdictions. The department must consider apportionment options described in RCW 82.04.462(3)(b) (i) through (vii) as well as other options; and

(ii) Identify issues surrounding the definition of "customer" as applied to royalties and payments made or received for the use of the taxpayer's intangible property in RCW 35.102.130, and how it could be brought into conformity with the definition in RCW 82.04.462(3)(b)(viii) and applied uniformly throughout the state.

(b) The study must document and evaluate the approaches to apportionment of royalties that have been adopted in other states and examine the administrative feasibility of applying interstate apportionment methodologies to local business taxes. The department must submit a report on the study and any findings and recommendations to the governor and the appropriate policy and fiscal committees of the legislature by December 31, 2024.

~~((5)) (7) \$19,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of House Bill No. 1303 (property tax administration). ((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~((6)) (8) \$3,639,000 of the general fund—state appropriation for fiscal year 2024 and \$3,582,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1477 (working families' tax credit). ((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((7)) (9) \$48,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). ((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~((8)) (10) \$31,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute Senate Bill No. 5565 (tax and revenue laws). ((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~((9)) (11)(a) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to research and analyze wealth taxes imposed in other countries and wealth tax legislation recently proposed by other states and the United States. At a minimum, the department must examine how existing and proposed wealth taxes are structured, compliance and administrative challenges of wealth taxes, best practices in the design and administration of wealth taxes, and potential data sources to aid the department in estimating the~~

revenue impacts of future wealth tax proposals for this state or assisting the department in the administration of a wealth tax. As part of its examination and analysis, the department must seek to consult with relevant subject matter experts from within and outside of the United States.

(b) The department may contract with one or more institutions of higher education as defined in RCW 28B.10.016 for assistance in carrying out its obligations under this subsection.

(c) The department must submit a status report to the appropriate fiscal committees of the legislature by January 1, 2024, and a final report to the appropriate fiscal committees of the legislature by November 1, 2024. The final report must include the department's findings.

~~((10)) (12) \$42,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute Senate Bill No. 5448 (delivery of alcohol). ((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(13) \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to conduct outreach activities for the working families' tax credit established in RCW 82.08.0206, including but not limited to grants for community-based organizations to conduct outreach activities, marketing activities, and establishing a mobile unit.

**Sec. 140.** 2023 c 475 s 142 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2024)	\$2,810,000
General Fund—State Appropriation (FY 2025) <del>((2,808,000))</del>	
	<u>\$2,813,000</u>
<b>TOTAL APPROPRIATION</b>	<del>((5,618,000))</del>
	<u>\$5,623,000</u>

**Sec. 141.** 2023 c 475 s 143 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

General Fund—State Appropriation (FY 2024)	\$3,837,000
General Fund—State Appropriation (FY 2025) <del>((3,799,000))</del>	
	<u>\$7,003,000</u>
Minority and Women's Business Enterprises Account—State Appropriation	<del>((6,062,000))</del>
	<u>\$6,070,000</u>
<b>TOTAL APPROPRIATION</b>	<del>((13,698,000))</del>
	<u>\$16,910,000</u>

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

(1) The office of minority and women's business enterprises shall consult with the Washington state office of equity on the Washington state toolkit for equity in public spending.

(2) \$540,000 of the general fund—state appropriation for fiscal year 2024 and \$529,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5268 (public works procurement). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(3) \$151,000 of the general fund—state appropriation for fiscal year 2024 and \$151,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a policy analyst position.

(4) \$941,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to expand its outreach and communications department.

(5) \$13,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second

Substitute House Bill No. 1391 (energy in buildings). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 142.** 2023 c 475 s 144 (uncodified) is amended to read as follows:

**FOR THE INSURANCE COMMISSIONER**

General Fund—Federal Appropriation	<del>(\$4,723,000)</del> <u>\$4,724,000</u>
Insurance Commissioner's Regulatory Account—State Appropriation	<del>(\$79,157,000)</del> <u>\$81,203,000</u>
Insurance Commissioner's Fraud Account—State Appropriation	<del>(\$4,269,000)</del> <u>\$4,270,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$88,149,000)</del> <u>\$90,197,000</u>

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

(1) \$52,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Senate Bill No. 5242 (abortion cost sharing). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(2) \$63,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of House Bill No. 1120 (annuity transactions). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(3) \$72,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Senate Bill No. 5036 (audio-only telemedicine). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(4) \$55,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5300 (behavioral health continuity). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(5) \$19,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5189 (behavioral health support). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(6) \$52,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5396 (breast exam cost sharing). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(7) \$260,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of chapter 87, Laws of 2023 (SSB 5338).

(8) \$1,206,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Senate Bill No. 5066 (health care benefit managers). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(9) \$9,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of chapter 16, Laws of 2023 (SSB 5729).

(10) \$272,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5581 (maternal support services). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(11) \$237,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for

implementation of chapter 42, Laws of 2023 (SB 5319).

(12) \$25,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5720 (risk mitigation). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(13)(a) ~~(\$500,000)~~ \$700,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner, in collaboration with the office of the attorney general, to study approaches to improve health care affordability including, but not limited to:

(i) Health provider price or rate regulation policies or programs, other than traditional health plan rate review, in use or under consideration in other states to increase affordability for health insurance purchasers and enrollees. At a minimum, this shall include:

(A) Analysis of payment rate or payment rate increase caps and reference pricing strategies;

(B) Analysis of research or other findings related to the outcomes of the policy or program, including experience in other states;

(C) A preliminary analysis of the regulatory authority and administrative capacity necessary to implement each policy or program reviewed in Washington state;

(D) Analysis of such approaches used in Washington state, including but not limited to the operation of the hospital commission, formerly established under chapter 70.39 RCW; and

(E) A feasibility analysis of implementing a global hospital budget strategy in one or more counties or regions in Washington state, including potential impacts on spending and access to health care services if such a strategy were adopted;

(ii) Regulatory approaches in use or under consideration by other states to address any anticompetitive impacts of horizontal consolidation and vertical integration in the health care marketplace to supplement federal antitrust law. At a minimum, this regulatory review shall include:

(A) Analysis of research, case law, or other findings related to the outcomes of the state's activities to encourage competition, including implementation experience;

(B) A preliminary analysis of regulatory authority and administrative capacity necessary to implement each policy or program reviewed in Washington state; and

(C) Analysis of recent health care consolidation and vertical consolidation activity in Washington state, to the extent information is available;

(iii) Recommended actions based on other state approaches and Washington data, if any; and

(iv) Additional related areas of data or study needed, if any.

(b) The office of the insurance commissioner or office of the attorney general may contract with third parties and consult with other state entities to conduct all or any portion of the study.

(c) The office of the insurance commissioner and office of the attorney general shall submit a preliminary report to the relevant policy and fiscal committees of the legislature by December 1, 2023, and a final report by August 1, 2024.

(14) \$190,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of chapter 27, Laws of 2023 (SHB 1266).

(15) \$66,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1222 (hearing instruments coverage). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(16) \$25,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of chapter 21, Laws of 2023 (HB 1061).

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(17) \$14,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute House Bill No. 1060 (mutual insurer reorg.). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(18) \$132,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1357 (prior authorization). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(19)(a) ~~((~~\$250,000~~))~~ \$50,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for an analysis of how health plans define, cover, and reimburse for maternity care services, including prenatal, delivery, and postpartum care. The commissioner shall:

(i) Obtain necessary information regarding health plans offered by carriers with more than one percent accident and health market share based upon the commissioner's most recent annual market information report and health plans offered to public employees under chapter 41.05 RCW to evaluate:

(A) How health plan benefit designs define maternity care services;

(B) Whether and to what extent maternity care services are subject to deductibles and other cost-sharing requirements;

(C) Which maternity care services are considered preventive services under section 2713 of the federal public health service act and are therefore exempt from cost sharing;

(D) The five most used maternity care reimbursement methodologies used by each carrier; and

(E) With respect to reimbursement methodologies that bundle payment for maternity care services, which specific services are included in the bundled payment;

(ii) Estimate the total and per member per month impact on health plan rates of eliminating cost sharing for maternity care services in full, or for prenatal care only, for the following markets:

(A) Individual health plans other than Cascade select plans;

(B) Cascade select health plans;

(C) Small group health plans;

(D) Large group health plans;

(E) Health plans offered to public employees under chapter 41.05 RCW; and

(F) All health plans in the aggregate; and

(iii) Submit a report on the findings and cost estimate to the appropriate committees of the legislature by July 1, 2024.

(b) The commissioner may contract for all or a portion of the analysis required in this subsection.

(20) \$578,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner to continue its work on behavioral health parity compliance, enforcement, and provider network oversight. The commissioner may use internal staff and contracted experts to oversee provider directories and evaluate consumer access to services for mental health and substance use disorders in state-regulated individual, small group, and large group health plans.

(21)(a) \$250,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner, in consultation with the department of social and health services and the health care authority, to submit to the relevant policy and fiscal committees of the legislature by June 30, 2025, a feasibility analysis of expanding or modifying the program described in section 207(48) of this act to include additional groups of essential workers whose employers receive significant public funding to provide direct services to vulnerable populations, including but not limited to behavioral health

services, housing and homelessness services, and child care workers. The evaluation must consider:

(i) Current sources, benefits, and costs of health care coverage for these essential workers including but not limited to employer-sponsored coverage, medicaid, and individual health plans purchased through the health benefit exchange;

(ii) Policy options to increase health care benefit funding to employers of these essential workers, including maximizing nongeneral fund state sources while ensuring costs are not shifted to employees;

(iii) The appropriate structure and oversight of the newly established health benefits fund, including the use of fully insured health coverage, a self-funded multiemployer welfare arrangement, the health benefit exchange, or another entity to offer health benefits comparable to the platinum metal level under the affordable care act, and meet defined plan design, consumer protection, and solvency requirements.

(b) The commissioner must consult with interested organizations and may establish subgroups to conduct this work based on distinct industries of different essential workers.

(c) The commissioner may contract with third parties and consult with other state entities to conduct all or any portion of the study, including actuarial analysis.

(22)(a) \$400,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner to convene and chair an adult family home liability insurance work group. The work group shall consist of members with a representative from, but not limited to:

(i) The office of the attorney general;

(ii) The office of the governor;

(iii) The adult family home industry;

(iv) The Washington state long-term care ombudsman;

(v) The department of social and health services' aging and long-term support administration's residential care services;

(v) The department of social and health services' aging and long-term support administration's home and community services;

(vi) The department of social and health service's aging and long-term support administration's developmental disability administration;

(vii) Insurance producers;

(viii) Insurance underwriters;

(ix) The Washington surplus line association;

(x) Risk retention groups; and

(xi) Other state agency representatives or stakeholder group representatives, as deemed necessary.

(b) The work group shall:

(i) Review the availability and cost of liability insurance for adult family homes;

(ii) Identify obstacles to adult family homes access to liability insurance including underwriting restrictions, market conditions, as well as legal and regulatory requirements;

(iii) Evaluate the financial risk to adult family homes, their residents, the state medicaid program, and others that exist as a result of the increased cost of insurance, or in the event adult family homes are uninsured due to a lack of access to coverage; and

(iv) Make policy recommendations to improve access to liability insurance coverage for adult family homes.

(c) The work group must submit a preliminary report to the relevant policy and fiscal committees of the legislature by December 31, 2024, and a final report by June 30, 2025, with review findings, recommendations, and data on claims experience, costing, and policy or budget underwriting restrictions related to liability policies covering adult family

homes.

(d) The commissioner shall collect the information required from entities transacting insurance with adult family home providers. Any identified authorized insurers, unauthorized insurers, and risk retention groups are required to provide the requested information to the commissioner.

(e) The commissioner may contract with a vendor to conduct an actuarial analysis if necessary to facilitate the development of recommendations concerning liability insurance in adult family homes.

(23)(a) \$350,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for the commissioner to study approaches to increasing the availability of health care malpractice liability coverage or other liability protection options for community-based health care providers delivering transition of care services to incarcerated individuals. The commissioner must provide an initial report to the office of financial management and appropriate committees of the legislature by December 31, 2024. The study must include:

(i) A review of the state's commitments to facilitating safe transitions of care for incarcerated individuals through medicaid coverage of health services under the 2023 medicaid transformation waiver;

(ii) An analysis of the barriers to accessing liability coverage for community-based health care providers on the private market;

(iii) An actuarial analysis of the potential risk to be incurred by providing health care malpractice liability coverage for transition of care services to individuals who are incarcerated and near release; and

(iv) Policy options and recommendations, if any, for consideration by the legislature regarding provision of or increasing the availability of health care malpractice liability coverage or other liability protection options for community-based health care providers delivering these services.

(b) In conducting this study, the commissioner shall convene interested organizations including but not limited to representatives of:

(i) The office of the attorney general;

(ii) The health care authority;

(iii) The department of corrections;

(iv) The department of enterprise services' office of risk management;

(v) The Washington association of sheriffs and police chiefs;

(vi) Local governments;

(vii) Medical malpractice liability underwriters; and

(viii) Community-based health care providers, including but not limited to representatives of federally qualified health centers and providers of health care services in incarceration settings.

(c) The commissioner may contract for actuarial or other analysis if necessary to facilitate development of the study or policy options.

(24) \$315,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Substitute House Bill No. 2329 (insurance market/housing). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(25) \$49,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1957 (preventive service coverage). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(26) \$8,000 of the insurance commissioner's regulatory account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2330 (wildfire protection). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 143.** 2023 c 475 s 145 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**

State Investment Board Expense Account—State Appropriation	(((\$83,426,000)) \$83,480,000
TOTAL APPROPRIATION	(((\$83,426,000)) \$83,480,000

The appropriation in this section is subject to the following conditions and limitations: \$41,000 of the state investment board expense account—state appropriation is provided solely for implementation of Senate Bill No. 5084 (self-insured pensions/fund). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

**Sec. 144.** 2023 c 475 s 146 (uncodified) is amended to read as follows:

**FOR THE LIQUOR AND CANNABIS BOARD**

General Fund—State Appropriation (FY 2024)	(((\$2,383,000)) \$2,594,000
General Fund—State Appropriation (FY 2025)	(((\$850,000)) \$1,618,000
General Fund—Federal Appropriation	(((\$3,187,000)) \$3,189,000
General Fund—Private/Local Appropriation	\$75,000
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$13,481,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	(((\$14,041,000)) \$14,055,000
Liquor Revolving Account—State Appropriation	(((\$124,765,000)) \$126,354,000
TOTAL APPROPRIATION	(((\$158,782,000)) \$161,366,000

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

(1) The liquor and cannabis board may require electronic payment of the cannabis excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

(2) Of the liquor revolving account—state appropriation, \$35,278,000 is provided solely for the modernization of regulatory systems and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$1,526,000 of the liquor revolving account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5448 (delivery of alcohol). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(4) \$42,000 of the dedicated cannabis account—state appropriation for fiscal year 2024 and \$42,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin).

(5) \$250,000 of the dedicated cannabis account—state appropriation for fiscal year 2024 and \$159,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5367 (products containing THC).

(6) ~~(((\$1,527,000))~~ \$1,713,000 of the general fund—state appropriation for fiscal year 2024, ~~\$700,000 of the general fund—state appropriation for fiscal year 2025,~~ \$2,255,000 of the dedicated cannabis account—state appropriation for fiscal year 2024, and \$1,463,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

implementation of Engrossed Second Substitute Senate Bill No. 5080 (cannabis social equity).

(7) \$35,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the liquor and cannabis board to conduct an agency analysis of commercial tobacco and vaping enforcement actions from fiscal year 2018 through fiscal year 2022 involving youth under the age of 18. This analysis shall be submitted to the appropriate committees of the legislature by December 1, 2023, and must include:

- (a) The total number of such interactions by fiscal year;
- (b) Information on the nature of those interactions;
- (c) How many interactions convert to administrative violation notices (AVNs);

(d) How many of those interactions and AVNs convert to retailer education and violations; and

(e) Descriptions of training for liquor and cannabis board officers, and the number of officers trained on interacting with youth, particularly LGBTQ youth and youth of color.

(8) \$4,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5365 (vapor and tobacco/minors). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(9) \$225,000 of the liquor revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1731 (short-term rentals/liquor). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(10) \$41,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2182 (regulated substance use data). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(11) \$136,000 of the liquor revolving account—state appropriation is provided solely for implementation of House Bill No. 2204 (emergency liquor permits). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(12) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 1453 (medical cannabis/tax). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(13) \$75,000 of the liquor revolving account—state appropriation is provided solely for reviewing all the Washington Administrative Code provisions promulgated by the board for potentially discriminatory language or interpretation that may highlight personal bias. The board must issue a report to the legislature on its findings by September 30, 2024.

**Sec. 145.** 2023 c 475 s 147 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2024)	\$1,201,000
General Fund—State Appropriation (FY 2025) <del>(((\$1,201,000))</del>	<u>\$1,276,000</u>
Public Service Revolving Account—State Appropriation	<del>(((\$65,664,000))</del>
	<u>\$66,262,000</u>
Public Service Revolving Account—Federal Appropriation	\$100,000
Pipeline Safety Account—State Appropriation <del>(((\$3,769,000))</del>	<u>\$3,770,000</u>
Pipeline Safety Account—Federal Appropriation	<del>(((\$3,404,000))</del>

TOTAL APPROPRIATION	<u>\$3,406,000</u>
	<del>(((\$75,339,000))</del>
	<u>\$76,015,000</u>

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

(1) Up to \$800,000 of the public service revolving account—state appropriation in this section is for the utilities and transportation commission to supplement funds committed by a telecommunications company to expand rural broadband service on behalf of an eligible governmental entity. The amount in this subsection represents payments collected by the utilities and transportation commission pursuant to the Qwest performance assurance plan.

(2) \$43,000 of the public service revolving account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5165 (electric transm. planning). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(3) \$100,000 of the public service revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(4) \$67,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(5) \$57,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1329 (utility shutoffs/heat). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(6) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(7) \$62,000 of the public service revolving account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2131 (thermal energy networks). If the bill is not enacted by June 30, 2024, the amount in this subsection shall lapse.

(8) \$497,000 of the public service revolving account—state appropriation is provided solely for staff to advance the state's objectives for better transmission planning, organized electric power markets or similar regional power coordination, and expanded regional and interregional transmission capacity.

(9)(a) \$75,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the commission to report to the legislature with information and recommendations for updating the statutes pertaining to the universal communications services program as described in chapter 80.36 RCW. The report must include:

(i) How the program has been utilized and audited since fiscal year 2022;

(ii) The most efficient and cost-effective technologies available to meet the state's broadband goals in rural areas;

(iii) The ways in which this program can work with the Washington state broadband office to ensure that appropriations for this program are additive and not duplicative to the office's broadband goals and how new technologies would help meet those goals;

(iv) The ways in which these dollars have been used to leverage federal funding;

(v) A list of other sources of state and federal funding that are

available to maintain and repair existing broadband infrastructure;

(vi) How changes to the federal universal services fund could impact the provision of telecommunications services in Washington state; and

(vii) Any additional relevant information regarding the benefits of continuing this program that would be helpful for future appropriation decisions.

(b) The report is due to the appropriate committees of the legislature in accordance with RCW 43.01.036 by December 1, 2024.

**Sec. 146.** 2023 c 475 s 148 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund—State	Appropriation	(FY 2024)	
			<del>(\$16,490,000)</del>
			<u>\$16,782,000</u>
General Fund—State	Appropriation	(FY 2025)	
			<del>(\$16,446,000)</del>
			<u>\$19,210,000</u>
General Fund—Federal	Appropriation		<del>(\$146,122,000)</del>
			<u>\$146,335,000</u>
911 Account—State	Appropriation		<del>(\$54,306,000)</del>
			<u>\$54,309,000</u>
Disaster Response Account—State	Appropriation		<del>(\$59,466,000)</del>
			<u>\$62,192,000</u>
Disaster Response Account—Federal	Appropriation		<del>(\$1,184,618,000)</del>
			<u>\$1,905,455,000</u>
Military Department Rent and Lease Account—State	Appropriation		\$1,009,000
Military Department Active State Service Account—State	Appropriation		\$400,000
Natural Climate Solutions Account—State	Appropriation		\$113,000
Oil Spill Prevention Account—State	Appropriation		\$1,040,000
Worker and Community Right to Know Fund—State	Appropriation		<del>(\$2,042,000)</del>
			<u>\$2,043,000</u>
<b>TOTAL APPROPRIATION</b>			<del>(\$1,482,052,000)</del>
			<u>\$2,208,888,000</u>

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

(1) The military department shall submit a report to the office of financial management and the legislative fiscal committees by February 1st and October 31st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2023-2025 fiscal biennium based on current revenue and expenditure patterns.

(2) \$40,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$11,000,000 of the 911 account—state appropriation is provided solely for financial assistance to counties.

(4) \$784,000 of the disaster response account—state appropriation is provided solely for fire suppression training, equipment, and supporting costs to national guard soldiers and airmen.

(5) ~~(\$386,000 of the military department rental and lease account—state appropriation is provided solely for maintenance~~

~~staff.~~

~~(6))~~ \$876,000 of the disaster response account—state appropriation is provided solely for a dedicated access and functional needs program manager, access and functional need services, and a dedicated tribal liaison to assist with disaster preparedness and response.

~~((7))~~ ~~(6)~~ \$136,000 of the general fund—state appropriation for fiscal year 2024 and \$132,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5518 (cybersecurity). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~(8))~~ ~~(7)~~ \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to Whatcom county for disaster relief and recovery activities in response to the November 2021 flooding and mudslides presidentially-declared disaster.

~~((9))~~ ~~(8)~~ \$625,000 of the general fund—state appropriation for fiscal year 2024 and \$625,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1728 (statewide resiliency program). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~(10))~~ ~~(9)~~ \$113,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~((11))~~ ~~(10)(a)~~ \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to administer grants to local governments and federally recognized tribes for costs to respond to community needs during periods of extremely hot or cold weather or in situations of severe poor air quality from wildfire smoke.

(b) To qualify for a grant under (a) of this subsection, a local government or federally recognized tribe must:

(i) Be located in a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, as determined by the department;

(ii) Have demonstrated a lack of local resources to address community needs; and

(iii) Have incurred eligible costs as described in (c) of this subsection for the benefit of vulnerable populations.

(c) Costs eligible for reimbursement under (a) of this subsection include:

(i) Establishing and operating warming and cooling centers, including rental of equipment, purchase of supplies and water, staffing, and other associated costs;

(ii) Transporting individuals and their pets to warming and cooling centers;

(iii) Purchasing fans or other supplies needed for cooling of congregate living settings;

(iv) Providing emergency temporary housing such as rental of a hotel or convention center;

(v) Retrofitting or establishing facilities within warming and cooling centers that are pet friendly in order to permit individuals to evacuate with their pets; and

(vi) Other activities necessary for life safety during a period of extremely hot or cold weather or in situations of severe poor air quality from wildfire smoke, as determined by the department.

~~((12))~~ ~~(11)~~ The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(12) \$50,000 of the general fund—state appropriation for fiscal

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

year 2025 is provided solely for implementation of House Bill No. 2257 (back country search & rescue). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(13) \$126,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2283 (shared leave/disasters). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(14) \$1,500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 1012 (extreme weather events). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(15)(a) \$361,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to conduct a study regarding statewide building code and construction standards pertaining to earthquake and tsunami resilience as well as recommendations for functional recovery of buildings and critical infrastructure directly following an earthquake. In conducting the study, the department must request input from the state building code council and representatives of appropriate public and private sector entities. The department may contract for all or a portion of the study. The study must, at a minimum, include an assessment of:

(i) Functional recovery building code standards that are being developed at the federal level, have been proposed or adopted in other countries, states, or local jurisdictions with a high risk of earthquakes, or are developed by public or private organizations with expertise in earthquake performance standards and safety;

(ii) The levels of functional recovery supported by current state and local building and construction codes;

(iii) The objectives, feasibility, necessary measures, and estimated costs of adopting and implementing statewide functional recovery building code standards, and how this assessment is impacted by whether the standards:

- (A) Are mandatory or voluntary;
- (B) Apply to only certain types of structures and infrastructure or prioritize certain types of structures and infrastructure;
- (C) Apply to existing structures and infrastructure in addition to new construction;
- (D) Are intended to apply to only specific seismic hazard levels; or
- (E) Include nonstructural components as well as structural systems;

(iv) How statewide standards for functional recovery would fit into an all hazards approach for state emergency response and recovery;

(v) Funding opportunities that provide for the coordination of state and federal funds for the purposes of improving the state's preparedness for functional recovery following a significant earthquake or tsunami; and

(vi) Equity considerations for the development of statewide building code standards for functional recovery.

(b) The department must submit a preliminary report with interim findings to the appropriate committees of the legislature by June 1, 2025. The department must submit a final report summarizing the study's findings and including policy recommendations relating to statewide building code standards for functional recovery to the appropriate committees of the legislature by May 1, 2026. It is the intent of the legislature to provide funding to complete the final report in the 2025-2027 fiscal biennium.

(16) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of

Substitute House Bill No. 2020 (public infra. assistance prg.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 147.** 2023 c 475 s 149 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2024)	\$2,594,000
General Fund—State Appropriation (FY 2025) (( <del>\$2,625,000</del> ))	\$2,676,000
Personnel Service Account—State Appropriation (( <del>\$4,825,000</del> ))	\$4,828,000
Higher Education Personnel Services Account—State Appropriation (( <del>\$1,629,000</del> ))	\$1,630,000
<b>TOTAL APPROPRIATION</b> (( <del>\$11,673,000</del> ))	<b>\$11,728,000</b>

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

(1) \$98,000 of the higher education personnel services account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5238 (academic employee bargaining). ((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))

(2) \$48,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2325 (legislative employees). If the bill is not enacted by June 30, 2024, the amount provided by this subsection shall lapse.

**Sec. 148.** 2023 c 475 s 150 (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State Appropriation (( <del>\$4,770,000</del> ))	\$5,121,000
<b>TOTAL APPROPRIATION</b> (( <del>\$4,770,000</del> ))	<b>\$5,121,000</b>

**Sec. 149.** 2023 c 475 s 151 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation (( <del>\$3,533,000</del> ))	\$3,676,000
<b>TOTAL APPROPRIATION</b> (( <del>\$3,533,000</del> ))	<b>\$3,676,000</b>

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

((~~\$1,128,000~~)) (1) \$2,403,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for a benefits management system, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$20,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for contracting for small agency budget services with the department of enterprise services.

(3) \$50,000 of the volunteer firefighters' and reserve officers' administrative account—state appropriation is provided solely for the board to conduct a study on the extension of duty-related occupational disease presumptions to participants in the volunteer firefighters' relief and pension system. The study must examine the presumptions in RCW 51.32.185, and report to the fiscal committees of the legislature by June 30, 2025, on the prevalence of these conditions among volunteer firefighters, and the fiscal

impact of extending additional relief and pension benefits to participants.

**Sec. 150.** 2023 c 475 s 152 (uncodified) is amended to read as follows:

**FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State	Appropriation	<del>(\$822,000)</del>
		<u>\$821,000</u>
<b>TOTAL APPROPRIATION</b>		<del>(\$822,000)</del>
		<u>\$821,000</u>

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

(1)(a) \$250,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(b) Of the amount provided in this subsection, \$30,000 of the death investigations account—state appropriation is provided solely for the Adams county crime lab to investigate a double homicide that occurred in fiscal year 2021.

(2) \$210,000 of the death investigations account—state appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

(3) Within the amount appropriated in this section, the forensic investigation council may enter into an interagency agreement with the department of enterprise services for the department to provide services related to public records requests, to include responding to, or assisting the council in responding to, public disclosure requests received by the council.

**Sec. 151.** 2023 c 475 s 153 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State	Appropriation (FY 2024)	<del>(\$14,819,000)</del>
		<u>\$15,519,000</u>
General Fund—State	Appropriation (FY 2025)	<del>(\$13,426,000)</del>
		<u>\$15,410,000</u>
General Fund—Private/Local	Appropriation	\$102,000
Building Code Council Account—State	Appropriation	<del>(\$2,583,000)</del>
		<u>\$2,585,000</u>
<u>Climate Commitment Account—State</u>	<u>Appropriation</u>	<u>\$750,000</u>
Electric Vehicle Incentive Account—State	Appropriation	<del>(\$1,722,000)</del>
		<u>\$861,000</u>
Natural Climate Solutions Account—State	Appropriation	\$7,000,000
<b>TOTAL APPROPRIATION</b>		<del>(\$39,652,000)</del>
		<u>\$42,227,000</u>

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

(1) ~~(\$6,970,000)~~ \$7,017,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$6,894,000)~~ \$7,042,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the payment of facilities and services charges to include campus rent, parking, security, contracts, public and historic facilities, financial cost recovery, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected

revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to have all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have approval from the director of the department of enterprise services. Agencies that are exempted from the requirement are the Washington state patrol, Washington state department of transportation, and the department of natural resources.

(3) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$1,500,000 in fiscal year 2024 and \$1,300,000 in fiscal year 2025.

(4) Within existing resources, the department, in collaboration with consolidated technology services, must provide a report to the governor and fiscal committees of the legislative by October 31 of each calendar year that reflects information technology contract information based on a contract snapshot from June 30 of that same calendar year, and must also include any contract that was active since July 1 of the previous calendar year. The department will coordinate to receive contract information for all contracts to include those where the department has delegated authority so that the report includes statewide contract information. The report must contain a list of all information technology contracts to include the agency name, contract number, vendor name, contract term start and end dates, contract dollar amount in total, and contract dollar amounts by state fiscal year. The report must also include, by contract, the contract spending projections by state fiscal year for each ensuing state fiscal year through the contract term, and note the type of service delivered. The list of contracts must be provided electronically in Excel and be sortable by all field requirements. The report must also include trend analytics on information technology contracts, and recommendations for reducing costs where possible.

(5) \$654,000 of the general fund—state appropriation for fiscal year 2024 and \$654,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in collaboration with the state efficiency and environmental performance program, to implement the zero emission vehicle strategy.

(6) \$2,671,000 of the general fund—state appropriation for fiscal year 2024 and \$2,671,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for zero emission electric vehicle supply equipment infrastructure at facilities to accommodate charging station installation. The electric vehicle charging equipment must allow for the collection of usage data and must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities, and at least where zero emission fleet vehicles are or are scheduled to be purchased. The department must report when and where the equipment was installed, usage data at each charging station, and the state agencies and facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30. The department shall collaborate with the interagency electric vehicle coordinating council to implement this subsection and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).

(7) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

Senate Bill No. 5491 (residential building exits). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

~~((9))~~ (8) \$950,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for security enhancements to the governor's office lobby space and for security enhancement design for the remaining lobby and public spaces in the legislative building on the capitol campus. Enhancement designs must be provided to the senate committee on state government and elections and the house of representatives committee on state government and tribal relations no later than ~~((December 31, 2023))~~ June 30, 2024.

~~((10))~~ (9) \$162,000 of the general fund—state appropriation for fiscal year 2024 and \$162,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to waive rent fees and charges through June 30, 2025, for vendors who are blind business enterprise program licensees by the department of services for the blind and who lease space and operate food service businesses, inclusive of delis, cafeterias, and espresso stands, in state government buildings.

~~((11))~~ (10) \$7,000,000 of the natural climate solutions account—state appropriation is provided solely to advance the preferred alternative of the final environmental impact statement for the capitol lake-Deschutes estuary long-term management project completed in October 2022. At a minimum, the department shall:

(a) Make tangible progress toward the next phase of design and permitting;

(b) Advance the memorandum of understanding for governance and funding of a restored estuary to an interlocal agreement that will govern long-term management of the restored estuary; and

(c) Initiate grant funding applications for design and permitting.

~~((12))~~ (11) \$400,000 of the state building code council account—state appropriation is provided solely for additional staffing to support the state building code council's work regarding the Washington state energy code.

~~((13))~~ (12) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

~~((14))~~ (13) \$500,000 of the climate commitment account—state appropriation is provided solely for legal services and fees incurred by the state building code council. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

~~((15))~~ (14) \$281,000 of the general fund—state appropriation for fiscal year 2024 and \$661,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for office space planning.

(a) The department must assist state agencies with identifying available space and achieving space reduction and colocation in response to the adoption of hybrid work environments and resulting underutilized office space. The department shall:

(i) Prioritize available space and colocation within Thurston county state-owned facilities and leased facilities;

(ii) Collaborate closely with the office of financial management;

(iii) Report available space for owned buildings as realized in the facilities portfolio management tool;

(iv) Coordinate with the office of financial management to evaluate the timeline and effectiveness of services supporting agency requests to downsize, acquire, expand, or relocate state

facilities; and

(v) Report the outcome of all downsizing activity within state-owned and leased buildings to the legislature and the office of financial management by June 30, 2025.

(b) Within the amounts provided in this subsection, \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department, in collaboration with the office of financial management, to provide a space planning report to the legislature and the office of financial management by June 30, 2025.

(15) Sufficient funding is provided in this section to provide civic education tours for students, including but not limited to students from school districts receiving a grant under section 510(14) of this act.

(16)(a) \$250,000 of the climate commitment account—state appropriation is provided solely for the state building code council to conduct a study that includes:

(i) A review of the language addressing embodied carbon used in the building codes of other jurisdictions, including but not limited to the California Green Building Standards Code and the Vancouver Building By-law; and

(ii) The development of recommendations for language addressing embodied carbon for potential adoption by the council.

(b) The study must consider subject areas including, but not limited to, the applicability to buildings greater than 50,000 square feet; multiple compliance pathways phased in over time; including whole building life cycle assessments; reuse of existing buildings; and compliance with material carbon caps.

(c) In conducting the study, the council must provide opportunities for comment from design, construction, and building industry stakeholders.

(d) The council must submit a report of the study findings to the appropriate committees of the legislature by December 1, 2024.

(17) \$44,000 of the general fund—state appropriation for fiscal year 2024 and \$136,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 2071 (residential housing). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

**Sec. 152.** 2023 c 475 s 154 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2024)	<del>((4,043,000))</del> \$4,047,000
General Fund—State Appropriation (FY 2025)	<del>((4,010,000))</del> \$4,321,000
General Fund—Federal Appropriation	<del>((2,899,000))</del> \$3,250,000
General Fund—Private/Local Appropriation	\$14,000
Climate Commitment Account—State Appropriation	\$977,000
TOTAL APPROPRIATION	<del>((11,943,000))</del> \$12,609,000

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

~~((1))~~ ~~((103,000 of the general fund—state appropriation for fiscal year 2024 and \$103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for archaeological determinations and excavations of inadvertently discovered skeletal human remains, and removal and reinterment of such remains when necessary.~~

~~((2))~~ \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state

appropriation for fiscal year 2025 are provided solely for the Washington main street program.

~~((3))~~ (2) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the black historic sites survey project.

~~((4))~~ (3) \$477,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~((5))~~ (4) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(5) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department of archaeology and historic preservation to partner with a nonprofit organization specializing in Washington state history to produce a publicly available resource for Washington state's forest history.

**Sec. 153.** 2023 c 475 s 155 (uncodified) is amended to read as follows:

**FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2024)	\$21,697,000
General Fund—State Appropriation (FY 2025) <del>((1,700,000))</del>	<u>\$16,265,000</u>
Consolidated Technology Services Revolving Account—State Appropriation	<del>((124,249,000))</del>
	<u>\$135,804,000</u>
<b>TOTAL APPROPRIATION</b>	<del>((147,646,000))</del>
	<u>\$173,766,000</u>

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

(1) ~~((14,752,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of the chief information officer. Of this amount:~~

~~((a))~~ \$2,000,000 of the consolidated technology services revolving account—state appropriation is provided solely for experienced information technology project managers to provide critical support to agency IT projects that are under oversight from the office of the chief information officer. The staff or vendors will:

~~((i))~~ (a) Provide master level project management guidance to agency IT stakeholders;

~~((ii))~~ (b) Consider statewide best practices from the public and private sectors, independent review and analysis, vendor management, budget and timing quality assurance and other support of current or past IT projects in at least Washington state and share these with agency IT stakeholders and legislative fiscal staff at least twice annually and post these to the statewide IT dashboard; and

~~((iii))~~ (c) Provide independent recommendations to legislative fiscal committees by December of each calendar year on oversight of IT projects to include opportunities for accountability and performance metrics.

~~((b) \$2,960,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.~~

~~((c))~~ (2) \$2,226,000 of the consolidated technology services revolving account—state appropriation is provided solely for the enterprise data management pilot project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((2))~~ (3) \$16,890,000 of the consolidated technology services revolving account—state appropriation is provided solely for the

office of cyber security.

~~((3))~~ (4) \$2,737,000 of the consolidated technology services revolving account—state appropriation is provided solely for the office of privacy and data protection.

(5) The consolidated technology services agency shall work with customer agencies using the Washington state electronic records vault (WASERV) to identify opportunities to:

(a) Reduce storage volumes and costs associated with vault records stored beyond the agencies' record retention schedules; and

(b) Assess a customized service charge as defined in chapter 304, Laws of 2017 for costs of using WASERV to prepare data compilations in response to public records requests.

~~((4))~~ (6)(a) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures must include the following:

(i) The agency's priority ranking of each information technology request;

(ii) The estimated cost by fiscal year and by fund for the current biennium;

(iii) The estimated cost by fiscal year and by fund for the ensuing biennium;

(iv) The estimated total cost for the current and ensuing biennium;

(v) The total cost by fiscal year, by fund, and in total, of the information technology project since it began;

(vi) The estimated cost by fiscal year and by fund over all biennia through implementation and close out and into maintenance and operations;

(vii) The estimated cost by fiscal year and by fund for service level agreements once the project is implemented;

(viii) The estimated cost by fiscal year and by fund for agency staffing for maintenance and operations once the project is implemented; and

(ix) The expected fiscal year when the agency expects to complete the request.

(b) The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

~~((5))~~ (7) The consolidated technology services agency must not increase fees charged for existing services without prior approval by the office of financial management. The agency may develop fees to recover the actual cost of new infrastructure to support increased use of cloud technologies.

~~((6))~~ (8) Within existing resources, the agency must provide oversight of state procurement and contracting for information technology goods and services by the department of enterprise services.

~~((7))~~ (9) Within existing resources, the agency must host, administer, and support the state employee directory in an online format to provide public employee contact information.

~~((8))~~ (10) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of

projects identified in this report are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

~~((9) \$4,508,000)~~ (11) \$6,207,000 of the consolidated technology services revolving account—state appropriation is provided solely for the creation and ongoing delivery of information technology services tailored to the needs of small agencies. The scope of services must include, at a minimum, full-service desktop support, service assistance, security, and consultation.

~~((10) \$75,935,000)~~ (12) \$82,811,000 of the consolidated technology services revolving account—state appropriation is provided solely for the procurement and distribution of Microsoft 365 licenses which must include advanced security features and cloud-based private branch exchange capabilities for state agencies. The office must report annually to fiscal committees of the legislature each December 31, on the count and type of licenses distributed by consolidated technology services to each state agency. The report must also separately report on the count and type of Microsoft 365 licenses that state agencies have in addition to those that are distributed by consolidated technology services so that the total count, type of license, and cost is known for statewide Microsoft 365 licenses.

~~((11))~~ (13) The office of the chief information officer shall maintain an information technology project dashboard that, at minimum, provides updated information each fiscal month on the projects subject to section 701 of this act.

(a) The statewide information technology dashboard must include, at a minimum, the:

- (i) Start date of the project;
- (ii) End date of the project, when the project will close out and implementation will commence;
- (iii) Term of the project in state fiscal years across all biennia to reflect the start of the project through the end of the project;
- (iv) Total project cost from start date through the end date of the project in total dollars, and a subtotal of near general fund outlook;
- (v) Near general fund outlook budget and actual spending in total dollars and by fiscal month for central service agencies that bill out project costs;
- (vi) Start date of maintenance and operations;
- (vii) Estimated annual state fiscal year cost of maintenance and operations after implementation and close out;
- (viii) Actual spending by state fiscal year and in total for state fiscal years that have closed;
- (ix) Date a feasibility study was completed or note if none has been completed to date;
- (x) Monthly project status assessments on scope, schedule, budget, and overall by the:

- (A) Office of the chief information officer;
- (B) Quality assurance vendor, if applicable; and
- (C) Agency project team;
- (xi) Monthly quality assurance reports, if applicable;
- (xii) Monthly office of the chief information officer status reports on budget, scope, schedule, and overall project status; and
- (xiii) Historical project budget and expenditures through fiscal year 2023.

(b) The statewide dashboard must retain a roll up of the entire project cost, including all subprojects, that can display subproject detail. This includes coalition projects that are active. For projects that include multiple agencies or subprojects and roll up, the dashboard must display:

- (i) A separate technology budget and investment plan for each

impacted agency; and

(ii) A statewide project technology budget roll up that includes each affected agency at the subproject level.

(c) The office of the chief information officer may recommend additional elements to include but must have agreement with legislative fiscal committees and the office of financial management prior to including additional elements.

(d) The agency must ensure timely posting of project data on the statewide information technology dashboard for at least each project funded in the budget and those projects subject to the conditions of section 701 of this act to include, at a minimum, posting on the dashboard:

- (i) The budget funded level by project for each project under oversight within 30 calendar days of the budget being signed into law;
- (ii) The project historical expenditures through completed fiscal years by December 31; and
- (iii) Whether each project has completed a feasibility study.

(e) The office of the chief information officer must post to the statewide dashboard a list of funding received by fiscal year by enacted session law, and how much was received citing chapter law as a list of funding provided by fiscal year.

~~((12))~~ (14) Within existing resources, consolidated technology services must collaborate with the department of enterprise services on the annual contract report that provides information technology contract information. Consolidated technology services will:

- (a) Provide data to the department of enterprise services annually by September 1 of each year; and
- (b) Provide analysis on contract information for all agencies comparing spending across state fiscal years by, at least, the contracting spending towers.

~~((13))~~ (15) \$8,666,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of the enterprise cloud computing program as outlined in the December 2020 Washington state cloud readiness report. Funding provided includes, but is not limited to, cloud service broker resources, cloud center of excellence, cloud management tools, a network assessment, cybersecurity governance, and a cloud security roadmap.

~~((14))~~ (16) \$3,498,000 of the consolidated technology services revolving account—state appropriation is provided solely for the implementation of the recommendations of the cloud transition task force report to include:

- (a) A cloud readiness program to help agencies plan and prepare for transitioning to cloud computing;
- (b) A cloud retraining program to provide a coordinated approach to skills development and retraining; and
- (c) Staffing to define career pathways and core competencies for the state's information technology workforce.

~~((15))~~ (17) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 ~~((16))~~ and \$13,565,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for statewide electronic health records projects, which must comply with the approved statewide electronic health records plan. The purpose of the plan is to implement a common technology solution to leverage shared business processes and data across the state in support of client services.

(a) The statewide electronic health records plan must include, but is not limited to, the following elements:

- (i) A proposed governance model for the electronic health records solution;
- (ii) An implementation plan for the technology solution from kickoff through five years maintenance and operations post implementation;

(iii) A technology budget to include estimated budget and resources needed to implement the electronic health records solution by agency and across the state, including fund sources and all technology budget element requirements as outlined in section 701(4) of this act;

(iv) A licensing plan in consultation with the department of enterprise services that seeks to utilize the state data center;

(v) A procurement approach, in consultation with the department of enterprise services;

(vi) A system that must be capable of being continually updated, as necessary;

(vii) A system that will use an agile development model holding live demonstrations of functioning software, developed using incremental user research, held at the end of every two-week sprint;

(viii) A system that will deploy usable functionality into production for users within 180 days from the date there is an executed procurement contract after a competitive request for proposal is closed;

(ix) A system that uses quantifiable deliverables that must include live, accessible demonstrations of software in development to program staff and end users at each sprint or at least monthly;

(x) A requirement that the agency implementing its electronic health record solution must invite the office and the agency comptrollers or their designee to sprint reviews;

(xi) A requirement that there is an annual independent audit of the system to evaluate compliance of the software solution vendor's performance standards and contractual requirements and technical code quality, and that it meets user needs;

(xii) A recommended program structure for implementing a statewide electronic health records solution;

(xiii) A list of individual state agency projects that will need to implement a statewide electronic health records solution and the readiness of each agency to successfully implement;

(xiv) The process for agencies to request funding from the consolidated technology services for their electronic health records projects. The submitted application must:

(A) Include at least a technology budget in compliance with the requirements of section 701(4) of this act that each agency budget office will assist with; and

(B) Be posted to the statewide information technology dashboard and meet all dashboard posting requirements as outlined in section 155(11) of this act; and

(xv) The approval criteria for agencies to receive funds for their electronic health records project. The approval may not be given without an approved current technology budget, and the office must notify the fiscal committees of the legislature. The office may not approve funding for the project any earlier than 10 business days from the date of notification to the fiscal committees of the legislature.

(b) The plan described in (a) of this subsection:

(i) Must be submitted to the office of financial management, the chair and ranking member of the senate environment, energy, and information technology policy committee, the chairs and ranking members of the fiscal committees of the legislature, and the technology services board by July 1, 2023; and

(ii) Must be approved by the office of financial management and the technology services board established in RCW 43.105.285.

(c) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 ~~(is)~~ and \$13,565,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for state agency electronic health record projects at the department of corrections, the department of social and health services, and the health care authority in accordance with the approved statewide

electronic health record plan requirements in (a) of this subsection. For the amount provided in this subsection (15):

(i) Funding may not be released until the office of financial management and the technology services board have approved the statewide electronic health record plan.

(ii) Funding may not cover any costs incurred by the state agencies for services or project costs prior to the date of statewide electronic health record plan approval.

(iii) State agencies must submit their proposed electronic health records project and technology budget to the office of the chief information officer for approval.

(iv) When a funding request is approved, consolidated technology services will transfer the funds to the agency to execute their electronic health records project.

~~((46))~~ (18) \$134,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5518 (cybersecurity). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~(47))~~ (19) The office of the chief information officer must collaborate with the office of the secretary of state in the evaluation of the office of the secretary of state's information technology infrastructure and applications in determining the appropriate candidates for the location of data and the systems that could be exempt from consolidated technology services oversight.

~~((48))~~ (20) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and ~~(((\$1,500,000))~~ \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for innovative technology solutions and modernization of legacy systems within state government. This funding is to be used for projects at other state agencies to improve the health of the state's overall information technology portfolio. Submitted projects are subject to review and approval by the technology services board as established in RCW 43.105.285. The agency must report to the office of financial management and the fiscal committees of the legislature within 90 days of the close of fiscal year 2024 with the following information to measure the quantity of projects considered for this purpose and use of this funding:

(a) The agency name, project name, estimated time duration, estimated cost, and technology service board recommendation result of each project submitted for funding;

(b) The actual length of time and cost of the projects approved by the technology services board, from start to completion; and

(c) Any other information or metric the agency determines is appropriate to measure the quantity and use of the funding in this subsection.

**Sec. 154.** 2023 c 475 s 156 (uncodified) is amended to read as follows:

**FOR THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

Professional Engineers' Account—State Appropriation ~~(((\$4,622,000))~~

\$4,629,000

TOTAL APPROPRIATION ~~(((\$4,622,000))~~

\$4,629,000

**Sec. 155.** 2023 c 475 s 157 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE LEADERSHIP BOARD**

Washington State Leadership Board Account—State Appropriation ~~(((\$1,691,000))~~

\$1,694,000

TOTAL APPROPRIATION ~~(((\$1,691,000))~~

\$1,694,000

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

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

(1) \$374,000 of the Washington state leadership board account—state appropriation is provided solely for implementation of chapter 96, Laws of 2022 (WA state leadership board).

(2) \$1,200,000 of the Washington state leadership board account—state appropriation is provided solely for implementing programming in RCW 43.388.010, and specifically the Washington world fellows program, sports mentoring program/boundless Washington, compassion scholars, and the Washington state leadership awards.

**PART II  
HUMAN SERVICES**

**Sec. 201.** 2023 c 475 s 201 (uncodified) is amended to read as follows:

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

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that

when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(7) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, support the adoption of a cohesive technology and data architecture, and maximize federal financial participation. The work of the coalition is subject to the conditions, limitations, and review provided in section 701 of this act.

(8)(a) The appropriations to the department of social and health services in this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2024, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2024 among programs and subprograms after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2024 caseload forecasts and utilization assumptions in the long-term care, developmental disabilities, and public assistance programs, the department may transfer state appropriations that are provided solely for a specified purpose. The department may not transfer funds, and the director of the office of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative

explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(9) The department may not transfer appropriations for the developmental disabilities program to any other program of the department of social and health services, or between subprograms of the developmental disabilities program itself.

**Sec. 202.** 2023 c 475 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

General Fund—State Appropriation	(FY 2024)	(\$610,452,000)
		\$684,465,000
General Fund—State Appropriation	(FY 2025)	(\$679,312,000)
		\$785,829,000
General Fund—Federal Appropriation		(\$148,488,000)
		\$169,512,000
General Fund—Private/Local Appropriation		(\$10,732,000)
		\$6,500,000
<u>Coronavirus State Fiscal Recovery Fund—Federal Appropriation</u>		\$127,100,000
<b>TOTAL APPROPRIATION</b>		(\$1,448,984,000)
		\$1,773,406,000

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

(1) The state psychiatric hospitals and residential treatment facilities may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(2) \$311,000 of the general fund—state appropriation for fiscal year 2024 and \$311,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection are for the salaries, benefits, supplies, and equipment for the city of Lakewood to produce incident and police response reports, investigate potential criminal conduct, assist with charging consultations, liaison between staff and prosecutors, provide staff training on criminal justice procedures, assist with parking enforcement, and attend meetings with hospital staff.

(3) \$45,000 of the general fund—state appropriation for fiscal year 2024 and \$45,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(4) \$311,000 of the general fund—state appropriation for fiscal year 2024 and \$311,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community services officer for policing efforts at eastern state hospital. The department must collect data from the city of Medical Lake on the use of the funds and the number of calls responded to by the community policing program and submit a report with this information to the office of financial management and the appropriate fiscal committees of the legislature each December of the fiscal biennium.

(5) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for payment to the city of Medical Lake for police services provided by the city at eastern state hospital and adjacent areas.

(6) \$250,000 of the general fund—state appropriation for fiscal

year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in collaboration with the health care authority, to develop and implement a predictive modeling tool which identifies clients who are at high risk of future involvement with the criminal justice system and for developing a model to estimate demand for civil and forensic state hospital bed needs pursuant to the following requirements.

(a) By the first day of each December during the fiscal biennium, the department, in coordination with the health care authority, must submit a report to the office of financial management and the appropriate committees of the legislature that summarizes how the predictive modeling tool has been implemented and includes the following: (i) The number of individuals identified by the tool as having a high risk of future criminal justice involvement; (ii) the method and frequency for which the department is providing lists of high-risk clients to contracted managed care organizations and behavioral health administrative services organizations; (iii) a summary of how the managed care organizations and behavioral health administrative services organizations are utilizing the data to improve the coordination of care for the identified individuals; and (iv) a summary of the administrative data to identify whether implementation of the tool is resulting in increased access and service levels and lower recidivism rates for high-risk clients at the state and regional level.

(b) The department must provide staff support for the forensic and long-term civil commitment bed forecast which must be conducted under the direction of the office of financial management. The forecast methodology, updates, and methodology changes must be conducted in coordination with staff from the department, the health care authority, the office of financial management, and the appropriate fiscal committees of the state legislature. The model shall incorporate factors for capacity in state hospitals as well as contracted facilities, which provide similar levels of care, referral patterns, wait lists, lengths of stay, and other factors identified as appropriate for estimating the number of beds needed to meet the demand for civil and forensic state hospital services. Factors should include identification of need for the services and analysis of the effect of community investments in behavioral health services and other types of beds that may reduce the need for long-term civil commitment needs. The forecast must be updated each February, June, and November during the fiscal biennium and the department must submit a report to the legislature and the appropriate committees of the legislature summarizing the updated forecast based on the caseload forecast council's schedule for entitlement program forecasts.

(7) \$9,119,000 of the general fund—state appropriation for fiscal year 2024 and \$9,145,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The department, in collaboration with the health care authority and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, forensic navigators, crisis diversion and supports, education and training, and workforce development.

(8) \$7,147,000 of the general fund—state appropriation for fiscal year 2024 and \$7,147,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to maintain implementation of efforts to improve the timeliness of

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services). This funding must be used solely to maintain increases in the number of competency evaluators that began in fiscal year 2016 pursuant to the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP.

(9) \$71,690,000 of the general fund—state appropriation for fiscal year 2024 and \$77,825,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (timeliness of competency treatment and evaluation services) and the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. These amounts must be used to maintain increases that were implemented between fiscal year 2016 and fiscal year 2021, and further increase the number of forensic beds at western state hospital during the 2023-2025 fiscal biennium. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(10) (~~(\$84,483,000)~~) \$84,565,000 of the general fund—state appropriation for fiscal year 2024, \$77,343,000 of the general fund—state appropriation for fiscal year 2025, and (~~(\$1,042,000)~~) \$960,000 of the general fund—federal appropriation are provided solely for the department to continue to implement an acuity based staffing tool at western state hospital and eastern state hospital in collaboration with the hospital staffing committees. The staffing tool must be used to identify, on a daily basis, the clinical acuity on each patient ward and determine the minimum level of direct care staff by profession to be deployed to meet the needs of the patients on each ward. The department must evaluate interrater reliability of the tool within each hospital and between the two hospitals. The department must also continue to update, in collaboration with the office of financial management's labor relations office, the staffing committees, and state labor unions, an overall state hospital staffing plan that looks at all positions and functions of the facilities.

(a) Within the amounts provided in this section, the department must establish, monitor, track, and report monthly staffing and expenditures at the state hospitals, including overtime and use of locums, to the functional categories identified in the recommended staffing plan. The allotments and tracking of staffing and expenditures must include all areas of the state hospitals, must be done at the ward level, and must include contracted facilities providing forensic restoration services as well as the office of forensic mental health services.

(b) By December 1, 2023, and December 1, 2024, the department must submit reports to the office of financial management and the appropriate committees of the legislature that provide a comparison of monthly spending, staffing levels, overtime, and use of locums for the prior year compared to allotments and to the recommended state hospital staffing model. The format for these reports must be developed in consultation with staff from the office of financial management and the appropriate committees of the legislature. The reports must include a summary of the results of the evaluation of the interrater reliability in use of the staffing acuity tool and an update from the hospital staffing committees.

(c) Monthly staffing levels and related expenditures at the state

hospitals must not exceed official allotments without prior written approval from the director of the office of financial management. In the event the director of the office of financial management approves an increase in monthly staffing levels and expenditures beyond what is budgeted, notice must be provided to the appropriate committees of the legislature within 30 days of such approval. The notice must identify the reason for the authorization to exceed budgeted staffing levels and the time frame for the authorization. Extensions of authorizations under this subsection must also be submitted to the director of the office of financial management for written approval in advance of the expiration of an authorization. The office of financial management must notify the appropriate committees of the legislature of any extensions of authorizations granted under this subsection within 30 days of granting such authorizations and identify the reason and time frame for the extension.

(11) (~~(\$4,994,000)~~) \$5,083,000 of the general fund—state appropriation for fiscal year 2024, \$7,535,000 of the general fund—state appropriation for fiscal year 2025, and (~~(\$672,000)~~) \$583,000 of the general fund—federal appropriation are provided solely for the department to establish a violence reduction team at western state hospital to improve patient and staff safety at eastern and western state hospitals. A report must be submitted by December 1, 2023, and December 1, 2024, which includes a description of the violence reduction or safety strategy, a profile of the types of patients being served, the staffing model being used, and outcomes associated with each strategy. The outcomes section should include tracking data on facility-wide metrics related to patient and staff safety as well as individual outcomes related to the patients served.

(12) \$2,593,000 of the general fund—state appropriation for fiscal year 2024 and \$2,593,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase services to patients found not guilty by reason of insanity under the *Ross v. Lashway* settlement agreement.

(13) Within the amounts provided in this subsection, the department must develop and submit an annual state hospital performance report for eastern and western state hospitals. Each measure included in the performance report must include baseline performance data, agency performance targets, and performance for the most recent fiscal year. The performance report must include a one page dashboard as well as charts for each fiscal year and quality of care measure broken out by hospital and including but not limited to: (a) Monthly FTE expenditures compared to allotments; (b) monthly dollar expenditures compared to allotments; (c) monthly FTE expenditures per thousand patient bed days; (d) monthly dollar expenditures per thousand patient bed days; (e) percentage of FTE expenditures for overtime; (f) average length of stay by category of patient; (g) average monthly civil wait list; (h) average monthly forensic wait list; (i) rate of staff assaults per thousand patient bed days; (j) rate of patient assaults per thousand patient bed days; (k) average number of days to release after a patient has been determined to be clinically ready for discharge; and (l) average monthly vacancy rates for key clinical positions. The department must submit the state hospital performance report to the office of financial management and the appropriate committees of the legislature by the first day of each December of the biennium.

(14) \$546,000 of the general fund—state appropriation for fiscal year 2024 and \$566,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for design and planning activities for the new forensic hospital being constructed on the grounds of western state hospital.

(15) \$135,000 of the general fund—state appropriation for

fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain an on-site safety compliance officer, stationed at western state hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(16) \$10,364,000 of the general fund state—appropriation for fiscal year 2024 are provided solely for the department to provide behavioral health and stabilization services at the King county south correctional entity to class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP.

(17) \$2,619,000 of the general fund—state appropriation for fiscal year 2024 and \$5,027,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to hire additional forensic evaluators to provide in-jail competency evaluations and community-based evaluations.

(18) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to track compliance with the requirements of RCW 71.05.365 for transition of state hospital patients into community settings within 14 days of the determination that they no longer require active psychiatric treatment at an inpatient level of care. The department must use these amounts to track the following elements related to this requirement: (a) The date on which an individual is determined to no longer require active psychiatric treatment at an inpatient level of care; (b) the date on which the behavioral health entities and other organizations responsible for resource management services for the person is notified of this determination; and (c) the date on which either the individual is transitioned to the community or has been reevaluated and determined to again require active psychiatric treatment at an inpatient level of care. The department must provide this information in regular intervals to behavioral health entities and other organizations responsible for resource management services. The department must summarize the information and provide a report to the office of financial management and the appropriate committees of the legislature on progress toward meeting the 14 day standard by December 1, 2023, and December 1, 2024.

(19) ~~(\$10,547,000)~~ \$2,190,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$37,480,000)~~ \$28,742,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the 48 bed Clark county facility to provide long-term inpatient care beds as defined in RCW 71.24.025. The department must use this facility to provide treatment services for individuals who have been committed to a state hospital pursuant to the dismissal of criminal charges and civil evaluation ordered under RCW 10.77.086 or 10.77.088. In considering placements at the facility, the department must maximize forensic bed capacity at the state hospitals for individuals in jails awaiting admission that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP. The department must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2023, and December 1, 2024, providing a status update on progress toward opening the new facility.

(20) \$8,048,000 of the general fund—state appropriation for fiscal year 2024 and \$7,677,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to reopen and operate a 30 bed ward for civil patients at western state hospital. The department must prioritize

placements on this ward for individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, in order to maximize forensic bed capacity for individuals in jails awaiting admission that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP.

(21) ~~(\$13,324,000)~~ \$14,466,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$44,813,000)~~ \$51,582,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the maple lane campus ~~(. Of the amounts provided in this subsection.)~~ as described in (a) and (b) of this subsection.

(a) ~~(\$4,764,000 of the general fund—state appropriation for fiscal year 2024 and \$5,239,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the)~~ The department ~~(to)~~ shall operate the Oak, Columbia, and Cascade cottages to provide:

(i) Treatment services to individuals committed to a state hospital under chapter 71.05 RCW pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088;

(ii) Treatment services to individuals acquitted of a crime by reason of insanity and subsequently ordered to receive treatment services under RCW 10.77.120; and

(iii) Through fiscal year 2024, competency restoration services at the Cascade cottage to individuals under RCW 10.77.086 or 10.77.088.

(b) ~~(\$8,560,000 of the general fund—state appropriation for fiscal year 2024 and \$39,574,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the)~~ The department ~~(to)~~ shall open and operate the Baker and Chelan cottages to provide treatment services to individuals committed to a state hospital under chapter 71.05 RCW pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088.

(c) In considering placements at the maple lane campus, the department must maximize forensic bed capacity at the state hospitals for individuals in jails awaiting admission that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP.

(22) \$1,412,000 of the general fund—state appropriation for fiscal year 2024 and \$1,412,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for relocation, storage, and other costs associated with building demolition on the western state hospital campus.

(23) \$455,000 of the general fund—state appropriation for fiscal year 2024 and \$455,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for western state hospital's vocational rehabilitation program and eastern state hospital's work readiness program to pay patients working in the programs an hourly wage that is equivalent to the state's minimum hourly wage under RCW 49.46.020.

(24) \$4,054,000 of the general fund—state appropriation for fiscal year 2024 and \$5,236,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations). ~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

(25) ~~(\$2,233,000)~~ \$2,283,000 of the general fund—state appropriation for fiscal year 2024, \$4,118,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$297,000)~~ \$247,000 of the general fund—federal appropriation are provided



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

solely for the department to address delays in patient discharge as provided in this subsection.

(a) The department shall hire staff dedicated to discharge reviews, including psychologists to complete reviews and staff for additional discharge review work, including, but not limited to, scheduling, planning, and providing transportation; and establish and implement a sex offense and problematic behavior program as part of the sex offense review and referral team program.

(b) Of the amounts provided in this subsection, \$504,000 per year shall be used for bed fees for patients who are not guilty by reason of insanity.

(c) The department shall track data as it relates to this subsection and, where available, compare it to historical data. The department will provide a report to the appropriate fiscal and policy committees of the legislature. A preliminary report is due by December 1, 2023, and the final report is due by September 15, 2024, and at a minimum must include the:

- (i) Volume of patients discharged;
- (ii) Volume of patients in a sex offense or problematic behavior program;
- (iii) Number of beds held for not guilty by reason of insanity patients;
- (iv) Average and median duration to complete discharges;
- (v) Staffing as it relates to this subsection; and
- (vi) Average discharge evaluation caseload.

~~((27))~~ (26)(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to pursue immediate strategies to maximize existing forensic bed capacity for individuals in jails awaiting admission to the state hospitals that are class members of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP. The immediate strategies must include, but are not limited to:

(i) Additional approaches to resolving barriers to discharge for civil patients, including:

(A) In coordination with the behavioral health teaching facility at the University of Washington, identification of civil patients in the state hospitals that could receive appropriate treatment at the facility and work to resolve any barriers in such placement;

(B) Identification of civil patients in the state hospitals that could receive appropriate treatment at an enhanced services facility or any other community facility and work to resolve any barriers in such placement; and

(C) Coordination with the aging and long-term care administration and the office of public guardianship on the provision of qualified guardians for civil patients in need of guardianship that are otherwise eligible for discharge; and

(ii) Additional approaches to resolving any barriers to maximizing the use of existing civil wards at eastern state hospital for individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088.

(b) By December 1, 2023, the department must submit a preliminary report to the appropriate committees of the legislature and to the office of financial management that provides:

(i) The number of individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088; and

(ii) The department's plan for utilizing the funds provided in

this subsection and estimated outcomes.

(c) By September 1, 2024, the department must submit a final report to the appropriate committees of the legislature and to the office of financial management that provides:

(i) The number of individuals currently occupying beds on forensic wards at western state hospital who have been committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088; and

(ii) Detailed reporting on how the funds provided in this subsection were used and the associated outcomes.

~~((28) \$53,000)~~ (27) \$76,000 of the general fund—state appropriation for fiscal year 2024, \$53,000 of the general fund—state appropriation for fiscal year 2025, and ~~((94,000))~~ \$71,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((29))~~ (28) Within the amounts provided in this section, the department is provided funding to operate civil long-term inpatient beds at the state hospitals as follows:

(a) Funding is sufficient for the department to operate 192 civil beds at eastern state hospital in both fiscal year 2024 and fiscal year 2025.

(b) Funding is sufficient for the department to operate 287 civil beds at western state hospital in both fiscal year 2024 and fiscal year 2025.

(c) The department shall fully operate funded civil capacity at eastern state hospital, including reopening and operating civil beds that are not needed for eastern Washington residents to provide services for western Washington residents.

(d) The department shall coordinate with the health care authority toward increasing community capacity for long-term inpatient services required under section 215(50) of this act.

(29) \$60,426,000 of the general fund—state appropriation for fiscal year 2024 and \$74,538,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate 72 beds in three wards in the Olympic heritage behavioral health facility.

(30) \$100,318,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to pay the court order filed July 7, 2023, issued in the case of *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States district court for the western district of Washington, cause no. 14-cv-01178-MJP, which requires the department to "pay all fines held in abeyance from September 2022 through May 2023, which totals \$100,318,000.00."

(31) \$6,900,000 of the general fund—state appropriation for fiscal year 2024 and \$13,610,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate an additional 30 beds at western state hospital.

(32) \$3,228,000 of the general fund—state appropriation for fiscal year 2024 and \$6,088,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate an additional eight beds at eastern state hospital.

**Sec. 203.** 2023 c 475 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2024) ~~((1,129,397,000))~~

	<u>\$1,125,810,000</u>
General Fund—State Appropriation (FY 2025)	(( <u>\$1,184,492,000</u> ))
	<u>\$1,213,385,000</u>
General Fund—Federal Appropriation	(( <u>\$2,409,328,000</u> ))
	<u>\$2,456,861,000</u>
General Fund—Private/Local Appropriation	\$4,058,000
Developmental Disabilities Community Services Account—State Appropriation	\$32,120,000
TOTAL APPROPRIATION	(( <u>\$4,759,395,000</u> ))
	<u>\$4,832,234,000</u>

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2024 and \$225 per bed beginning in fiscal year 2025. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 must be charged when adult family home providers file a change of ownership application.

(ii) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2024 and \$116 per bed beginning in fiscal year 2025.

(iii) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2024 and \$359 per bed beginning in fiscal year 2025.

(c) \$32,240,000 of the general fund—state appropriation for fiscal year 2024, \$52,060,000 of the general fund—state appropriation for fiscal year 2025, and \$108,994,000 of the general fund—federal appropriation are provided solely for the rate increase for the new consumer-directed employer contracted individual providers as set by the consumer-directed employer rate setting board in accordance with RCW 74.39A.530.

(d) \$5,095,000 of the general fund—state appropriation for fiscal year 2024, \$7,299,000 of the general fund—state appropriation for fiscal year 2025, and \$16,042,000 of the general fund—federal appropriation are provided solely for the homecare agency parity consistent with the rate set by the consumer-directed employer rate setting board in accordance with RCW 74.39A.530.

(e) \$1,099,000 of the general fund—state appropriation for fiscal year 2024, \$2,171,000 of the general fund—state appropriation for fiscal year 2025, and \$5,515,000 of the general fund—federal appropriation are provided solely for administrative costs of the consumer-directed employer as set by the consumer-directed employer rate setting board in accordance with RCW 74.39A.530.

(f) \$328,000 of the general fund—state appropriation for fiscal year 2024, \$444,000 of the general fund—state appropriation for fiscal year 2025, and \$998,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by 56 cents per hour effective July 1, 2023.

(g) \$9,371,000 of the general fund—state appropriation for fiscal year 2024, \$10,798,000 of the general fund—state appropriation for fiscal year 2025, and \$25,267,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium, as provided in section 907 of this act.

(h) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(i) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(j) Sufficient appropriations are provided to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(i) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, and assisted living facility beds.

(ii) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios in all community alternative placement options described in (j)(i) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(iii) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (j)(i) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(iv) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(k) Sufficient appropriations are provided for discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(l) \$476,000 of the general fund—state appropriation for fiscal year 2024 and \$481,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1128 (personal needs allowance). ~~((If the bill is~~

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

~~not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

(m) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2024 and \$859 per client in fiscal year 2025. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(n) \$2,648,000 of the general fund—state appropriation for fiscal year 2024, \$2,631,000 of the general fund—state appropriation for fiscal year 2025, and \$2,293,000 of the general fund—federal appropriation are provided solely for enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her home. The department must provide the legislature with a respite utilization report in January of each year that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(o) \$2,173,000 of the general fund—state appropriation for fiscal year 2024 and \$2,154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for 13 community respite beds across the state for adults. These services are intended to provide families and caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January of each year that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(p) \$144,000 of the general fund—state appropriation for fiscal year 2025 and \$181,000 of the general fund—federal appropriation are provided solely for funding the unfair labor practice settlement in the case of *Adult Family Home Council v Office of Financial Management*, PERC case no. 135737-U-22. If the settlement agreement is not reached by June 30, 2024, the amounts provided in this subsection shall lapse.

(q) \$351,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$375,000)~~ \$472,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$905,000)~~ \$1,026,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 to 79 percent of the labor component and 68 percent of the operations component, effective July 1, 2023; and to 84 percent of the labor component and 68 percent of the operations component, effective July 1, 2024.

(r) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(s) The appropriations in this section include sufficient funding to provide access to the individual and family services waiver and the basic plus waiver to those individuals on the service request list as forecasted by the caseload forecast council. For subsequent policy level budgets, the department shall submit a request for funding associated with individuals requesting to receive the individual and family services waiver and the basic plus waiver in accordance with the courtesy forecasts provided by the caseload forecast council.

(t) \$1,729,000 of the general fund—state appropriation for

fiscal year 2024, \$2,669,000 of the general fund—state appropriation for fiscal year 2025, and \$4,206,000 of the general fund—federal appropriation are provided solely to operate intensive habilitation services and enhanced out-of-home services facilities.

(u) \$1,363,000 of the general fund—state appropriation for fiscal year 2024, \$1,363,000 of the general fund—state appropriation for fiscal year 2025, and \$2,092,000 of the general fund—federal appropriation are provided solely for additional staff to reduce the timeline for completion of financial eligibility determinations. No later than December 31, 2024, the department of social and health services shall submit a final report to the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes, including, but not limited to, a description of how the timeline for completion of these determinations has changed.

(v) \$485,000 of the general fund—state appropriation for fiscal year 2024 and \$484,000 of the general fund—federal appropriation are provided solely for a feasibility study of the developmental disabilities assessment tool and is subject to the conditions, limitations, and review requirements of section 701 of this act. The resulting study must determine whether the assessment and its technology can be improved to meet regulatory obligations, be quicker and person-centered, reduce manual notations, and maintain viability across age groups and settings.

(w) \$1,223,000 of the general fund—state appropriation for fiscal year 2024, \$2,763,000 of the general fund—state appropriation for fiscal year 2025, and \$3,248,000 of the general fund—federal appropriation are provided solely for supported employment and community inclusion services for those individuals with intellectual or developmental disabilities who are transitioning from high school in the 2023-2025 fiscal biennium and are anticipated to utilize these services.

(x) \$11,074,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$13,222,000)~~ \$17,231,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$19,206,000)~~ \$23,214,000 of the general fund—federal appropriation are provided solely to increase rates paid to supported employment and community inclusion providers.

(y)(i) \$79,000 of the general fund—state appropriation for fiscal year 2024, \$76,000 of the general fund—state appropriation for fiscal year 2025, and \$121,000 of the general fund—federal appropriation are provided solely for the department to develop a plan for implementing an enhanced behavior support specialty contract for community residential supported living, state-operated living alternative, or a group training home to provide intensive behavioral services and support to adults with intellectual and developmental disabilities who require enhanced services and support due to challenging behaviors that cannot be safely and holistically managed in an exclusively community setting, and who are at risk of institutionalization or out-of-state placement, or are transitioning to the community from an intermediate care facility, hospital, or other state-operated residential facility. The enhanced behavior support specialty contract shall be designed to ensure that enhanced behavior support specialty settings serve a maximum capacity of four clients and that they have the adequate levels of staffing to provide 24-hour nonmedical care and supervision of residents.

(ii) No later than June 30, 2025, the department must submit to the governor and the appropriate committees of the legislature a report that includes:

(A) A detailed description of the design of the enhanced behavior support specialty contract and setting, including a description of and the rationale for the number of staff required within each behavior support specialty setting and the necessary

qualifications of these staff;

(B) A detailed description of and the rationale for the number of department staff required to manage the enhanced behavior support specialty program;

(C) A plan for implementing the enhanced behavior support specialty contracts that includes:

(I) An analysis of areas of the state where enhanced behavior support specialty settings are needed, including recommendations for how to phase in the enhanced behavior support specialty settings in these areas; and

(II) An analysis of the sufficiency of the provider network to support a phase in of the enhanced behavior support specialty settings, including recommendations for how to further develop this network; and

(D) An estimate of the costs to implement the enhanced behavior support specialty settings and program and any necessary recommendations for legislative actions to facilitate the ability of the department to:

(I) Enter into contracts and payment arrangements with providers choosing to provide the enhanced behavior support specialty setting and to supplement care in all community-based residential settings with experts trained in enhanced behavior support so that state-operated living alternatives, supported living facilities, and other community-based settings can specialize in the needs of individuals with developmental disabilities who are living with high, complex behavioral support needs;

(II) Enter into funding agreements with the health care authority for the provision of applied behavioral analysis and other applicable health care services within the community-based residential setting; and

(III) Provide the enhanced behavior support specialty through a medicaid waiver or other federal authority administered by the department, to the extent consistent with federal law and federal funding requirements to receive federal matching funds.

(z) \$2,494,000 of the general fund—state appropriation for fiscal year 2024 and \$3,345,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide personal care services for up to 33 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(aa) \$2,605,000 of the general fund—state appropriation for fiscal year 2024, \$2,402,000 of the general fund—state appropriation for fiscal year 2025, and \$3,840,000 of the general fund—federal appropriation are provided solely to establish transition coordination teams to coordinate transitions of care for clients who move from one care setting to another. The department of social and health services shall submit annual reports no later than December 1, 2023, and December 1, 2024, to the appropriate committees of the legislature that detail how the funds were utilized and the associated outcomes including, but not limited to:

(i) A detailed reporting of the number of clients served, the settings in which clients received care, and the progress made toward increasing stability of client placements;

(ii) A comparison of these outcomes against the outcomes achieved in prior fiscal years;

(iii) A description of lessons learned since the transition coordination teams were first implemented, including an identification of what processes were improved to reduce the timelines for completion; and

(iv) Recommendations for changes necessary to the transition coordination teams to improve increasing stability of client placements.

(bb) \$1,448,000 of the general fund—state appropriation for fiscal year 2024, \$1,807,000 of the general fund—state appropriation for fiscal year 2025, and \$3,626,000 of the general fund—federal appropriation are provided solely to pilot a specialty rate for adult family homes to serve up to 100 individuals with intellectual or developmental disabilities who also have co-occurring health or behavioral health diagnoses. No later than December 1, 2024, the department of social and health services shall submit a report to the governor and the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes including, but not limited to:

(i) A detailed reporting of the number of clients served and the setting from which each client entered the adult family home receiving this specialty rate;

(ii) A comparison of the rate of admissions to the adult family homes receiving this specialty rate against the rate of admissions to other state-operated settings including, but not limited to, state-operated living alternatives, enhanced services facilities, and the transitional care center of Seattle; and

(iii) A comparison of the length of stay in the setting from which the client entered the adult family home receiving this specialty rate against the average length of stay in settings prior to entering other state-operated settings including, but not limited to, state-operated living alternatives, enhanced services facilities, and the transitional care center of Seattle.

(cc) \$2,856,000 of the general fund—state appropriation for fiscal year 2024, \$3,104,000 of the general fund—state appropriation for fiscal year 2025, and \$5,948,000 of the general fund—federal appropriation are provided solely to pilot a program that provides a specialty rate for community residential providers who receive additional training to support individuals with complex physical and behavioral health needs.

(i) Of the amounts provided in this subsection, \$2,453,000 of the general fund—state appropriation for fiscal year 2024, \$2,705,000 of the general fund—state appropriation for fiscal year 2025, and \$5,259,000 of the general fund—federal appropriation are provided solely for the specialty rate for community residential providers to serve up to 30 individuals.

(ii) Of the amounts provided in this subsection, \$403,000 of the general fund—state appropriation for fiscal year 2024, \$399,000 of the general fund—state appropriation for fiscal year 2025, and \$689,000 of the general fund—federal appropriation are provided solely for the department to hire staff to support this specialty program, including expanding existing training programs available for community residential providers and to support providers in locating affordable housing.

(iii) No later than December 1, 2024, the department of social and health services shall submit a report to the governor and the appropriate committees of the legislature that details how the funds were utilized and the associated outcomes including, but not limited to:

(A) A detailed reporting of the number of clients served and the setting from which each client entered the community residential setting receiving this specialty rate;

(B) A comparison of the rate of admissions to the community residential setting receiving this specialty rate against the rate of admissions to other community residential settings not receiving this specialty rate as well as against the rate of admissions to other state-operated settings including, but not limited to, state-operated living alternatives, enhanced services facilities, and the transitional care center of Seattle; and

(C) A comparison of the length of stay in the setting from which the client entered the community residential setting receiving this specialty rate against the average length of stay in settings prior to entering other community residential settings not receiving this specialty rate as well as prior to entering other state-

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

operated settings including, but not limited to, state-operated living alternatives, enhanced services facilities, and the transitional care center of Seattle.

(dd)(i) \$104,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to contract with the Ruckleshaus center for a progress report on the recommendations in the December 2019 report, "Rethinking Intellectual and Developmental Disability Policy to Empower Clients, Develop Providers and Improve Services."

(ii) By February 29, 2024, a final report shall be submitted to the governor and the appropriate committees of the legislature that includes:

(A) Detailed information about the successes and barriers related to meeting the recommendations in the December 2019 report;

(B) Identification of other potential issues or options for meeting the recommendations in the December 2019 report, including but not limited to, an exploration of the enhanced behavioral support homes concept;

(C) A review of other state's approaches and innovations regarding any of the recommendations in the December 2019 report;

(D) Identification of any emergent issues; and

(E) Identification or recommendation for the organization of focus groups of state agencies and respective stakeholders.

(iii) In compiling the final report, members of the previous workgroup, as well as other interested parties, should be consulted for their feedback and to identify areas where there is potential for agreement to move forward and to make process recommendations if applicable.

(ee) \$127,000 of the general fund—state appropriation for fiscal year 2024, \$28,000 of the general fund—state appropriation for fiscal year 2025, and \$55,000 of the general fund—federal appropriation are provided solely for adult day respite. Of the amounts appropriated in this subsection:

(i) \$27,000 of the general fund—state appropriation for fiscal year 2024, \$28,000 of the general fund—state appropriation for fiscal year 2025, and \$55,000 of the general fund—federal appropriation are provided solely to increase adult day respite rates from \$3.40 to \$5.45 per 15-minute unit to expand and ensure the sustainability of respite services for clients with intellectual or developmental disabilities and their family caregivers.

(ii) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to hire a project position to conduct a study and submit a report by December 1, 2023 to the governor and the appropriate committees of the legislature that examines the feasibility and operational resources needed to add adult day services to a state plan 1915(i) option or to the existing basic plus and core 1915(c) waivers.

(ff) \$2,500,000 of the general fund—state appropriation for fiscal year 2024, \$4,284,000 of the general fund—state appropriation for fiscal year 2025, and \$4,178,000 of the general fund—federal appropriation are provided solely for the department to add 10 adult stabilization beds by June 2025, increase rates for existing adult stabilization beds by 23 percent, and expand mobile crisis diversion services to cover all three regions of the state.

(gg)(i) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to study opportunities to enhance data collection on clients in family units with at least one parent having a developmental or intellectual disability. The study must identify:

(A) Opportunities to improve the existing assessment form and information technology systems by adding questions about clients' children, such as their ages, the number of children, and

the K-12 enrollment status of each child;

(B) Ways to strengthen data sharing agreements with other departments, including the department of children, youth, and families, and local school districts;

(C) Strategies for surveying clients to collect information on their parenting and living arrangements, including support from other family members;

(D) Methods for analyzing new and existing data to determine and identify the total number of children with parents that have a developmental or intellectual disability, their needs, and access to specialized services;

(E) An inventory of existing support programs designed for families with a parent having a developmental or intellectual disability and their children, including educational support, financial assistance, and access to specialized services.

(ii) The department shall report its findings to the governor and appropriate committees of the legislature by June 30, 2024.

(hh) \$81,000 of the general fund—state appropriation for fiscal year 2024, \$219,000 of the general fund—state appropriation for fiscal year 2025, and \$371,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 1407 (dev. disability/eligibility). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(ii) \$62,000 of the general fund—state appropriation for fiscal year 2024, \$72,000 of the general fund—state appropriation for fiscal year 2025, and \$116,000 of the general fund—federal appropriation are provided solely to implement Second Substitute House Bill No. 1580 (children in crisis). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(jj) \$63,000 of the general fund—state appropriation for fiscal year 2024, \$73,000 of the general fund—state appropriation for fiscal year 2025, and \$136,000 of the general fund—federal appropriation are provided solely for the department to conduct a study to explore opportunities to restructure services offered under the medicaid waivers for individuals with developmental disabilities served by the department. The plan should propose strategies to enhance service accessibility across the state and align services with the needs of clients, taking into account current and future demand. It must incorporate valuable input from knowledgeable stakeholders and a national organization experienced in home and community-based waivers in other states. This plan must be submitted to the governor and relevant legislative committees by December 1, 2024.

(kk) \$5,431,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$11,084,000)~~ \$21,076,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$16,737,000)~~ \$26,729,000 of the general fund—federal appropriation are provided solely to increase rates by 2.5 percent, effective January 1, 2024, and an additional 2.3 percent, effective July 1, 2024, for community residential service providers offering supported living, group home, group training home, licensed staff residential services, community protection, and children's out-of-home services to individuals with developmental disabilities.

(ll) \$456,000 of the general fund—state appropriation for fiscal year 2024, \$898,000 of the general fund—state appropriation for fiscal year 2025, and \$416,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare services/DD). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(mm) \$446,000 of the general fund—state appropriation for fiscal year 2024, \$5,274,000 of the general fund—state appropriation for fiscal year 2025, and \$2,089,000 of the general

fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(nn)(a) \$2,214,000 of the general fund—state appropriation for fiscal year 2024, \$10,104,000 of the general fund—state appropriation for fiscal year 2025, and \$2,934,000 of the general fund—federal appropriation are provided solely for the department to operate a staff-secure, voluntary, and transitional treatment facility specializing in services for adolescents over the age of 13 who have complex developmental, intellectual disabilities, or autism spectrum disorder and may also have a mental health or substance use diagnosis. These individuals require intensive behavioral supports and may also be in need of behavioral health services. Services must be provided at a leased property in Lake Burien, serve no more than 12 youth at one time, and be implemented in a way that prioritizes transition to less restrictive community-based settings. The department shall collaborate with the department of children, youth, and families to identify youth for placement in this setting and regarding appropriate discharge options with a focus on less restrictive community-based settings. Youth shall enter the facility only by their own consent or the consent of their guardian.

(b) The department and health care authority shall collaborate in the identification and evaluation of strategies to obtain federal matching funding opportunities, specifically focusing on innovative medicaid framework adjustments and the consideration of necessary state plan amendments. This collaborative effort aims not only to enhance the funding available for the operation of the facility but also to maintain adherence to its fundamental objective of offering voluntary, transitional services. These services are designed to facilitate the transition of youth to community-based settings that are less restrictive, aligning with the facility's commitment to supporting youth with complex needs in a manner that encourages their movement toward independence.

(c) By November 1, 2024, the department shall report to the governor and appropriate committees of the legislature on the program's design, results of preliminary implementation, financing opportunities, and recommendations. By June 30, 2025, the department shall report to the governor and appropriate committees of the legislature its initial findings, demographics on children served, and recommendations for program design and expansion.

(oo) \$175,000 of the general fund—state appropriation for fiscal year 2025 and \$175,000 of the general fund—federal appropriation are provided solely for guardianship fee parity for individuals moving from residential habilitation centers to community supported living programs. This funding aims to maintain equal guardianship fees compared to those moving to adult family homes.

(pp) \$108,000 of the general fund—state appropriation for fiscal year 2025 and \$92,000 of the general fund—federal appropriation are provided solely to convene a work group to study day habilitation services, ensuring that work group includes individuals with lived experience. The work group must submit a final report to the governor and appropriate committees of the legislature by October 1, 2024, detailing recommendations for the establishment of community-contracted day habilitation services statewide and their inclusion in the medicaid state plan.

(qq) \$1,486,000 of the general fund—state appropriation for fiscal year 2025 and \$1,144,000 of the general fund—federal appropriation are provided solely for hiring additional case managers and case manager supervisors. The aim is to reduce the current caseload ratio, targeting a move from one case manager per 75 clients to one case manager per 68 clients by June 2025,

and to oversee the newly hired case managers by employing more supervisors.

(rr)(i) \$361,000 of the general fund—state appropriation for fiscal year 2025 and \$387,000 of the general fund—federal appropriation are provided for rates paid, effective January 1, 2025, to independent contractor nurses and agency-employed nurses providing private duty nursing, skilled nursing, and private duty nursing in adult family homes.

(ii) The department must adopt a payment model that incorporates the following adjustments for independent contractor nurses:

(A) Private duty nursing services shall be \$56.58 per hour by a registered nurse and \$46.49 per hour by a licensed practical nurse.

(B) Skilled nursing services shall be \$62.93 per day by a registered nurse.

(iii) The department must adopt a payment model that incorporates the following adjustments for agency-employed nurses:

(A) Private duty nursing services shall be \$67.89 per hour by a registered nurse and \$55.79 per hour by a licensed practical nurse.

(B) Skilled nursing services shall be \$75.52 per day by a registered nurse.

(iv) Private duty nursing services in an adult family home shall be \$898.95 per day.

#### (2) INSTITUTIONAL SERVICES

General Fund—State	Appropriation	(FY 2024)	
			<del>(\$138,560,000)</del>
			\$139,345,000
General Fund—State	Appropriation	(FY 2025)	
			<del>(\$140,682,000)</del>
			\$141,754,000
General Fund—Federal	Appropriation		<del>(\$254,857,000)</del>
			\$256,441,000
General Fund—Private/Local	Appropriation		\$19,488,000
TOTAL APPROPRIATION			<del>(\$553,587,000)</del>
			\$557,028,000

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

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments may not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$495,000 of the general fund—state appropriation for fiscal year 2024 and \$495,000 of the general fund—state appropriation for fiscal year 2025 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) The residential habilitation centers may use funds appropriated in this subsection to purchase goods, services, and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(d) \$61,000 of the general fund—state appropriation for fiscal year 2024, \$61,000 of the general fund—state appropriation for fiscal year 2025, and \$117,000 of the general fund—federal appropriation are provided solely for implementation of House Bill No. 1128 (personal needs allowance). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

#### (3) PROGRAM SUPPORT

General Fund—State	Appropriation	(FY 2024)	<del>(\$4,103,000)</del>
			\$3,596,000
General Fund—State	Appropriation	(FY 2025)	<del>(\$4,179,000)</del>
			\$3,681,000
General Fund—Federal	Appropriation		<del>(\$4,951,000)</del>

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

	<u>\$4,280,000</u>
TOTAL APPROPRIATION	(( <u>\$13,233,000</u> ))
	<u>\$11,557,000</u>

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2024)	\$66,000
General Fund—State Appropriation (FY 2025)	\$66,000
General Fund—Federal Appropriation	\$1,094,000
TOTAL APPROPRIATION	\$1,226,000

**Sec. 204.** 2023 c 475 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024)	(( <u>\$2,202,547,000</u> ))
	<u>\$2,167,944,000</u>
General Fund—State Appropriation (FY 2025)	(( <u>\$2,385,171,000</u> ))
	<u>\$2,430,600,000</u>
General Fund—Federal Appropriation	(( <u>\$5,611,805,000</u> ))
	<u>\$5,678,638,000</u>
General Fund—Private/Local Appropriation	\$53,719,000
Traumatic Brain Injury Account—State Appropriation	(( <u>\$5,586,000</u> ))
	<u>\$4,486,000</u>
Skilled Nursing Facility Safety Net Trust Account—State Appropriation	\$133,360,000
Long-Term Services and Supports Trust Account—State Appropriation	(( <u>\$44,301,000</u> ))
	<u>\$53,701,000</u>
TOTAL APPROPRIATION	(( <u>\$10,436,489,000</u> ))
	<u>\$10,522,448,000</u>

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

(1)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate may not exceed \$341.41 for fiscal year 2024 and may not exceed \$364.67 for fiscal year 2025. The weighted average nursing facility payment rates in this subsection (1)(a) include the following:

(i) \$17,361,000 of the general fund—state appropriation for fiscal year 2024, \$17,361,000 of the general fund—state appropriation for fiscal year 2025, and \$34,722,000 of the general fund—federal appropriation are provided solely to maintain rate add-ons funded in the 2021-2023 fiscal biennium to address low-wage equity for low-wage direct care workers. To the maximum extent possible, the facility-specific wage rate add-on shall be equal to the wage payment received on June 30, 2023.

(ii) \$2,227,000 of the general fund—state appropriation for fiscal year 2024, \$2,227,000 of the general fund—state appropriation for fiscal year 2025, and \$4,456,000 of the general fund—federal appropriation are provided solely to maintain rate add-ons funded in the 2021-2023 fiscal biennium to address low-wage equity for low-wage indirect care workers. To the maximum extent possible, the facility-specific wage rate add-on shall be equal to the wage payment received on June 30, 2023.

(b) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(c)(i) Following the discontinuation of the data set containing resource utilization group scores, the department, in collaboration with appropriate stakeholders, shall create a new method for adjusting direct care rates based on changes in case mix, using the

patient driven payment model system. It is the intent of the legislature, that once the patient driven payment model system is fully implemented, the methodology of the rates will reflect a more accurate and equitable reflection of the actual cost of care. To facilitate a comprehensive and fair transition to the new case mix methodologies, the department shall:

(A) Conduct an analysis to assess the potential impact of the new case mix classification methodology on nursing facility payment rates;

(B) Based on the impact analysis, create payment adjustments for capturing changes in client acuity. The process must involve engaging a wide range of stakeholders, including facility representatives and resident advocates, to ensure that the adjustments are transparent, fair, and supportive of high-quality care;

(C) Develop a plan to continuously monitor the effects of the new methodologies on payment rates and care quality after implementation. The plan must specify how the department will adjust the methodologies and payment rates as necessary, based on empirical evidence and stakeholder feedback, to maintain fairness and effectiveness; and

(D) Develop a process for offering technical support for facilities adjusting to the new methodologies. This may include phased implementation periods to ensure a smooth transition and maintain stability in care provision.

(ii) The department shall submit a report detailing the development and anticipated implementation of this new methodology to the governor and the appropriate legislative committees no later than December 1, 2024, for consideration in the 2025-2027 fiscal biennium.

(2) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes is \$225 per bed beginning in fiscal year 2024 and \$225 per bed beginning in fiscal year 2025. A processing fee of \$2,750 must be charged to each adult family home when the home is initially licensed. This fee is nonrefundable. A processing fee of \$700 shall be charged when adult family home providers file a change of ownership application.

(b) The current annual renewal license fee for assisted living facilities is \$116 per bed beginning in fiscal year 2024 and \$116 per bed beginning in fiscal year 2025.

(c) The current annual renewal license fee for nursing facilities is \$359 per bed beginning in fiscal year 2024 and \$359 per bed beginning in fiscal year 2025.

(3) The department is authorized to place long-term care clients residing in nursing homes and paid for with state-only funds into less restrictive community care settings while continuing to meet the client's care needs.

(4) \$69,777,000 of the general fund—state appropriation for fiscal year 2024, \$113,969,000 of the general fund—state appropriation for fiscal year 2025, and \$237,558,000 of the general fund—federal appropriation are provided solely for the rate increase for the new consumer-directed employer contracted individual providers as set by the consumer-directed rate setting board in accordance with RCW 74.39A.530.

(5) \$19,044,000 of the general fund—state appropriation for fiscal year 2024, \$30,439,000 of the general fund—state

appropriation for fiscal year 2025, and \$63,986,000 of the general fund—federal appropriation are provided solely for the homecare agency parity consistent with the rate set by the consumer-directed employer rate setting board in accordance with RCW 74.39A.530.

(6) \$2,385,000 of the general fund—state appropriation for fiscal year 2024, \$4,892,000 of the general fund—state appropriation for fiscal year 2025, and \$12,502,000 of the general fund—federal appropriation are provided solely for administrative costs of the consumer-directed employer as set by the consumer-directed employer rate setting board in accordance with RCW 74.39A.530.

(7) \$2,547,000 of the general fund—state appropriation for fiscal year 2024, \$3,447,000 of the general fund—state appropriation for fiscal year 2025, and \$7,762,000 of the general fund—federal appropriation are provided solely to increase the administrative rate for home care agencies by 56 cents per hour effective July 1, 2023.

(8) \$425,000 of the general fund—state appropriation for fiscal year 2025 and \$542,000 of the general fund—federal appropriation are provided solely for funding the unfair labor practice settlement in the case of *Adult Family Home Council v Office of Financial Management*, PERC case no. 135737-U-22. If the settlement agreement is not reached by June 30, 2024, the amounts provided in this subsection shall lapse.

(9) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(10) In accordance with RCW 18.390.030, the biennial registration fee for continuing care retirement communities shall be \$900 for each facility.

(11) Within amounts appropriated in this subsection, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members, and four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the office of long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington and to serve people with disabilities, including state budget and policy options, and may conduct, but are not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify strategies and policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify ways to promote advance planning and advance care directives and implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Identify ways to meet the needs of the aging demographic impacted by reduced federal support;

(vi) Identify ways to protect the rights of vulnerable adults through assisted decision-making and guardianship and other relevant vulnerable adult protections;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures and meetings are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. Meetings of the task force must be scheduled and conducted in accordance with the rules of both the senate and the house of representatives. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(12) Appropriations in this section are sufficient to fund discharge case managers stationed at the state psychiatric hospitals. Discharge case managers will transition clients ready for hospital discharge into less restrictive alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state psychiatric hospitals.

(13) Appropriations in this section are sufficient to fund financial service specialists stationed at the state psychiatric hospitals. Financial service specialists will help to transition clients ready for hospital discharge into alternative community placements. The transition of clients ready for discharge will free up bed capacity at the state hospitals.

(14) The department shall continue to administer tailored support for older adults and medicaid alternative care as described in initiative 2 of the 1115 demonstration waiver. This initiative will be funded by the health care authority through the medicaid quality improvement program. The secretary in collaboration with the director of the health care authority shall report to the office of financial management all expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested. The department shall not increase general fund—state expenditures on this initiative.

(15) \$61,209,000 of the general fund—state appropriation for fiscal year 2024, \$70,352,000 of the general fund—state



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

appropriation for fiscal year 2025, and \$161,960,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the adult family home council under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium, as provided in section 907 of this act.

(16) \$1,761,000 of the general fund—state appropriation for fiscal year 2024, \$1,761,000 of the general fund—state appropriation for fiscal year 2025, and \$4,162,000 of the general fund—federal appropriation are provided solely for case managers at the area agencies on aging to coordinate care for medicaid clients with mental illness who are living in their own homes. Work shall be accomplished within existing standards for case management and no requirements will be added or modified unless by mutual agreement between the department of social and health services and area agencies on aging.

(17) Appropriations provided in this section are sufficient for the department to contract with an organization to provide educational materials, legal services, and attorney training to support persons with dementia. The funding provided in this subsection must be used for:

(a) An advance care and legal planning toolkit for persons and families living with dementia, designed and made available online and in print. The toolkit should include educational topics including, but not limited to:

(i) The importance of early advance care, legal, and financial planning;

(ii) The purpose and application of various advance care, legal, and financial documents;

(iii) Dementia and capacity;

(iv) Long-term care financing considerations;

(v) Elder and vulnerable adult abuse and exploitation;

(vi) Checklists such as "legal tips for caregivers," "meeting with an attorney," and "life and death planning;"

(vii) Standardized forms such as general durable power of attorney forms and advance health care directives; and

(viii) A selected list of additional resources.

(b) Webinars about the dementia legal and advance care planning toolkit and related issues and topics with subject area experts. The subject area expert presenters must provide their services in-kind, on a volunteer basis.

(c) Continuing legal education programs for attorneys to advise and assist persons with dementia. The continuing education programs must be offered at no cost to attorneys who make a commitment to participate in the pro bono program.

(d) Administrative support costs to develop intake forms and protocols, perform client intake, match participating attorneys with eligible clients statewide, maintain records and data, and produce reports as needed.

(18) Appropriations provided in this section are sufficient to continue community alternative placement beds that prioritize the transition of clients who are ready for discharge from the state psychiatric hospitals, but who have additional long-term care or developmental disability needs.

(a) Community alternative placement beds include enhanced service facility beds, adult family home beds, skilled nursing facility beds, shared supportive housing beds, state operated living alternative beds, assisted living facility beds, adult residential care beds, and specialized dementia beds.

(b) Each client must receive an individualized assessment prior to leaving one of the state psychiatric hospitals. The individualized assessment must identify and authorize personal care, nursing care, behavioral health stabilization, physical therapy, or other necessary services to meet the unique needs of each client. It is the expectation that, in most cases, staffing ratios

in all community alternative placement options described in (a) of this subsection will need to increase to meet the needs of clients leaving the state psychiatric hospitals. If specialized training is necessary to meet the needs of a client before he or she enters a community placement, then the person centered service plan must also identify and authorize this training.

(c) When reviewing placement options, the department must consider the safety of other residents, as well as the safety of staff, in a facility. An initial evaluation of each placement, including any documented safety concerns, must occur within thirty days of a client leaving one of the state psychiatric hospitals and entering one of the community placement options described in (a) of this subsection. At a minimum, the department must perform two additional evaluations of each placement during the first year that a client has lived in the facility.

(d) In developing bed capacity, the department shall consider the complex needs of individuals waiting for discharge from the state psychiatric hospitals.

(19) The annual certification renewal fee for community residential service businesses is \$859 per client in fiscal year 2024 and \$859 per client in fiscal year 2025. The annual certification renewal fee may not exceed the department's annual licensing and oversight activity costs.

(20) \$5,094,000 of the general fund—state appropriation for fiscal year 2024 and \$5,094,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

(21) \$63,938,000 of the general fund—state appropriation for fiscal year 2024, \$40,714,000 of the general fund—state appropriation for fiscal year 2025, and \$110,640,000 of the general fund—federal appropriation are provided solely for rate adjustments for skilled nursing facilities.

(22) \$32,470,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$34,090,000)~~ \$50,608,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$72,783,000)~~ \$91,928,000 of the general fund—federal appropriation are provided solely for rate adjustments for assisted living providers. Of the amounts provided in this subsection:

(a) \$23,751,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$25,487,000)~~ \$32,732,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$54,687,000)~~ \$63,072,000 of the general fund—federal appropriation are provided solely to increase funding of the assisted living medicaid methodology established in RCW 74.39A.032 to 79 percent of the labor component and 68 percent of the operations component, effective July 1, 2023; and to 84 percent of the labor component and 68 percent of the operations component, effective July 1, 2024. The department of social and health services shall report, by December 1st of each year, on medicaid resident utilization of and access to assisted living facilities.

(b) \$5,505,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$5,389,000)~~ \$7,653,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$11,588,000)~~ \$14,172,000 of the general fund—federal appropriation are provided solely for a specialty dementia care rate add-on for all assisted living facilities of \$43.48 per patient per day in fiscal year 2024 and \$55.00 per patient per day in fiscal year 2025.

(c) \$2,573,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$2,573,000)~~ \$9,582,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$5,146,000)~~ \$13,322,000 of the general fund—federal appropriation are provided solely for a one-time bridge rate for assisted living facilities, enhanced adult residential centers, and adult residential

centers, with high medicaid occupancy. The bridge rate does not replace or substitute the capital add-on rate found in RCW 74.39A.320 and the same methodology from RCW 74.39A.320 shall be used to determine each facility's medicaid occupancy percentage for the purposes of this one-time bridge rate add-on. Facilities with a medicaid occupancy level of 90 percent or more shall receive a \$20.99 add-on per resident day effective July 1, 2023, and facilities with a medicaid occupancy level of 70 percent or more shall receive a \$20.99 add-on per resident day effective July 1, 2024.

(d) \$641,000 of the general fund—state appropriation for fiscal year 2024, \$641,000 of the general fund—state appropriation for fiscal year 2025, and \$1,362,000 of the general fund—federal appropriation are provided solely to increase the rate add-on for expanded community services by 5 percent.

(23) Within available funds, the aging and long term support administration must maintain a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

(24) The appropriations in this section include sufficient funding to implement chapter 220, Laws of 2020 (adult family homes/8 beds). A nonrefundable fee of \$485 shall be charged for each application to increase bed capacity at an adult family home to seven or eight beds.

(25) \$1,858,000 of the general fund—state appropriation for fiscal year 2024 and \$1,857,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operation of the volunteer services program. Funding must be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(26) \$479,000 of the general fund—state appropriation for fiscal year 2024 and \$479,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the kinship navigator program in the Colville Indian reservation, Yakama Nation, and other tribal areas.

(27) The traumatic brain injury council shall collaborate with other state agencies in their efforts to address traumatic brain injuries to ensure that efforts are complimentary and continue to support the state's broader efforts to address this issue.

(28) \$1,297,000 of the general fund—state appropriation for fiscal year 2024 and \$1,297,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community-based dementia education and support activities in three areas of the state, including dementia resource catalyst staff and direct services for people with dementia and their caregivers.

(29) \$5,410,000 of the general fund—state appropriation for fiscal year 2024, \$9,277,000 of the general fund—state appropriation for fiscal year 2025, and \$14,909,000 of the general fund—federal appropriation are provided solely for the operating costs associated with the phase-in of enhanced services facilities and specialized dementia care beds that were established with behavioral health community capacity grants.

(30)(a) \$71,000 of the general fund—state appropriation for fiscal year 2024, \$68,000 of the general fund—state appropriation for fiscal year 2025, and \$141,000 of the general fund—federal appropriation are provided solely for the department to develop a plan for implementing an enhanced behavior support specialty contract for community residential supported living, state-operated living alternative, or a group training home to provide intensive behavioral services and support to adults with intellectual and developmental disabilities who require enhanced services and support due to challenging behaviors that cannot be safely and holistically managed in an exclusively community setting, and who are at risk of institutionalization or out-of-state placement, or are transitioning to the community from an

intermediate care facility, hospital, or other state-operated residential facility. The enhanced behavior support specialty contract shall be designed to ensure that enhanced behavior support specialty settings serve a maximum capacity of four clients and that they have the adequate levels of staffing to provide 24-hour nonmedical care and supervision of residents.

(b) No later than June 30, 2025, the department must submit to the governor and the appropriate committees of the legislature a report that includes:

(i) A detailed description of the design of the enhanced behavior support specialty contract and setting, including a description of and the rationale for the number of staff required within each behavior support specialty setting and the necessary qualifications of these staff;

(ii) A detailed description of and the rationale for the number of department staff required to manage the enhanced behavior support specialty program;

(iii) A plan for implementing the enhanced behavior support specialty contracts that includes:

(A) An analysis of areas of the state where enhanced behavior support specialty settings are needed, including recommendations for how to phase in the enhanced behavior support specialty settings in these areas; and

(B) An analysis of the sufficiency of the provider network to support a phase in of the enhanced behavior support specialty settings, including recommendations for how to further develop this network; and

(iv) An estimate of the costs to implement the enhanced behavior support specialty settings and program and any necessary recommendations for legislative actions to facilitate the ability of the department to:

(A) Enter into contracts and payment arrangements with providers choosing to provide the enhanced behavior support specialty setting and to supplement care in all community-based residential settings with experts trained in enhanced behavior support so that state-operated living alternatives, supported living facilities, and other community-based settings can specialize in the needs of individuals with developmental disabilities who are living with high, complex behavioral support needs;

(B) Enter into funding agreements with the health care authority for the provision of applied behavioral analysis and other applicable health care services within the community-based residential setting; and

(C) Provide the enhanced behavior support specialty through a medicaid waiver or other federal authority administered by the department, to the extent consistent with federal law and federal funding requirements to receive federal matching funds.

(31) (~~(\$2,874,000)~~) \$2,551,000 of the general fund—state appropriation for fiscal year 2024, (~~(\$2,211,000)~~) \$3,334,000 of the general fund—state appropriation for fiscal year 2025, and \$70,000 of the general fund—federal appropriation are provided solely for the kinship care support program. Of the amounts provided in this subsection:

(a) (~~(\$667,000)~~) \$344,000 of the general fund—state appropriation for fiscal year 2024 (~~(is)~~) and \$323,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the kinship navigator case management pilot program.

(b) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase the rates paid to kinship navigators and to increase the number of kinship navigators so that each area agency on aging has one kinship navigator and King county has two kinship navigators.

(32) \$2,574,000 of the general fund—state appropriation for fiscal year 2024 and \$2,567,000 of the general fund—state

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

appropriation for fiscal year 2025 are provided solely for the department to provide personal care services for up to 40 clients who are not United States citizens and who are ineligible for medicaid upon their discharge from an acute care hospital. The department must prioritize the funding provided in this subsection for such clients in acute care hospitals who are also on the department's wait list for services.

(33) \$691,000 of the general fund—state appropriation for fiscal year 2024, \$658,000 of the general fund—state appropriation for fiscal year 2025, and \$1,347,000 of the general fund—federal appropriation are provided solely for the department to provide staff support to the difficult to discharge task force described in ~~((section 135(12) of this act))~~ section 133(11) of this act, including any associated ad hoc subgroups, and to develop home and community services assessment timeliness requirements for pilot participants in cooperation with the health care authority as described in section 211~~((65))~~ (64) of this act.

(34) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a study of functional assessments conducted by the department prior to acute care hospital discharge and placement in a post-acute facility. No later than June 30, 2025, a report must be submitted to the governor and the appropriate committees of the legislature that evaluates:

- (a) The timeliness of the completion of these assessments;
- (b) How requiring these assessments impacts:
  - (i) The length of a patient's hospital stay;
  - (ii) The patient's medical, emotional, and mental well-being;
  - (iii) The hospital staff who care for these patients; and
  - (iv) Access to inpatient and emergency beds for other patients;
- (c) Best practices from other states for placing hospitalized patients in post-acute care settings in a timely and effective manner that includes:

(i) Identification of the states that require these assessments prior to post-acute placement; and

(ii) An analysis of a patient's hospital length of stay and a patient's medical, emotional, and mental well-being in states that require these assessments compared to the states that do not; and

(d) The potential benefits of, and barriers to, outsourcing some or all of the functional assessment process to hospitals. Barriers evaluated must include department policies regarding staff workloads, outsourcing work, and computer system access.

(35) \$63,000 of the general fund—state appropriation for fiscal year 2024, \$73,000 of the general fund—state appropriation for fiscal year 2025, and \$136,000 of the general fund—federal appropriation are provided solely to employ and train staff for outreach efforts aimed at connecting adult family home owners and their employees with health care coverage through the adult family home training network as outlined in RCW 70.128.305. These outreach activities must consist of:

(a) Informing adult family home owners and their employees about various health insurance options;

(b) Creating and distributing culturally and linguistically relevant materials to assist these individuals in accessing affordable or free health insurance plans;

(c) Offering continuous technical support to adult family home owners and their employees regarding health insurance options and the application process; and

(d) Providing technical assistance as a certified assister for the health benefit exchange, enabling adult family home owners and their employees to comprehend, compare, apply for, and enroll in health insurance via Washington healthplanfinder. Participation in the certified assister program is dependent on meeting

contractual, security, and other program requirements set by the health benefit exchange.

(36) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department, in collaboration with the office of the insurance commissioner and the office of the attorney general, to create a regulatory oversight plan for continuing care retirement communities, focusing primarily on establishing and implementing resident consumer protections, as recommended in the 2022 report of the office of the insurance commissioner. As part of the process, the agencies must engage with relevant stakeholder groups for consultation. The final plan must be submitted to the health care committees of the legislature by December 1, 2024.

(37) ~~(\$16,952,000))~~ \$11,784,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$23,761,000))~~ \$20,096,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$41,407,000))~~ \$32,361,000 of the general fund—federal appropriation are provided solely for nursing home services and emergent building costs at the transitional care center of Seattle. No later than December 1, 2024, the department must submit to the appropriate fiscal committees of the legislature a report that includes, but is not limited to:

(a) An itemization of the costs associated with providing direct care services to residents and managing and caring for the facility; and

(b) An examination of the impacts of this facility on clients and providers of the long-term care and medical care sectors of the state that includes, but is not limited to:

(i) An analysis of areas that have realized cost containment or savings as a result of this facility;

(ii) A comparison of individuals transitioned from hospitals to this facility compared to other skilled nursing facilities over the same period of time; and

(iii) Impacts of this facility on lengths of stay in acute care hospitals, other skilled nursing facility, and transitions to home and community-based settings.

(38) \$911,000 of the general fund—state appropriation for fiscal year 2024, \$935,000 of the general fund—state appropriation for fiscal year 2025, and \$365,000 of the general fund—federal appropriation are provided solely for implementation of House Bill No. 1128 (personal needs allowance). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(39) \$562,000 of the general fund—state appropriation for fiscal year 2024, \$673,000 of the general fund—state appropriation for fiscal year 2025, and \$1,244,000 of the general fund—federal appropriation are provided solely to increase rates for long-term care case management services offered by area agencies on aging. The department must include this adjustment in the monthly per client rates paid to these agencies for case management services in the governor's projected maintenance level budget process, in accordance with RCW 43.88.030.

(40) \$500,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$500,000))~~ \$1,000,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$1,000,000))~~ \$1,500,000 of the general fund—federal appropriation are provided solely to contract with an organization to design and deliver culturally and linguistically competent training programs for home care workers, including individual providers. Of the amounts provided in this subsection, \$500,000 of the general fund—state appropriation for fiscal year 2025 and \$500,000 of the general fund—federal appropriation are provided solely to develop and implement training programs on emergency preparedness related to climate-related events.

(41) \$200,000 of the general fund—state appropriation for

fiscal year 2024, \$200,000 of the general fund—state appropriation for fiscal year 2025, and \$400,000 of the general fund—federal appropriation are provided solely for a pilot project focused on providing translation services for interpreting mandatory training courses offered through the adult family home training network. The department of social and health services must collaborate with the adult family home council and the adult family home training network to assess the pilot project's outcomes. The department of social and health services shall submit a comprehensive report detailing the results to the governor and the appropriate committees of the legislature no later than September 30, 2025.

(42) \$635,000 of the general fund—state appropriation for fiscal year 2024 and \$635,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the current pilot projects to provide personal care services to homeless seniors and people with disabilities from the time the person presents at a shelter to the time they become eligible for medicaid.

(43) \$75,000 of the general fund—state appropriation for fiscal year 2024, \$72,000 of the general fund—state appropriation for fiscal year 2025, and \$147,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1188 (child welfare services/DD). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(44) \$125,000 of the general fund—state appropriation for fiscal year 2024, \$125,000 of the general fund—state appropriation for fiscal year 2025, and \$250,000 of the general fund—federal appropriation are provided solely for the department, in collaboration with the consumer directed employer and home care agencies, to establish guidelines, collect and analyze data, and research the reasons and timing behind home care workers leaving the workforce.

(45) \$703,000 of the general fund—state appropriation for fiscal year 2024, \$3,297,000 of the general fund—state appropriation for fiscal year 2025, and \$2,735,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(46)(a) \$4,792,000 of the general fund—state appropriation for fiscal year 2024, \$4,894,000 of the general fund—state appropriation for fiscal year 2025, and \$9,881,000 of the general fund—federal appropriation are provided solely to support providers that are ready to accept patients who are in acute care beds and no longer require inpatient care, but are unable to be transitioned to appropriate postacute care settings. These patients are generally referred to as difficult to discharge hospital patients because of their behaviors.

(i) The department shall broaden the current discharge and referral case management practices for difficult to discharge hospital patients waiting in acute care hospitals to include referrals to all long-term care behavioral health settings, including enhanced services facilities, enhanced adult residential care, and enhanced adult residential care with community stability supports contracts or community behavioral health support services, including supportive supervision and oversight and skills development and restoration. These home and community-based providers are contracted to provide various levels of personal care, nursing, and behavior supports for difficult to discharge hospital patients with significant behavior support needs.

(ii) Patients ready to discharge from acute care hospitals with diagnosed behaviors or behavior history, and a likelihood of unsuccessful placement in other licensed long-term care facilities, a history of rejected applications for admissions, or a history of

unsuccessful placements shall be fully eligible for referral to available beds in enhanced services facilities or enhanced adult residential care with contracts that adequately meet the patient's long-term care needs.

(iii) Previous or current detainment under the involuntary treatment act shall not be a requirement for individuals in acute care hospitals to be eligible for these specialized settings. The department shall develop a standard process for acute care hospitals to refer patients to the department for placement in enhanced services facilities and enhanced adult residential care with contracts to provide behavior support.

(b) The department must adopt a payment model that incorporates the following adjustments:

(i) The enhanced behavior services plus and enhanced behavior services respite rates for skilled nursing facilities shall be converted to \$175 per patient per day add-on in addition to daily base rates to recognize additional staffing and care needs for patients with behaviors.

(ii) Enhanced behavior services plus with specialized services rates for skilled nursing facilities shall be converted to \$235 per patient per day add-on on top of daily base rates.

(iii) The ventilator rate add-on for all skilled nursing facilities shall be \$192 per patient per day.

(iv) The tracheotomy rate add-on for all skilled nursing facilities shall be \$123 per patient per day.

(c) Of the amounts provided in (a) of this subsection, \$3,838,000 of the general fund—state appropriation for fiscal year 2024, \$3,917,000 of the general fund—state appropriation for fiscal year 2025, and \$7,911,000 of the general fund—federal appropriation are provided solely for an increase in the daily rate for enhanced services facilities to \$596.10 per patient per day.

(47) \$926,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the deaf and hard of hearing within the department to establish a work group to address the statewide shortage of qualified and certified American sign language interpreters and protactile interpreters. The work group shall focus on developing training and certification standards, developing strategies for increasing interpreter numbers across all communities, for enhancing professional development, and for creating pathways to allow interpreters to be financially supported to work statewide. The work group shall primarily be comprised of individuals who identify as deaf, deafblind, and hard of hearing who use American sign language or protactile, with priority for members from historically marginalized communities. The work group shall provide a final report, including recommendations and a plan for implementation, to the governor and appropriate committees of the legislature by June 30, 2025.

(48) \$830,000 of the general fund—state appropriation for fiscal year 2025 and \$80,000 of the general fund—federal appropriation are provided solely for the department, in collaboration with the office of the insurance commissioner and the health care authority, to develop a plan for a phase-in of an essential worker health benefits program.

(a) By December 15, 2024, the department must submit to the appropriate policy and fiscal committees of the legislature an implementation plan to provide nursing home workers with high quality, affordable health coverage through participating nursing home employers beginning January 1, 2026. The implementation plan should address:

(i) The likelihood that the state can obtain approval of supplemental medicaid payments for the program;

(ii) As assessment of current employee health benefit spending by nursing homes participating in the medicaid program, including current health benefit plan eligibility, plan design, employee cost-sharing, and employer premium contributions;

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(iii) A mechanism to ensure that nursing home employers participating in the program maintain spending on health benefits such that medicaid payments supplement and do not supplant their health benefit spending;

(iv) The appropriate structure and oversight of the newly established health benefits fund, including the use of an established Taft-Hartley fund, fully insured health coverage, or a self-funded multiemployer welfare arrangement that offers health benefits comparable to the platinum metal level under the affordable care act, including any statutory or regulatory changes necessary to ensure that the plan meets defined plan design, consumer protection, and solvency requirements.

(b) In preparing the implementation plan, the department, commissioner, and authority must review the design and impacts of the essential worker health care trust in Oregon and other similar publicly supported programs from other jurisdictions.

(c) The department must consult with interested organizations in development of the implementation plan.

(d) The department may contract with third parties and consult with other state entities to conduct all or any portion of the study, including actuarial analysis.

(e) A minimum of \$750,000 of the amounts provided in this subsection (48) must be contracted with an entity that is managed through a labor-management partnership. This entity must already be providing health care benefits to no fewer than 20,000 long-term care workers in the state of Washington and should have at least five years of experience in administering health care benefits to this workforce. Their joint efforts will focus on examining the health care needs specific to the nursing home workforce in the state, formulating a benefit plan that effectively addresses these needs, determining the financial requirement to offer such benefits, developing informational materials on health benefits tailored for nursing home workers, and establishing procedures and systems necessary for enrolling employees in the plan, subject to legislative appropriation for implementation.

(49) \$25,990,000 of the long-term services and supports trust account—state appropriation is provided solely for the information technology project for the long-term services and supports trust program, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(50) \$15,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the area agencies on aging to maintain senior nutrition services. This includes, but is not limited to, meals at sites, through pantries, and home-delivery.

(51) \$125,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the Washington traumatic brain injury strategic partnership advisory council to support at least one in-person support group in each region of the state served by an accountable community of health as defined in RCW 82.04.43395. The council shall provide recommendations to the department on the criteria to be used in selecting the programs to receive funding. The criteria must reflect the diversity of individuals with traumatic brain injuries, including the range of cognitive and financial barriers that individuals with traumatic brain injuries may experience when accessing web-based services. Preference must be given to programs that facilitate support groups led by individuals with direct lived experience with traumatic brain injuries or individuals certified as brain injury specialists. Each program that receives funding under this section must ensure that the in-person or virtual support groups meet at least quarterly and are free of charge. The department must approve at least one facilitation training curriculum specific to brain injury to be used by the programs that receive funding under this section.

(52) \$440,000 of the general fund—state appropriation for

fiscal year 2025 and \$560,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1942 (long-term care providers). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(53) \$843,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Substitute House Bill No. 2271 (LTSS program statements). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(54) \$695,000 of the general fund—state appropriation for fiscal year 2025 and \$884,000 of the general fund—federal appropriation are provided solely to increase reimbursement rates for home care agencies. This increase includes a specific \$0.10 per hour adjustment for mileage expenses incurred by employees, intended to cover the actual costs incurred by home care agencies.

(55)(a) \$408,000 of the general fund—state appropriation for fiscal year 2025 and \$438,000 of the general fund—federal appropriation are provided for rates paid, effective January 1, 2025, to independent contractor nurses and agency-employed nurses providing private duty nursing, skilled nursing, and private duty nursing in adult family homes.

(b) The department must adopt a payment model that incorporates the following adjustments for independent contractor nurses:

(i) Private duty nursing services shall be \$56.58 per hour by a registered nurse and \$46.49 per hour by a licensed practical nurse.

(ii) Skilled nursing services shall be \$62.93 per day by a registered nurse.

(c) The department must adopt a payment model that incorporates the following adjustments for agency-employed nurses:

(i) Private duty nursing services shall be \$67.89 per hour by a registered nurse and \$55.79 per hour by a licensed practical nurse.

(ii) Skilled nursing services shall be \$75.52 per day by a registered nurse.

(d) Private duty nursing services in an adult family home shall be \$898.95 per day.

**Sec. 205.** 2023 c 475 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2024)	(\$606,767,000)
	\$679,846,000
General Fund—State Appropriation (FY 2025)	((\$604,555,000))
	\$774,643,000
General Fund—Federal Appropriation	((\$1,648,987,000))
	\$1,696,537,000
General Fund—Private/Local Appropriation	\$5,274,000
Domestic Violence Prevention Account—State Appropriation	\$2,404,000
<b>TOTAL APPROPRIATION</b>	<b>((\$2,867,987,000))</b>
	<b>\$3,158,704,000</b>

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

(1)(a) (\$169,050,000) \$177,428,000 of the general fund—state appropriation for fiscal year 2024, ((\$164,246,000)) \$199,927,000 of the general fund—state appropriation for fiscal year 2025, and ((\$853,777,000)) \$853,786,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for

temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting a structure change.

(b) (~~(\$450,773,000)~~) \$482,615,000 of the amounts in (a) of this subsection is for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance. Of the amounts provided in this subsection (1)(b):

(i) \$17,315,000 of the general fund—federal appropriation is provided solely to increase the temporary assistance for needy families and state family assistance cash grants by \$100 per month for households with a child under the age of three, effective November 1, 2023. The funding is intended to assist families with the cost of diapers as described in chapter 100, Laws of 2022.

(ii) \$3,060,000 of the general fund—state appropriation for fiscal year 2024, \$4,665,000 of the general fund—state appropriation for fiscal year 2025, and \$19,000,000 of the general fund—federal appropriation are provided solely for the department to increase temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(iii) \$296,000 of the general fund—state appropriation for fiscal year 2024, \$5,293,000 of the general fund—state appropriation for fiscal year 2025, and \$1,089,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). (~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~)

(iv) \$632,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the replacement of skimmed or cloned cash benefits for impacted recipients. Benefits may be replaced up to two times each federal fiscal year for the temporary assistance for needy families and the state family assistance program. The replacement of stolen benefits shall align with the supplemental food assistance program benefit replacement guidelines in the consolidated appropriations act, 2023 (136 Stat. 4459). Any unspent funds in this subsection (1)(b)(iv) shall lapse on September 30, 2024, or on the date that the federal government ends the requirement that stolen supplemental nutrition assistance program benefits must be replaced, whichever is later.

(v) \$656,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2007 (cash assistance time limits). If this bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(c) (~~(\$167,710,000)~~) \$167,762,000 of the amounts in (a) of this subsection is for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures. Within amounts provided in this subsection (1)(c), the department shall implement the working family support program.

(i) \$2,474,000 of the amounts provided in this subsection (1)(c)

is for enhanced transportation assistance. The department must prioritize the use of these funds for the recipients most in need of financial assistance to facilitate their return to work. The department must not utilize these funds to supplant repayment arrangements that are currently in place to facilitate the reinstatement of drivers' licenses.

(ii) \$482,000 of the general fund—state appropriation for fiscal year 2024 and \$1,417,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the costs associated with increasing the temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(iii) \$185,000 of the general fund—state appropriation for fiscal year 2024 and \$1,820,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). (~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~)

(iv) \$52,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2007 (cash assistance time limits). If this bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(d) Of the amounts in (a) of this subsection, \$353,402,000 of the general fund—federal appropriation is for the working connections child care program under RCW 43.216.020 within the department of children, youth, and families. The department is the lead agency for and recipient of the federal temporary assistance for needy families grant. A portion of this grant must be used to fund child care subsidies expenditures at the department of children, youth, and families.

(i) The department of social and health services shall work in collaboration with the department of children, youth, and families to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families.

(ii) Effective December 1, 2023, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(e) Of the amounts in (a) of this subsection, \$68,496,000 of the general fund—federal appropriation is for child welfare services within the department of children, youth, and families.

(f) Of the amounts in (a) of this subsection, (~~(\$146,692,000)~~) \$158,866,000 is for WorkFirst administration and overhead. Of the amounts provided in this subsection (1)(f):

(i) \$147,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for costs associated with increasing the temporary assistance for needy families grants by eight percent, effective January 1, 2024.

(ii) \$204,000 of the general fund—state appropriation for fiscal year 2024, \$179,000 of the general fund—state appropriation for fiscal year 2025, and \$575,000 of the general fund—federal

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). ~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

(iii) \$10,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to process skimmed or cloned cash benefits for impacted recipients of the temporary assistance for needy families or state family assistance programs. Any unspent funds in this subsection (1)(f)(iii) shall lapse on September 30, 2024, or on the date that the federal government ends the requirement that stolen supplemental nutrition assistance program benefits must be replaced, whichever is later.

(iv) \$352,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2007 (cash assistance time limits). If this bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(v) \$407,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Substitute House Bill No. 1652 (child support pass through). If this bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(g)(i) The department shall submit quarterly expenditure reports to the governor, the fiscal committees of the legislature, and the legislative WorkFirst poverty reduction oversight task force under RCW 74.08A.341. In addition to these requirements, the department must detail any fund transfers across budget units identified in (a) through (e) of this subsection. The department shall not initiate any services that require expenditure of state general fund moneys that are not consistent with policies established by the legislature.

(ii) The department may transfer up to 10 percent of funding between budget units identified in (b) through (f) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst poverty reduction oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(h) On January 2nd and July 1st of each year, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst poverty reduction oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort;

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements; and

(vii) Proposed and enacted federal law changes affecting maintenance of effort or the participation rate, what impact these changes have on Washington's temporary assistance for needy families program, and the department's plan to comply with these changes.

(i) In the 2023-2025 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (a) of this subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$3,545,000 of the general fund—state appropriation for fiscal year 2024 and \$3,545,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On January 1, 2024, and January 1, 2025, the department must report to the governor and the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be 100 percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$1,500,000)~~ \$3,700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operational support of the Washington information network 211 organization.

(9) \$377,000 of the general fund—state appropriation for fiscal year 2024 and \$377,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the consolidated emergency assistance program.

(10) \$560,000 of the general fund—state appropriation for fiscal year 2024 and \$560,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a state-funded employment and training program for recipients of the

state's food assistance program.

(11) ~~(\$5,244,000)~~ \$5,024,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$3,805,000)~~ \$7,351,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$21,115,000)~~ \$28,876,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project to create a comprehensive application and benefit status tracker for multiple programs, an application and enrollment portal for multiple programs, and to establish a foundational platform. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(12) ~~(\$3,307,000)~~ \$2,008,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$257,000)~~ \$1,388,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$8,318,000)~~ \$7,928,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project for the discovery, innovation, and customer experience phase. Funding is subject to the conditions, limitations, and review requirements of section 701 of this act.

(13) ~~(\$1,067,000)~~ \$2,272,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$1,067,000)~~ \$2,898,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$4,981,000)~~ \$12,065,000 of the general fund—federal appropriation are provided solely for the integrated eligibility and enrollment modernization project office.

(14) \$189,000 of the general fund—state appropriation for fiscal year 2024 and \$953,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the expansion of the ongoing additional requirements program, effective April 1, 2024. Of the amount provided in this subsection, the maximum amount that may be expended on new items added to the ongoing additional requirements program is \$53,000 in fiscal year 2024 and \$710,000 in fiscal year 2025.

(15)(a) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sponsorship stabilization funds for eligible unaccompanied children and their sponsors and a study to assess needs and develop recommendations for ongoing supports for this population.

(b) Of the amounts provided in (a) of this subsection, \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sponsorship stabilization funds for eligible unaccompanied children and their sponsors in order to address financial hardship and support household well-being. Stabilization funds can be used to support the sponsorship household with costs of housing, childcare, transportation, internet and data services, household goods, and other unmet needs. The funds may be provided on behalf of an unaccompanied child when the following eligibility criteria are met:

(i) The unaccompanied child is between the ages of 0-17, has been placed in Washington under the care of a nonparental sponsor following release from the United States office of refugee resettlement custody, and has not been reunified with a parent; and

(ii) The sponsorship household demonstrates financial need and has an income below 250 percent of the federal poverty level. A sponsorship household receiving stabilization funds on behalf of a child who turns 18 may continue to receive funds for an additional 60 days after the child reaches 18 years of age.

(c) The department may work with community-based organizations to administer sponsorship stabilization supports. Up to 10 percent of the amounts provided in (b) of this subsection

may be used by the community-based organizations to cover administrative expenses associated with the distribution of these supports.

(d) Of the amounts provided in (a) of this subsection, \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to cover the administrative resources necessary for the department to administer the sponsorship stabilization program and to convene a work group with the department of children, youth, and families, department of commerce's office of homeless youth prevention and programs, stakeholders, and community-based organization who have pertinent information regarding sponsorship households. The work group shall identify and analyze the resource and service needs for unaccompanied children and their sponsors, including the types and levels of financial supports and related services that will promote stability of sponsorship placements for this population.

(i) The department must produce a report that includes an overview of the number of impacted children and sponsors, existing services and supports that are available, any gaps in services, and potential changes to federal programs and policies that could impact unaccompanied children. The report shall include recommendations for how state agencies and community organizations can partner with the federal government to support sponsorship households, proposed services and supports that the state could provide to promote the ongoing stability of sponsorship households, and a recommended service delivery model.

(ii) The department shall submit the report required by (d)(i) of this subsection (15) to the governor and appropriate legislative committees no later than June 30, 2025.

(16) \$111,000 of the general fund—state appropriation for fiscal year 2024, \$1,016,000 of the general fund—state appropriation for fiscal year 2025, and \$21,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs) for the aged, blind, or disabled, refugee cash assistance, pregnant women assistance, and consolidated emergency assistance programs. ~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

(17) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to contract with an organization located in Seattle with expertise in culturally and linguistically appropriate communications and outreach to conduct an outreach, education, and media campaign related to communities significantly impacted by or at risk for benefits trafficking, skimming, or other fraudulent activities, with particular focus on immigrant, refugee, migrant, and senior populations. This campaign must provide community-focused, culturally and linguistically appropriate education and assistance targeted to meet the needs of each community and related to safeguarding public assistance benefits provided through an electronic benefit card and how to avoid the trafficking or skimming of benefits. To the extent practical, the department must make available information and data to refine this campaign for those communities most impacted to ensure inclusion of any relevant groups not already identified in this provision. The contracted organization, in collaboration with the department, must focus its outreach in highly impacted geographic areas including, but not limited to, Burien, Federal Way, Kent, Lynnwood, White Center, West Seattle, Seattle's International District, Chinatown, and the Central District, Yakima and other identified locations.

(18) \$10,881,000 of the general fund—state appropriation for



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

fiscal year 2024, (~~(\$10,131,000)~~) \$10,416,000 of the general fund—state appropriation for fiscal year 2025, \$6,734,000 of the general fund—federal appropriation, and \$2,404,000 of the domestic violence prevention account—state appropriation are provided solely for domestic violence victim services. Of the amounts provided in this subsection(~~(-)~~):

(a) \$750,000 of the general fund—state appropriation for fiscal year 2024 must be distributed to domestic violence services providers proportionately, based upon bed capacity; and

(b) \$285,000 of the general fund—state appropriation for fiscal year 2025 must be distributed to domestic violence emergency shelters that are experiencing a reduction in funding, and funding must be used to continue current service levels. Funding in this subsection (b) must be allocated as follows:

(i) \$70,000 is for a shelter providing services in Thurston county;

(ii) \$50,000 is for a shelter providing services in Spokane county;

(iii) \$45,000 is for a shelter providing services in Lewis county;

(iv) \$40,000 is for a shelter providing services in Clallam county;

(v) \$30,000 is for a shelter providing services in Yakima county;

(vi) \$25,000 is for a shelter providing services in Mason county; and

(vii) \$25,000 is for a shelter providing services in Cowlitz county.

(19) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$715,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to meet the terms of its settlement agreement with the United States department of agriculture (USDA).

(a) Of the amounts provided in this subsection, \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to repay USDA as part of the settlement agreement.

(b) Of the amounts provided in this subsection, \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$715,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to fund employment and training program services and activities (~~(-)~~) targeted to able-bodied adults without dependents receiving food benefits from the USDA supplemental nutrition assistance program, but open to all basic food employment and training participants including participants who are not able-bodied adults without dependents.

(20) \$3,844,000 of the general fund—state appropriation for fiscal year 2024, \$7,921,000 of the general fund—state appropriation for fiscal year 2025, and \$1,374,000 of the general fund—federal appropriation are provided solely for the department to increase the aged, blind, or disabled, refugee cash assistance, pregnant women assistance, and consolidated emergency assistance grants by eight percent, effective January 1, 2024.

(21) \$950,000 of the general fund—state appropriation for fiscal year 2024 and \$950,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonprofit organization in Pierce county to continue the operation of the guaranteed basic income program in Tacoma.

(22) \$58,000 of the general fund—state appropriation for fiscal year 2024 and \$59,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement Substitute Senate Bill No. 5398 (domestic violence funding). (~~(If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.)~~)

(23) \$113,000 of the general fund—state appropriation for fiscal year 2024, \$1,487,000 of the general fund—state appropriation for fiscal year 2025, and \$1,599,000 of the general fund—federal appropriation are provided solely to fully integrate the asset verification system into the automated client eligibility

system (ACES).

(24) \$16,000 of the general fund—state appropriation for fiscal year 2024 and \$34,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement the changes made to the state supplemental payment program in chapter 201, Laws of 2023.

(25) \$51,000 of the general fund—state appropriation for fiscal year 2024 and \$178,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the staffing necessary to process medical assistance cases resulting from the July 1, 2024, implementation for the apple health expansion program.

(26) \$1,393,000 of the general fund—state appropriation for fiscal year 2024, \$5,888,000 of the general fund—state appropriation for fiscal year 2025, and \$6,995,000 of the general fund—federal appropriation are provided solely for the transition of the automated client eligibility system (ACES) mainframe hardware operations to cloud technologies, using an enterprise contracted service through the consolidated technology services agency.

(27) \$5,024,000 of the general fund—state appropriation for fiscal year 2024, \$7,206,000 of the general fund—state appropriation for fiscal year 2025, and \$12,230,000 of the general fund—federal appropriation are provided solely for the implementation of the summer electronic benefit transfer program for the summer break months following the 2023-2024 and 2024-2025 school years. The program implementation must align with the federal summer electronic benefit program requirements defined in the consolidated appropriations act, 2023 (136 Stat. 4459). The department may use a third-party entity to administer the program.

(28) \$10,904,000 of the general fund—state appropriation for fiscal year 2024, \$464,000 of the general fund—state appropriation for fiscal year 2025, and \$10,921,000 of the general fund—federal appropriation are provided solely to cover the increased costs of the maintenance and operations of the automated client eligibility system (ACES), including but not limited to a one-time vendor transition.

(29) \$251,000 of the general fund—state appropriation for fiscal year 2025 and \$21,000 of the general fund—federal appropriation are provided solely to process and replace skimmed or cloned cash and food benefits for impacted recipients. Benefits may be replaced up to two times each federal fiscal year for the pregnant women assistance, refugee cash assistance, aged, blind, or disabled assistance, and state food assistance program. The replacement of stolen cash and food benefits shall align with the supplemental food assistance program benefit replacement guidelines in the consolidated appropriations act, 2023 (136 Stat. 4459). Any unspent funds in this subsection shall lapse on September 30, 2024, or on the date that the federal government ends the requirement that stolen supplemental nutrition assistance program benefits must be replaced, whichever is later.

(30)(a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the office of refugee and immigrant assistance to expand support services for individuals newly arriving to the United States and Washington who do not qualify for federal refugee resettlement program services. Support services include, but are not limited to, housing assistance, food, transportation, childhood education services, education and employment supports, connection to legal services, and social services navigation.

(b) Of the amounts in (a) of this subsection, \$250,000 for fiscal year 2024 and \$750,000 for fiscal year 2025 are provided solely for school districts who have seen a significant increase in McKinney-Vento students seeking asylum with the opportunity

to receive grants that provide students in their district with additional education opportunities and family supports.

(c) Of the amounts in (a) of this subsection, \$700,000 for fiscal year 2025 is provided solely for members of the Sub-Saharan African community.

(d) Of the amounts in (a) of this subsection, \$810,000 for fiscal year 2025 is provided solely for staffing at the office of refugee and immigrant assistance to cover the administrative expenses of implementing this subsection.

(31)(a) \$593,000 of the general fund—state appropriation for fiscal year 2024, \$1,406,000 of the general fund—state appropriation for fiscal year 2025, and \$193,000 of the general fund—federal appropriation are provided solely to implement changes made through the fiscal responsibility act of 2023 (137 Stat. 10) for the supplemental nutrition assistance program's work requirements for able-bodied adults without dependents, and the corresponding impacts to the state food assistance program.

(b) Of the amounts in (a) of this subsection, \$104,000 of the general fund—state appropriation for fiscal year 2024, \$115,000 of the general fund—state appropriation for fiscal year 2025, and \$193,000 of the general fund—federal appropriation are provided solely for administrative and information technology expenses.

(32)(a) \$236,000 of the general fund—state appropriation for fiscal year 2024, \$3,367,000 of the general fund—state appropriation for fiscal year 2025, and \$1,329,000 of the general fund—federal appropriation are provided solely for the department to hire additional public benefit specialists to help reduce the call center and lobby wait times within the community services division.

(b) \$1,878,000 of the general fund—state appropriation for fiscal year 2024, \$3,660,000 of the general fund—state appropriation for fiscal year 2025, and \$3,541,000 of the general fund—federal appropriation are provided solely for technology enhancements and project governance necessary to create efficiencies that will reduce call center and lobby wait times for customers of the community services division. Enhancements include, but are not limited to, chatbots, robotic process automation, interactive voice response, and document upload. The amounts provided in this subsection (32)(b) are subject to the conditions, limitations, and review requirements of section 701 of this act.

(c) By December 31, 2024, the department must submit a report to the governor and the legislature that shows the prior fiscal year's call and lobby wait times by month and queue, number of customer contacts by month and queue, processing times for the various queues for the three most recent fiscal years along with an explanation for any changes to the most recent year's processing times, number of filled public benefit specialists 3 positions and vacancies by month, wait time impacts associated with the individual technology solution enhancements, any telephonic savings experienced due to fewer customers waiting on hold, and recommendations to continue reducing customer wait times.

**Sec. 206.** 2023 c 475 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State	Appropriation	(FY 2024)	
			(\$26,670,000))
			\$26,991,000
General Fund—State	Appropriation	(FY 2025)	
			(\$26,962,000))
			\$27,056,000
General Fund—Federal Appropriation			\$110,047,000
<b>TOTAL APPROPRIATION</b>			<b>(\$163,679,000))</b>

\$164,094,000

**Sec. 207.** 2023 c 475 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State	Appropriation	(FY 2024)	
			(\$82,011,000))
			\$81,767,000
General Fund—State	Appropriation	(FY 2025)	
			(\$81,976,000))
			\$81,546,000
<b>TOTAL APPROPRIATION</b>			<b>(\$163,987,000))</b>
			\$163,313,000

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

(1) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

((4)) (2)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to:

(i) Explore regulatory framework options for conditional release less restrictive alternative placements and make recommendations for a possible future framework. This exploration shall include collaboration with the department of corrections regarding their community custody programs;

(ii) Review and refine agency policies regarding communication and engagement with impacted local governments related to less restrictive alternatives, including exploring options for public facing communications on current county fair share status and any projected future need;

(iii) Identify opportunities for greater collaboration and possible fiscal support for local government entities regarding placements of conditional release less restrictive alternatives; and

(iv) Provide recommendations to improve cost-effectiveness of all less restrictive alternative placements.

(b) The department shall submit a report to the governor and appropriate fiscal and policy committees of the legislature by December 1, 2023, with a summary of the results and provide any additional recommendations to the legislature that the department identifies. The report shall also include a summary of costs to the department for contracted and uncontracted less restrictive alternatives.

((5)) (3) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to conduct an assessment of wireless internet implementation needs and options, and must include an assessment of satellite and fiber options. The department shall provide a report that includes the assessment and estimated implementation time frame and costs to the appropriate committees of the legislature by December 15, 2023.

(4) \$189,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to establish one position for a special commitment center communications manager to support information sharing to the public related to conditional release for less restrictive alternative placements.

**Sec. 208.** 2023 c 475 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State	Appropriation	(FY 2024)	
			(\$49,968,000))
			\$51,036,000
General Fund—State	Appropriation	(FY 2025)	
			(\$50,544,000))
			\$63,002,000

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

General Fund—Federal Appropriation	(( <del>\$57,444,000</del> ))
	\$62,914,000
<u>Climate Commitment Account—State Appropriation</u>	<u>\$2,000,000</u>
TOTAL APPROPRIATION	(( <del>\$157,956,000</del> ))
	\$178,952,000

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

(1) Within amounts appropriated in this section, the department shall provide to the department of health, where available, the following data for all nutrition assistance programs funded by the United States department of agriculture and administered by the department. The department must provide the report for the preceding federal fiscal year by February 1, 2024, and February 1, 2025. The report must provide:

- (a) The number of people in Washington who are eligible for the program;
- (b) The number of people in Washington who participated in the program;
- (c) The average annual participation rate in the program;
- (d) Participation rates by geographic distribution; and
- (e) The annual federal funding of the program in Washington.

(2) \$5,000 of the general fund—state appropriation for fiscal year 2024, \$22,000 of the general fund—state appropriation for fiscal year 2025, and \$14,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium as provided in section 907 of this act.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the joint legislative and executive committee on behavioral health established in (~~section 135 of this act~~) section 133 of this act.

(4) \$115,000 of the general fund—state appropriation for fiscal year 2024, \$111,000 of the general fund—state appropriation for fiscal year 2025, and \$64,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1745 (diversity in clinical trials). (~~If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~)

(5) \$100,000 of the general fund—state appropriation for fiscal year 2024, \$96,000 of the general fund—state appropriation for fiscal year 2025, and \$149,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5497 (medicaid expenditures). (~~If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~)

(6) \$231,000 of the general fund—state appropriation for fiscal year 2024 and \$65,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5304 (language access/testing). (~~If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~)

(7) \$4,876,000 of the general fund—state appropriation for fiscal year 2025 and \$2,961,000 of the general fund—federal appropriation are provided solely for the system for integrated leave, attendance, and scheduling project. These amounts are subject to the conditions, limitations, and review requirements of section 701 of this act.

(8) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the research and data analysis division of the department to analyze historical trends of admissions for felony civil conversion cases based on behavioral

health administrative service organization regions. The research and data analysis division must create a report that provides information on the monthly averages for admission by region and any information about trends or cycles, and shall make a recommendation about how best to predict and model future admissions for this population by region. The report must be submitted to the governor, office of financial management, and appropriate committees of the legislature no later than November 1, 2024.

(9) \$2,000,000 of the climate commitment account—state appropriation is provided solely for the department to pilot a statewide network of community assemblies fully centered on overburdened communities as defined in RCW 70A.02.010. The department must select topics for community assemblies that fall within its authority or must consult and coordinate with the agency who has authority on the proposed topic before selection. These assemblies will elevate community expertise and solutions to budget and policy makers on sustainable investments to create a more climate resilient Washington. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(10) \$20,000 of the general fund—state appropriation for fiscal year 2024 and \$70,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the research and data analysis division of the department to conduct a study of the costs to expand apple health categorically needy coverage for SSI-related individuals who meet the criteria in WAC 182-512-0050. The study shall provide the cost of expanding medicaid services to individuals at the following percentages of the federal poverty level: 75 percent, 80 percent, 85 percent, 90 percent, 95 percent, and 100 percent. The study should also provide the cost of eliminating the state asset limits at each of these income increments. The study must be submitted to the appropriate committees of the legislature by December 1, 2024.

**Sec. 209.** 2023 c 475 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation	(FY 2024)
	(( <del>\$63,781,000</del> ))
	\$66,483,000
General Fund—State Appropriation	(FY 2025)
	(( <del>\$60,934,000</del> ))
	\$63,617,000
General Fund—Federal Appropriation	(( <del>\$60,794,000</del> ))
	\$61,814,000
TOTAL APPROPRIATION	(( <del>\$185,509,000</del> ))
	\$191,914,000

The appropriations in this section are subject to the following conditions and limitations: Within the amounts appropriated in this section, the department must extend master property insurance to all buildings owned by the department valued over \$250,000 and to all locations leased by the department with contents valued over \$250,000.

**Sec. 210.** 2023 c 475 s 210 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

(1)(a) During the 2023-2025 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers,

consultants, or any other entities contracting with the health care authority.

(b) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

(2) The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(b) The health care authority must submit a report on November 1, 2023, and annually thereafter, to the fiscal committees of the legislature. The report must include, at a minimum:

(i) A list of active coalition projects as of July 1st of the fiscal year. This must include all current and ongoing coalition projects, which coalition agencies are involved in these projects, and the funding being expended on each project, including in-kind funding. For each project, the report must include which federal requirements each coalition project is working to satisfy, and when each project is anticipated to satisfy those requirements; and

(ii) A list of coalition projects that are planned in the current and following fiscal year. This must include which coalition agencies are involved in these projects, including the anticipated in-kind funding by agency, and if a budget request will be submitted for funding. This must reflect all funding required by fiscal year and by fund source and include the budget outlook period.

(4) The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2024, unless prohibited by this act, the authority may transfer general fund—state appropriations

for fiscal year 2024 among programs after approval by the director of the office of financial management. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecast and utilization assumptions, the authority may transfer general fund—state appropriations for fiscal year 2024 that are provided solely for a specified purpose. The authority may not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of the office of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification must include a narrative explanation and justification of changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications and transfers.

**Sec. 211.** 2023 c 475 s 211 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—MEDICAL ASSISTANCE**

General Fund—State	Appropriation (FY 2024)	(\$2,682,912,000))
		<u>\$2,868,259,000</u>
General Fund—State	Appropriation (FY 2025)	(\$2,672,393,000))
		<u>\$2,973,742,000</u>
General Fund—Federal	Appropriation	(\$15,431,138,000))
		<u>\$16,768,803,000</u>
General Fund—Private/Local	Appropriation	(\$1,074,465,000))
		<u>\$1,252,273,000</u>
Dedicated Cannabis Account—State	Appropriation (FY 2024)	(\$25,544,000))
		<u>\$21,513,000</u>
Dedicated Cannabis Account—State	Appropriation (FY 2025)	(\$28,936,000))
		<u>\$23,212,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account—State	Appropriation	\$15,086,000
Family Medicine Workforce Development Account—State	Appropriation	<u>\$7,000,000</u>
Hospital Safety Net Assessment Account—State	Appropriation	(\$1,524,493,000))
		<u>\$1,517,493,000</u>
Long-Term Services and Supports Trust Account—State	Appropriation	<u>\$764,000</u>
Medical Aid Account—State	Appropriation	\$540,000
Statewide 988 Behavioral Health Crisis Response Line Account—State	Appropriation	(\$21,606,000))
		<u>\$11,624,000</u>
Telebehavioral Health Access Account—State	Appropriation	(\$8,394,000))
		<u>\$8,318,000</u>
Ambulance Transport Fund—State	Appropriation	(\$13,872,000))
		<u>\$14,316,000</u>
<b>TOTAL APPROPRIATION</b>		<b>(\$23,499,379,000))</b>
		<u>\$25,482,943,000</u>

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

(1) The authority shall submit an application to the centers for medicare and medicaid services to renew the 1115 demonstration waiver for an additional five years as described in subsections (2), (3), and (4) of this section. The authority may not accept or

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

expend any federal funds received under an 1115 demonstration waiver except as described in this section unless the legislature has appropriated the federal funding. To ensure compliance with legislative requirements and terms and conditions of the waiver, the authority shall implement the renewal of the 1115 demonstration waiver and reporting requirements with oversight from the office of financial management. The legislature finds that appropriate management of the renewal of the 1115 demonstration waiver as set forth in subsections (2), (3), and (4) of this section requires sound, consistent, timely, and transparent oversight and analytic review in addition to lack of redundancy with other established measures. The patient must be considered first and foremost in the implementation and execution of the demonstration waiver. To accomplish these goals, the authority shall develop consistent performance measures that focus on population health and health outcomes. The authority shall limit the number of projects that accountable communities of health may participate in under initiative 1 to a maximum of six and shall seek to develop common performance measures when possible. The joint select committee on health care oversight will evaluate the measures chosen: (a) For effectiveness and appropriateness; and (b) to provide patients and health care providers with significant input into the implementation of the demonstration waiver to promote improved population health and patient health outcomes. In cooperation with the department of social and health services, the authority shall consult with and provide notification of work on applications for federal waivers, including details on waiver duration, financial implications, and potential future impacts on the state budget to the joint select committee on health care oversight prior to submitting these waivers for federal approval. Prior to final approval or acceptance of funds by the authority, the authority shall submit the special terms and conditions as submitted to the centers for medicare and medicaid services and the anticipated budget for the duration of the renewed waiver to the governor, the joint select committee on health care, and the fiscal committees of the legislature. By federal standard any programs created or funded by this waiver do not create an entitlement. The demonstration period for the waiver as described in subsections (2), (3), and (4) of this section begins July 1, 2023.

(2)(a) (~~(\$150,219,000)~~) \$342,398,000 of the general fund—federal appropriation and (~~(\$150,219,000)~~) \$213,592,000 of the general fund—local appropriation are provided solely for accountable communities of health described in initiative 1 of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. In renewing this initiative, the authority shall consider local input regarding community needs and shall limit total local projects to no more than six. To provide transparency to the appropriate fiscal committees of the legislature, the authority shall provide fiscal staff of the legislature query ability into any database of the fiscal intermediary that authority staff would be authorized to access. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) (~~(\$438,515,000)~~) \$467,787,000 of the general fund—federal appropriation and (~~(\$179,111,000)~~) \$191,068,000 of the general fund—private/local appropriation are provided solely for the medicaid quality improvement program and this is the maximum amount that may be expended for this purpose. Medicaid quality improvement program payments do not count

against the 1115 demonstration waiver spending limits and are excluded from the waiver's budget neutrality calculation. The authority may provide medicaid quality improvement program payments to apple health managed care organizations and their partnering providers as they meet designated milestones. Partnering providers and apple health managed care organizations must work together to achieve medicaid quality improvement program goals according to the performance period timelines and reporting deadlines as set forth by the authority. The authority may only use the medicaid quality improvement program to support initiatives 1, 2, and 3 as described in the 1115 demonstration waiver and may not pursue its use for other purposes. Any programs created or funded by the medicaid quality improvement program do not constitute an entitlement for clients or providers. The authority shall not supplement the amounts provided in this subsection with any general fund—state, general fund—federal, or general fund—local moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight not less than quarterly on financial and health outcomes. The director shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(c) In collaboration with the accountable communities of health, the authority will submit a report to the governor and the joint select committee on health care oversight describing how each of the accountable community of health's work aligns with the community needs assessment no later than December 1, 2023.

(d) Performance measures and payments for accountable communities of health shall reflect accountability measures that demonstrate progress toward transparent, measurable, and meaningful goals that have an impact on improved population health and improved health outcomes, including a path to financial sustainability. While these goals may have variation to account for unique community demographics, measures should be standardized when possible.

(3) (~~(\$115,713,000)~~) \$87,665,000 of the general fund—federal appropriation and (~~(\$115,725,000)~~) \$87,666,000 of the general fund—local appropriation are provided solely for long-term support services as described in initiative 2 of the 1115 demonstration waiver as well as administrative expenses for initiative 3 and this is the maximum amount that may be expended for this purpose. The authority shall contract with and provide funding to the department of social and health services to administer initiative 2. The director in cooperation with the secretary of the department of social and health services shall report to the office of financial management all of the expenditures of this section and shall provide such fiscal data in the time, manner, and form requested. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section.

(4)(a) (~~(\$54,912,000)~~) \$46,450,000 of the general fund—federal appropriation and (~~(\$30,162,000)~~) \$21,432,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the department or its third-party administrator. The authority and the

department, in consultation with the medical assistance expenditure forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(b) ~~((The authority and the department shall seek additional flexibilities for housing supports through the centers for medicare and medicaid services and shall coordinate with the office of financial management and the department of commerce to ensure that services are not duplicated.))~~ \$28,156,000 of the general fund—federal appropriation and \$22,067,000 of the general fund—local appropriation are provided solely for additional housing supports described in the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. The authority shall not supplement the amounts provided in this subsection with any general fund—state moneys appropriated in this section or any moneys that may be transferred pursuant to subsection (1) of this section. The director shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The director shall also report to the fiscal committees of the legislature all of the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(c) The director shall report to the joint select committee on health care oversight no less than quarterly on utilization and caseload statistics for both supportive housing and employment services and its progress toward increasing uptake and availability for these services.

(5) \$1,432,000 of the general fund—state appropriation for fiscal year 2024 and \$3,008,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for supported employment services and \$1,478,000 of the general fund—state appropriation for fiscal year 2024 and \$3,162,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for supported housing services, similar to the services described in initiatives 3a and 3b of the 1115 demonstration waiver to individuals who are ineligible for medicaid. Under these initiatives, the authority and the department of social and health services shall ensure that allowable and necessary services are provided to eligible clients as identified by the authority or its third-party administrator. Before authorizing services, eligibility for initiative 3a or 3b of the 1115 demonstration waiver must first be determined.

(6) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

(7) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(8) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(9) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(10) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(11) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(12) ~~(\$4,176,000)~~ \$4,261,000 of the general fund—state appropriation for fiscal year 2024, \$4,261,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$8,607,000)~~ \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

(13) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

(14) \$7,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(15) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2023-2025 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2023, and by November 1, 2024, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2024 and fiscal year 2025, hospitals in the program shall be paid and shall retain 100 percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and 100 percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. For the purpose of determining the amount of any state grant under this subsection, payments will include the federal portion of medicaid program supplemental payments received by the hospitals. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2023-2025 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2019-2021 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within 11 months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~(((\$237,000 of the general fund—state appropriation for fiscal year 2024 and \$218,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for state grants for the participating hospitals.))~~

(16) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide ongoing support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(17) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

(18) The authority shall submit reports to the governor and the legislature by September 15, 2023, and no later than September 15, 2024, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(19) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

(20) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

(21) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(22) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. The health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

(23) \$90,000 of the general fund—state appropriation for fiscal year 2024, \$90,000 of the general fund—state appropriation for fiscal year 2025, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

(24) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

(25) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

(26) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

(27) The authority shall use revenue appropriated from the dedicated cannabis account for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(28) Beginning no later than July 1, 2018, for any service eligible under the medicaid state plan for encounter payments, managed care organizations at the request of a rural health clinic shall pay the full published encounter rate directly to the clinic. At no time will a managed care organization be at risk for or have any right to the supplemental portion of the claim. Payments will

be reconciled on at least an annual basis between the managed care organization and the authority, with final review and approval by the authority.

(29) Sufficient amounts are appropriated in this section for the authority to provide a medicaid equivalent adult dental benefit to clients enrolled in the medical care service program.

(30) During the 2023-2025 fiscal biennium, sufficient amounts are provided in this section for the authority to provide services identical to those services covered by the Washington state family planning waiver program as of August 2018 to individuals who:

- (a) Are 19 years of age;
- (b) Are at or below 260 percent of the federal poverty level as established in WAC 182-505-0100;
- (c) Are not covered by other public or private insurance; and
- (d) Need family planning services and are not currently covered by or eligible for another medical assistance program for family planning.

~~((32))~~ (31)(a) The authority shall ensure that appropriate resources are dedicated to implementing the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report. Additionally, the authority shall:

(i) Work to ensure the efficient operations of the managed care plans, including but not limited to, a deconflicting process for audits with and among the managed care plans and the medicaid fraud division at the attorney general's office, to ensure the authority staff perform central audits of cases that appear across multiple managed care plans, versus the audits performed by the individual managed care plans or the fraud division;

(ii) Remain accountable for operating in an effective and efficient manner, including performing program integrity activities that ensure high value in the medical assistance program in general and in medicaid managed care specifically;

(iii) Work with its contracted actuary and the medical assistance expenditure forecast work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting; and

(iv) Work with the medical assistance expenditure forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner.

(b) \$50,000 of the general fund—state appropriation for fiscal year 2024, \$50,000 of the general fund—state appropriation for fiscal year 2025, and \$100,000 of the general fund—federal appropriation are provided solely for the authority to consider, as part of its program integrity activities, whether it is providing economical, efficient, and quality prescription drug services through its administrative services model and the quantifiable cost and benefit of this service delivery method. The authority must establish an annual reporting requirement for all covered entities participating in the 340B drug pricing program that receive medicaid funds under this section; and the authority shall provide at an aggregate level, broken down by covered entities defined by 42 U.S.C. §256b(a)(4)(A)-(O), the following minimum information to the governor and fiscal committees of the legislature no later than October 15, 2023:

(i) The cost and benefits of providing these prescription drug benefits through a carved-out fee-for-service benefit, both total cost and net of rebates;

(ii) The cost and benefits of providing these prescription drug benefits through a carved-in managed care benefit, both total cost and net of rebates;

(iii) The cost and benefits of providing these prescription drug benefits through the administrative services model, both total and net of rebates;

(iv) The community benefit attributable to 340B providers as a result of the administrative services or carved-in model as compared to each other and as compared to the carved-out model; and

(v) The federal financial participation provided to the state under each of these models.

(c) The authority shall submit a report to the governor and appropriate committees of the legislature by October 1, 2023, that includes, but is not limited to:

(i) Specific, quantified actions that have been taken, to date, related to the recommendations of the centers for medicare and medicaid services center for program integrity as provided to the authority in the January 2019 Washington focused program integrity review final report;

(ii) Specific, quantified information regarding the work done with its contracted actuary and the medical assistance expenditure forecast expenditure work group to develop methods and metrics related to managed care program integrity activity that shall be incorporated into annual rate setting;

(iii) Specific, quantified information regarding the work done with the medical assistance expenditure forecast work group to ensure the results of program integrity activity are incorporated into the rate setting process in a transparent, timely, measurable, quantifiable manner;

(iv) Accounting by fiscal year, medicaid eligibility group, and service beginning with state fiscal year 2020 to include all program integrity recoveries attributable to the authority, including how these recoveries are categorized, to which year they are reported, how these recoveries are applied against legislative savings requirements, and what recoveries are attributable to the office of the attorney general's medicaid fraud control division and how these recoveries are considered when reporting program integrity activity and determining managed care rates; and

(v) Information detailing when the agency acquired a new fraud and abuse detection system and to what extent this system is being utilized.

~~((33))~~ (32)(a) The authority shall not enter into any future value-based arrangements with federally qualified health centers or rural health clinics prior to receiving approval from the office of financial management and the appropriate committees of the legislature.

(b) The authority shall not modify the reconciliation process with federally qualified health centers or rural health clinics without notification to and the opportunity to comment from the office of financial management.

(c) The authority shall require all managed care organizations to provide information to the authority to account for all payments to rural health clinics and federally qualified health centers to include how payments are made, including any additional payments and whether there is a sub-capitation arrangement or value-based purchasing arrangement.

(d) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall reconcile on an annual basis with rural health clinics and federally qualified health centers.

(e) Beginning with fiscal year 2021 and for each subsequent year thereafter, the authority shall properly accrue for any anticipated reconciliations with rural health clinics and federally qualified health centers during the fiscal year close process following generally accepted accounting practices.

~~((34))~~ (33) Within the amounts appropriated in this section, the authority is to include allergen control bed and pillow covers as part of the durable medical equipment benefit for children with an asthma diagnosis enrolled in medical assistance programs.

~~((35) Within the amounts appropriated in this section, the authority shall reimburse for maternity services provided by~~



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

~~doulas~~) (34) \$23,000 of the general fund—state appropriation for fiscal year 2024, \$324,000 of the general fund—state appropriation for fiscal year 2025, and \$469,000 of the general fund—federal appropriation are provided solely for the reimbursement of services provided by doula for apple health clients consistent with utilization and uptake assumptions anticipated by the authority in its report to the legislature on December 1, 2020. The centers for medicare and medicaid services must approve a state plan amendment to reimburse for doula services prior to the implementation of this policy.

~~((36))~~ (35) Sufficient funds are provided in this section for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

~~((37))~~ (36) Sufficient funds are provided to continue reimbursing dental health aid therapists for services performed in tribal facilities for medicaid clients. The authority must leverage any federal funding that may become available as a result of appeal decisions from the centers for medicare and medicaid services or the United States court of appeals for the ninth circuit.

~~((38))~~ (37) Within the amounts appropriated in this section, the authority shall implement the requirements of RCW 74.09.830 (postpartum health care) and the American rescue plan act of 2021, P.L. 117-2, in extending health care coverage during the postpartum period. The authority shall make every effort to expedite and complete eligibility determinations for individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving maximum federal match. This includes, but is not limited to, working with managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning June 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are likely eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are waiting for the authority to complete eligibility determination, the number of individuals who were likely eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

~~((39))~~ (38) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the perinatal support warm line to provide peer support, resources, and referrals to new and expectant parents and people in the emotional transition to parenthood experiencing, or at risk of, postpartum depression or other mental health issues.

~~((40))~~ (39) Sufficient funding is provided to remove the asset test from the medicare savings program review process.

~~((41))~~ (40) Sufficient funding is provided to eliminate the mid-certification review process for the aged, blind, or disabled and housing and essential needs referral programs.

~~((42))~~ (41) \$403,000 of the general fund—state appropriation for fiscal year 2025 and \$1,185,000 of the general fund—federal appropriation are provided solely for an adult acupuncture benefit beginning January 1, 2025.

~~((43))~~ (42) \$581,000 of the general fund—state appropriation for fiscal year 2025 and \$1,706,000 of the general fund—federal appropriation are provided solely for an adult chiropractic benefit beginning January 1, 2025.

~~((44))~~ (43)(a) \$4,109,000 of the general fund—state appropriation for fiscal year 2024 and ~~((2,055,000))~~ \$4,204,000

of the general fund—state appropriation for fiscal year 2025, and \$1,214,000 of the general fund—federal appropriation are provided solely for the authority to ~~((establish a two-year))~~ continue the grant program for reimbursement for services to patients up to age 18 provided by community health workers in primary care clinics whose patients are significantly comprised of pediatric patients enrolled in medical assistance under chapter 74.09 RCW ~~((beginning January 1, 2023))~~ until June 30, 2025. Community health workers may receive merit increases within this funding. Community health workers funded under this subsection may provide outreach, informal counseling, and social supports for health-related social needs. ~~((The authority shall seek a state plan amendment or federal demonstration waiver should they determine these services are eligible for federal matching funds.))~~ Within the amounts provided in this subsection, the authority will provide ~~((an initial report to the governor and appropriate committees of the legislature by January 1, 2024, and))~~ a final report by ~~((January 1, 2025))~~ June 30, 2025. The report shall include, but not be limited to ~~((the))~~:

- ~~((i))~~ The quantitative impacts of the grant program~~((, how))~~;
- ~~((ii))~~ How many community health workers are participating in the grant program~~((, how))~~;
- ~~((iii))~~ How many clinics these community health workers represent~~((, how))~~;
- ~~((iv))~~ How many clients are being served~~((, and evaluation))~~;
- ~~((v))~~ Evaluation of any measurable health outcomes identified in the planning period prior to January 2023; and
- ~~((vi))~~ The number of children who received community health worker services between June 1, 2023, and June 30, 2024. For the children who received community health worker services within this period, the authority must compare the following data to children of the same ages and languages receiving coverage through apple health: Well-child visits; mental health services when a need is identified; and emergency department utilization.

~~((b))~~ ~~((In collaboration with key stakeholders including pediatric primary care clinics and medicaid managed care organizations, the authority shall explore longer term, sustainable reimbursement options for the integration of community health workers in primary care to address the health-related social needs of families, including approaches to incorporate federal funding.))~~ To the extent that funds are appropriated, the authority must establish a community health worker benefit under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available, pursuant to approval from the center for medicare and medicaid services.

~~((45))~~ (44) \$1,635,000 of the general fund—state appropriation for fiscal year 2024, \$1,024,000 of the general fund—state appropriation for fiscal year 2025, and \$1,765,000 of the general fund—federal appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, for state programs within the health and human services coalition to uniformly identify clients across multiple service delivery systems. The coalition will clearly identify all state programs impacted by and all fund sources used in development and implementation of this project. This subsection is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((46))~~ (45)(a) Sufficient amounts are appropriated in this section for the authority to provide coverage for all federal food and drug administration-approved HIV antiviral drugs without prior authorization. This coverage must be provided to apple health clients enrolled in both fee-for-service and managed care

programs.

(b) Beginning July 1, 2023, upon initiation or renewal of a contract with the authority to administer a medicaid managed care plan, a managed care health care system shall provide coverage without prior authorization for all federal food and drug administration-approved HIV antiviral drugs.

(c) By December 1, 2023, and December 1, 2024, the authority must submit to the fiscal committees of the legislature the projected and actual expenditures and percentage of medicaid clients who switch to a new drug class without prior authorization as described in (a) and (b) of this subsection.

~~((47))~~ (46) The authority shall consider evidence-based recommendations from the Oregon health evidence review commission when making coverage decisions for the treatment of pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute-onset neuropsychiatric syndrome.

~~((48))~~ (47) \$2,120,000 of the general fund—state appropriation for fiscal year 2024, \$2,120,000 of the general fund—state appropriation for fiscal year 2025, and \$9,012,000 of the general fund—federal appropriation are provided solely to increase advanced life support code A0426 by 64 percent, basic life support base rates for nonemergency ambulance transports code A0428 by 80 percent, and mileage for both nonemergency and emergency ambulance transportation code A0425 by 35 percent, beginning July 1, 2023.

~~((49))~~ (48) \$2,047,000 of the general fund—state appropriation for fiscal year 2024, \$3,390,000 of the general fund—state appropriation for fiscal year 2025, and \$5,135,000 of the general fund—federal appropriation are provided solely to increase reimbursement rates by 20 percent for applied behavior analysis codes 0362T and 0373T for individuals with complex behavioral health care needs; and by 15 percent for all other applied behavior analysis codes with the exception of Q3014, beginning January 1, 2024.

~~((50))~~ (49) \$280,000 of the general fund—state appropriation for fiscal year 2024 and \$1,992,000 of the general fund—federal appropriation are provided solely for modular replacement costs of the ProviderOne pharmacy point of sale system and are subject to the conditions, limitations, and review provided in section 701 of this act.

~~((51))~~ (50) \$709,000 of the general fund—state appropriation for fiscal year 2024, \$1,410,000 of the general fund—state appropriation for fiscal year 2025, and \$4,075,000 of the general fund—federal appropriation are provided solely to maintain and increase access for behavioral health services through increased provider rates. The rate increases are effective January 1, 2024, and must be applied to the following codes for children and adults enrolled in the medicaid program: 90785, 90791, 90832, 90833, 90834, 90836, 90837, 90838, 90845, 90846, 90847, 90849, 90853, 96156, 96158, 96159, 96164, 96165, 96167, 96168, 96170, 96171, H0004, H0023, H0036, and H2015. The authority may use a substitute code in the event that any of the codes identified in this subsection are discontinued and replaced with an updated code covering the same service. Within the amounts provided in this subsection the authority must:

(a) Implement this rate increase in accordance with the process established in RCW 71.24.885 (medicaid rate increases);

(b) Raise the state fee-for-service rates for these codes by up to 7 percent, except that the state medicaid rate may not exceed the published medicare rate or an equivalent relative value unit rate if a published medicare rate is not available;

(c) Require in contracts with managed care organizations that, beginning January 2024, managed care organizations pay no lower than the fee-for-service rate for these codes, and adjust managed care capitation rates accordingly; and

(d) Not duplicate rate increases provided in subsection ~~((52))~~ (51) of this section.

~~((52))~~ (51) \$1,055,000 of the general fund—state appropriation for fiscal year 2025 and \$2,046,000 of the general fund—federal appropriation are provided solely to maintain and increase access for primary care services for medicaid-enrolled patients through increased provider rates beginning January 1, 2025. Within the amounts provided in this subsection the authority must:

(a) Increase the medical assistance rates for adult primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 2 percent above medical assistance rates in effect on January 1, 2023;

(b) Increase the medical assistance rates for pediatric primary care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 2 percent above medical assistance rates in effect on January 1, 2023;

(c) Increase the medical assistance rates for pediatric critical care, neonatal critical care, and neonatal intensive care services that are reimbursed solely at the existing medical assistance rates on a fee-for-service basis, as well as through managed care plans, by at least 2 percent above medical assistance rates in effect on January 1, 2023;

(d) Apply reimbursement rates required under this subsection to payment codes in a manner consistent with the temporary increase in medicaid reimbursement rates under federal rules and guidance in effect on January 1, 2014, implementing the patient protection and affordable care act, except that the authority may not require provider attestations;

(e) Pursue state plan amendments to require medicaid managed care organizations to increase rates under this subsection through adoption of a uniform percentage increase for network providers pursuant to 42 C.F.R. Sec. 438.6(c)(1)(iii)(B), as existing on January 1, 2023; and

(f) Not duplicate rate increases provided in subsection ~~((51))~~ (50) of this section.

~~((53))~~ (52) The authority shall seek a waiver from the federal department of health and human services necessary to implement the requirements of RCW 74.09.670 (medical assistance benefits—incarcerated or committed persons—suspension). Additionally, the authority shall ~~((explore expanding))~~ implement its waiver application for prerelease services ~~((from 30))~~ up to 90 days; and provide the governor and fiscal committees of the legislature estimates of costs for implementation or maintenance of effort requirements of this expansion prior to entering into agreement with the centers for medicare and medicaid services.

(a) \$124,000 of the general fund—state appropriation for fiscal year 2025, \$60,925,000 of the general fund—federal appropriation, and \$60,785,000 of the general fund—private/local appropriation are provided solely for prerelease services including, but not limited to, case management, clinical consultations, medication assisted therapy, community health worker services, 30-day supply of medications, durable medical equipment, medications, laboratory services, and radiology services.

(b) The authority shall coordinate with the department of corrections for prison reentry implementation pursuant to the waiver terms. The authority will coordinate with tribes, other state agencies, and jail administrations as necessary to achieve the terms of the 1115 medicaid transformation waiver. The authority shall use its statutory reentry advisory work group and subgroups as necessary to coordinate with partners to achieve these goals.

~~((54))~~ (53) Within the amounts appropriated in this section the authority in collaboration with UW Medicine shall explore

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

funding options for clinical training programs including, but not limited to, family medical practice, psychiatric residencies, advanced registered nurse practitioners, and other primary care providers. Options should include, but not be limited to, shifting direct medicaid graduate medical education payments or indirect medicaid graduate medical education payments, or both, from rates to a standalone program. The authority in collaboration with UW Medicine shall submit a report outlining its findings to the office of financial management and the fiscal committees of the legislature no later than December 1, 2023.

~~((55))~~ (54) \$143,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~(56))~~ (55) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute Senate Bill No. 5532 (small rural hospital payment). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~(57))~~ (56) \$56,000 of the general fund—state appropriation for fiscal year 2024, \$111,000 of the general fund—state appropriation for fiscal year 2025, and \$166,000 of the general fund—federal appropriation are provided solely for the authority to increase pediatric palliative care rates to the equivalent medicare rates paid for hospice care in effect October 1, 2022, beginning January 1, 2024.

~~((58))~~ (57) \$598,000 of the general fund—state appropriation for fiscal year 2024 and \$591,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for work required of the authority as specified in RCW 41.05.840 (universal health care commission). Of the amounts provided in this subsection:

(i) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$216,000 of the general fund—state appropriation for fiscal year 2025 are for staff dedicated to contract procurement, meeting coordination, legislative reporting, federal application requirements, and administrative support;

(ii) \$132,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are for additional staff dedicated to the work of the finance technical advisory committee; and

(iii) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are for consultant services, dedicated actuarial support, and economic modeling.

~~((59))~~ (58) \$2,395,000 of the general fund—state appropriation for fiscal year 2024, \$2,395,000 of the general fund—state appropriation for fiscal year 2025, and \$10,178,000 of the general fund—federal appropriation are provided solely to increase air ambulance-fixed wing code A0430 by 189 percent, air ambulance-rotary wing code A0431 by 265 percent, fixed wing air mileage code A0435 by 57 percent, and rotary wing air mileage code A0436 by 68 percent, beginning July 1, 2023.

~~((60))~~ (59) \$37,000 of the general fund—state appropriation for fiscal year 2024, \$73,000 of the general fund—state appropriation for fiscal year 2025, and \$218,000 of the general fund—federal appropriation are provided solely for the authority to increase the allowable number of periodontal treatments to up to four per 12 month period for apple health eligible adults, ages 21 and over, with a current diagnosis of diabetes, beginning January 1, 2024.

~~((61))~~ (60)(a) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 ~~((\*)~~ and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are

provided solely for one-time bridge grants to hospitals or birth centers in financial distress.

(b) To qualify for these grants, a hospital or birth center must:

(i) Be located in Washington and not be part of a system of three or more hospitals;

(ii) Serve individuals enrolled in state and federal medical assistance programs;

(iii) Continue to maintain a medicaid population at similar utilization levels as in ~~((calendar year 2022))~~ the most current complete calendar year data;

(iv) Be necessary for an adequate provider network for the medicaid program;

(v) Demonstrate a plan for long-term financial sustainability; and

(vi) Meet one of the following criteria:

(A) Lack adequate cash-on-hand to remain financially solvent;

(B) Have experienced financial losses during ~~((hospital fiscal year 2022; or))~~ the most current complete calendar year data;

(C) Be at risk of bankruptcy; or

(D) Be at risk of closing labor and delivery services.

(c) Of the amounts ~~((appropriated))~~ provided in this subsection for fiscal year 2024, \$4,000,000 must be distributed to a hospital that meets the qualifications in subsection (b) and is located on tribal land.

(d) Of the amounts provided in this subsection for fiscal year 2025, \$1,360,000 must be distributed to a hospital that:

(i) Has had fewer than 150 acute care licensed beds in fiscal year 2011;

(ii) Has a level III adult trauma service designation from the department of health as of January 1, 2014; and

(iii) Is owned and operated by the state or a political subdivision.

(e) Of the amounts provided in this subsection for fiscal year 2025, \$2,640,000 must be distributed to hospitals or birth centers that meet the qualification in subsection (b)(vi)(D). Facilities receiving funding under this subsection (e) shall provide the authority with a documented plan for how the funds will be invested in labor and delivery services and an accounting at the end of the fiscal year for how the funds were expended.

~~((62))~~ (61)(a) Sufficient funds are provided in this section for an outpatient directed payment program.

(b) The authority shall:

(i) Maintain the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to expand the medicaid outpatient directed payment program for hospital outpatient services provided to medicaid program managed care recipients by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals;

(iii) Direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital outpatient services provided by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

~~((63))~~ (62)(a) No more than \$200,661,000 of the general fund—federal appropriation and no more than \$91,430,000 of the

general fund—local appropriation may be expended for an inpatient directed payment program.

(b) The authority shall:

(i) Design the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to create a medicaid inpatient directed payment program for hospital inpatient services provided to medicaid program managed care recipients by UW Medicine hospitals and, at their option, UW Medicine affiliated hospitals;

(iii) Upon approval, direct managed care organizations to make payments to eligible providers at levels required to ensure enrollees have timely access to critical high-quality care as allowed under 42 C.F.R. 438.6(c); and

(iv) Increase medicaid payments for hospital inpatient services provided by UW Medicine and, at their option, UW Medicine affiliated hospitals to the average payment received from commercial payers.

(c) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals.

(d) Participating hospitals shall retain the full amount of payments provided under this program.

(e) Participating hospitals will provide the local funds to fund the required nonfederal contribution.

(f) This program shall be effective as soon as administratively possible.

~~((64))~~ (63) Within the amounts appropriated in this section, the authority shall maintain and increase access for family planning services for patients seeking services through department of health sexual and reproductive health program family planning providers based on the rates in effect as of July 1, 2022.

~~((65))~~ (64)(a) ~~((9,563,000))~~ \$5,063,000 of the general fund—state appropriation for fiscal year 2024, ~~((12,727,000))~~ \$17,227,000 of the general fund—state appropriation for fiscal year 2025, and \$259,000 of the general fund—federal appropriation are provided solely for the authority to implement a ~~((five-site))~~ pilot program for difficult to discharge individuals as described in ~~((section 135(12) of this act))~~ section 133(11) of this act.

(b) The authority shall work in collaboration with the contractor and task force identified in ~~((section 135(12) of this act))~~ section 133(11) of this act to carry out the goals and objectives of the pilot program, including but not limited to:

(i) Providing enhanced care management and wraparound services that shall be provided by or delegated by managed care pilot participants, based on services currently provided by the Harborview medical center program;

(ii) Providing incentive payments to participating post acute care providers;

(iii) Developing home and community services assessment timeliness requirements for pilot participants in cooperation with the department of social and health services; and

(iv) Providing reimbursement for administrative support through Harborview medical center for the duration of the pilot project, including training and education to support pilot participants.

(c) Of the amounts provided in this subsection, \$44,000 of the general fund—state appropriation for fiscal year 2024, \$42,000 of the general fund—state appropriation for fiscal year 2025, and \$259,000 of the general fund—federal appropriation are provided solely for the authority to provide staff support to the difficult to discharge task force described in ~~((section 135(12) of this act))~~ section 133(11) of this act, including any associated ad hoc

subgroups.

~~((66))~~ (65)(a) Within the amounts appropriated in this section the authority, in consultation with the health and human services enterprise coalition, community-based organizations, health plans, accountable communities of health, and safety net providers, shall determine the cost and implementation impacts of a statewide community information exchange (CIE). A CIE platform must serve as a tool for addressing the social determinants of health, defined as nonclinical community and social factors such as housing, food security, transportation, financial strain, and interpersonal safety, that affect health, functioning, and quality-of-life outcomes.

(b) Prior to issuing a request for proposals or beginning this project, the authority must work with stakeholders in (a) of this subsection to determine which platforms already exist within the Washington public and private health care system to determine interoperability needs and fiscal impacts to both the state and impacted providers and organizations that will be using a single statewide community information exchange platform.

(c) The authority shall provide the office of financial management and fiscal committees of the legislature a proposal to leverage medicaid enterprise financing or other federal funds prior to beginning this project and shall not expend funds under a 1115 waiver or any other waiver without legislative authorization.

~~((This subsection))~~ \$4,817,000 of the general fund—federal appropriation and \$4,817,000 of the general fund—private/local appropriation are provided solely for the authority to implement the community information exchange program. The technology solution chosen by the health care authority should be capable of interoperating with other state-funded systems in Washington and should be able to electronically refer individuals to services using a closed-loop referral process. Funding for the community information exchange program is subject to the conditions, limitations, and review requirements of section 701 of this act.

~~((67))~~ (66) \$252,000 of the general fund—state appropriation for fiscal year 2024 and \$252,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staff dedicated to data review, analysis, and management, and policy analysis in support of the health care cost transparency board as described in chapter 70.390 RCW.

~~((68))~~ (67) \$76,000 of the general fund—state appropriation for fiscal year 2024, \$76,000 of the general fund—state appropriation for fiscal year 2025, \$152,000 of the general fund—federal appropriation, and \$606,000 of the telebehavioral health access account—state appropriation are provided solely for additional staff support for the mental health referral service for children and teens.

~~((69))~~ (68) \$1,608,000 of the general fund—state appropriation for fiscal year 2024, \$2,015,000 of the general fund—state appropriation for fiscal year 2025, and \$3,681,000 of the general fund—federal appropriation are provided solely for a rate increase for the health homes program for fee-for-service enrollees, beginning July 1, 2023.

~~((70))~~ (69) \$295,000 of the general fund—state appropriation for fiscal year 2024, \$307,000 of the general fund—state appropriation for fiscal year 2025, and \$123,000 of the general fund—federal appropriation are provided solely for the first approach skills training program through the partnership access line.

~~((71))~~ (70)(a) ~~((358,000))~~ \$362,000 of the general fund—state appropriation for fiscal year 2024, ~~((358,000))~~ \$482,000 of the general fund—state appropriation for fiscal year 2025, and ~~((568,000))~~ \$895,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1357 (prior authorization) and the center for medicare and medicaid services' interoperability and

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

~~prior authorization final rule (CMS-0057-F). (If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

(b) The authority, in collaboration with managed care organizations, must provide a report to the office of financial management and the fiscal committees of the legislature no later than December 1, 2023, outlining any challenges experienced by carriers in hiring sufficient numbers and types of staff to comply with the prior authorization response times required by Engrossed Second Substitute House Bill No. 1357 (prior authorization).

~~((72))~~ (71) \$9,369,000 of the general fund—state appropriation for fiscal year 2025 and \$22,611,000 of the general fund—federal appropriation are provided solely for an increase in medicaid reimbursement rates for professional services, beginning July 1, 2024, as follows:

(a) Service categories including diagnostics, intense outpatient, opioid treatment programs, emergency room, inpatient and outpatient surgery, inpatient visits, low-level behavioral health, office administered drugs, and other physician services are increased up to 50 percent of medicare rates.

(b) Service categories including office and home visits and consults are increased up to 65 percent of medicare rates.

(c) Service categories including maternity services are increased up to 100 percent of medicare rates.

~~((73) \$21,606,000)~~ (72) \$11,624,000 of the statewide 988 behavioral health crisis response line account—state appropriation and ~~((2,946,000))~~ \$1,151,000 of the general fund—federal appropriation are provided solely for the 988 technology platform implementation project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act ~~((and any requirements as established in Engrossed Second Substitute House Bill No. 1134 (988 system))).~~

~~((74))~~ (73) \$969,000 of the general fund—state appropriation for fiscal year 2024, \$1,938,000 of the general fund—state appropriation for fiscal year 2025, and \$3,024,000 of the general fund—federal appropriation are provided solely for the authority, beginning January 1, 2024, to increase the children's dental rate for procedure code D1120 by at least 40 percent above the medical assistance fee-for-service rate in effect on January 1, 2023.

~~((75))~~ (74) \$300,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a grant to the nonprofit foundation managing the Washington patient safety coalition to support the communication and resolution programs certification program to improve outcomes for patients by providing in-depth feedback to health care organizations.

~~((76))~~ (75) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to continue a public-private partnership with a state-based oral health foundation to connect medicaid patients to dental services and reduce barriers to accessing care. The authority shall submit a progress report to the appropriate committees of the legislature by June 30, 2024.

~~((77))~~ (76) \$103,000 of the general fund—state appropriation for fiscal year 2024, \$205,000 of the general fund—state appropriation for fiscal year 2025, and \$442,000 of the general fund—federal appropriation are provided solely to increase birth center facility fee reimbursement to \$2,500 and home birth kit reimbursement to \$500 for providers approved by the authority within the planned home births and births in birth centers program.

~~((78))~~ (77) \$90,000 of the general fund—state appropriation for fiscal year 2024, \$45,000 of the general fund—state appropriation for fiscal year 2025, and \$133,000 of the general

fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1435 (home care safety net assess.). ~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

~~((79))~~ (78) \$194,000 of the general fund—state appropriation for fiscal year 2024, \$1,724,000 of the general fund—state appropriation for fiscal year 2025 and \$1,918,000 of the general fund—federal appropriation are provided solely for the authority in coordination with the department of social and health services to develop and implement a Katie Beckett 1115 demonstration waiver. The authority shall limit enrollment to 1,000 clients during the waiver period. Based upon the experience developed during the waiver period, the authority shall make recommendations to the legislature for a future tax equity and fiscal responsibility act state plan option.

~~((80))~~ (79) \$1,089,000 of the general fund—state appropriation for fiscal year 2024, \$2,231,000 of the general fund—state appropriation for fiscal year 2025, and \$2,657,000 of the general fund—federal appropriation are provided solely for kidney dialysis services for medicaid-enrolled patients through increased reimbursement rates beginning January 1, 2024. Within the amounts provided in this subsection, the authority must increase the medical assistance rates for revenue code 0821 billed with procedure code 90999 and revenue codes 0831, 0841, and 0851, when reimbursed on a fee-for-service basis or through managed care plans, by at least 30 percent above the fee-for-service composite rates in effect on January 1, 2023.

~~((81))~~ (80) \$1,360,000 of the general fund—state appropriation for fiscal year 2024 and \$3,252,000 of the general fund—federal appropriation are provided solely to increase the rates paid to rural hospitals that meet the criteria in (a) through (d) of this subsection. Payments for state and federal medical assistance programs for services provided by such a hospital, regardless of the beneficiary's managed care enrollment status, must be increased to 150 percent of the hospital's fee-for-service rates. The authority must discontinue this rate increase after June 30, 2024, and return to the payment levels and methodology for these hospitals that were in place as of January 1, 2018. Hospitals participating in the certified public expenditures program may not receive increased reimbursement for inpatient services. Hospitals qualifying for this rate increase must:

(a) Be certified by the centers for medicare and medicaid services as sole community hospitals as of January 1, 2014;

(b) Have had less than 150 acute care licensed beds in fiscal year 2011;

(c) Have a level III adult trauma service designation from the department of health as of January 1, 2014; and

(d) Be owned and operated by the state or a political subdivision.

~~((82))~~ (81) \$55,000 of the general fund—state appropriation for fiscal year 2024 and \$110,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with a medicaid managed care organization for continuous coverage beginning January 1, 2024, for individuals under age 26 that were enrolled in the unaccompanied refugee minor program as authorized by the office of refugee and immigrant assistance. There are no residency, social security number, or citizenship requirements to receive the continuous coverage as described in this subsection.

~~((83))~~ (82)(a) ~~((45,696,000))~~ \$221,000 of the general fund—state appropriation for fiscal year 2024 and \$71,037,000 of the general fund—state appropriation for fiscal year 2025 ~~((#))~~ are provided solely for the authority, beginning July 1, 2024, to implement a program with coverage comparable to the amount, duration, and scope of care provided in the categorically needy

medicaid program for adult individuals who:

(i) Have an immigration status making them ineligible for federal medicaid or federal subsidies through the health benefit exchange;

(ii) Are age 19 and older, including over age 65, and have countable income of up to 138 percent of the federal poverty level; and

(iii) Are not eligible for another full scope federally funded medical assistance program, including any expansion of medicaid coverage for deferred action for childhood arrivals recipients.

(b) Within the amounts provided in this subsection, the authority shall use the same eligibility, enrollment, redetermination and renewal, and appeals procedures as categorically needy medicaid, except where flexibility is necessary to maintain privacy or minimize burden to applicants or enrollees.

(c) The authority in collaboration with the health benefit exchange, the department of social and health services, and community organizations must develop and implement an outreach and education campaign.

(d) The authority must provide the following information to the governor's office and appropriate committees of the legislature by February 1st and November 1st of each year:

(i) Actual and forecasted expenditures;

(ii) Actual and forecasted data from the caseload forecast council; and

(iii) The availability and impact of any federal program or proposed rule that expands access to health care for the population described in this subsection, such as the expansion of medicaid coverage for deferred action for childhood arrivals recipients.

(e) The amount provided in this subsection is the maximum amount allowable for the purposes of this program.

~~((84))~~ (83)(a) \$604,000 of the general fund—state appropriation for fiscal year 2024, \$2,528,000 of the general fund—state appropriation for fiscal year 2025, and \$3,132,000 of the general fund—federal appropriation are provided solely for the authority to increase the eligibility threshold for the qualified medicare beneficiary program to up to 110 percent of the federal poverty level.

(b) The authority shall seek to maximize the availability of the qualified individual program through the centers for medicare and medicaid services.

(c) The authority may adopt any rules necessary to administer this subsection. Nothing in this subsection limits the authority's existing rule-making authority related to medicare savings programs.

~~((85))~~ (84) \$361,000 of the general fund—state appropriation for fiscal year 2024, \$766,000 of the general fund—state appropriation for fiscal year 2025, and \$2,093,000 of the general fund—federal appropriation are provided solely for the costs of, and pursuant to the conditions prescribed for, implementing the rate increase directed in section 215(44) for children for whom base funding for community behavioral health services is provided within this section.

(85) \$4,131,000 of the general fund—state appropriation for fiscal year 2025 and \$6,225,000 of the general fund—federal appropriation are provided solely for the authority to increase the nonemergency medical transportation broker administrative rate and reimburse for unloaded transports greater than 25 miles to ensure access to health care services for medicaid patients.

(86) Within the amounts appropriated in this section, the authority shall make administrative and system changes in anticipation of receiving federal authority to provide continuous eligibility for children ages zero to six covered through the apple health children's health insurance program. The centers for medicare and medicaid services must approve the 1115 medicaid

waiver prior to the implementation of this policy.

(87) \$2,500,000 of the general fund—state appropriation for fiscal year 2025 and \$2,500,000 of the general fund—federal appropriation are provided solely for the authority to:

(a) Increase screening reimbursement rates for primary care providers, beginning January 1, 2025, for postnatal, child, and adolescent mental health screenings sufficient to provide follow up and coordination in primary care settings for children aged 0-21 years and their families, per the American academy of pediatrics' bright futures guidelines; and

(b) To implement a funding mechanism using code G0136 for a social determinants of health risk assessment benefit for children and their families.

(88) \$91,000 of the general fund—state appropriation for fiscal year 2025 and \$91,000 of the general fund—federal appropriation are provided solely to increase funding for the existing contract with the University of Washington to support primary care providers that are designated as an autism spectrum disorder (ASD) center of excellence.

(89) \$500,000 of the general fund—state appropriation for fiscal year 2025 and \$500,000 of the general fund—federal appropriation are provided solely for the authority to contract with access to baby and child dentistry local programs for the purpose of maintaining and expanding capacity for local program coordinators.

(90) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Bree collaborative to support collaborative learning and targeted technical assistance for quality improvement initiatives.

(91) \$50,000 of the general fund—state appropriation for fiscal year 2025 and \$450,000 of the general fund—federal appropriation are provided solely for the authority to contract for the development of an application programming interface or software to streamline eligibility and provider payments for the foundational community supports program. In developing the software design, the authority must consult with current and prospective foundational community supports providers. A report on the status of implementation and an end-user satisfaction survey shall be submitted to the office of financial management and appropriate committees of the legislature by December 1, 2024.

(92)(a) \$1,301,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the health care cost transparency board and the implementation of Second Engrossed Substitute House Bill No. 1508 (health care cost board).

(b) Of the amounts provided in this subsection, \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the health care cost transparency board, in conjunction with the health care authority, to study:

(i) Regulatory approaches to encouraging compliance with the health care cost growth benchmark established under chapter 70.390 RCW; and

(ii) Best practices from other states regarding the infrastructure of state health care cost growth programs, including the scope, financing, staffing, and agency structure of such programs.

(c) The board may conduct all or part of the study through the authority, by contract with a private entity, or by arrangement with another state agency conducting related work.

(d) The study, as well as any recommendations for changes to the health care cost transparency board arising from the study, must be submitted by the board as part of the annual report required under RCW 70.390.070, no later than December 1, 2024.

(93)(a) No more than \$42,809,000 of the general fund—federal appropriation and no more than \$13,314,000 of the general fund—local appropriation may be expended for a medicaid

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

managed care multidisciplinary graduate medical education direct payment program.

(b) Participating hospitals are:

(i) The University of Washington medical center, a state-owned and operated teaching hospital; and

(ii) Harborview medical center, a state-operated teaching hospital.

(c) The authority shall:

(i) Design the program to support the state's access and other quality of care goals and to not increase general fund—state expenditures;

(ii) Seek approval from the centers for medicare and medicaid services to create a medicaid managed care direct payment program for hospital multidisciplinary graduate medical education program for state-owned and state-operated teaching hospitals;

(iii) Reimburse participating hospitals for the medicaid managed care program's share of the unfunded costs incurred in providing graduate medical education training; and

(iv) Make payments directly to participating hospitals.

(d) Participating hospitals shall continue to be paid for inpatient and outpatient services provided to fee-for-service clients according to fee-for-service policies and rates, including payments under the certified public expenditure program.

(e) Payments shall be additional and separate from any graduate medical education funding included in managed care capitation payments.

(f) The authority shall calculate the medicaid managed care graduate medical education direct payments using cost and utilization data from the participating hospital's most recently filed medicare cost report to identify the participating hospital's total graduate medical education cost.

(g) Total allowable graduate medical education costs shall be calculated using medicare methodologies and must:

(i) Exclude medicare full-time equivalent and per resident amount limits;

(ii) Include indirect medical education costs related to both outpatient and inpatient services; and

(iii) Include other reimbursable training costs incurred by participating hospitals.

(h) The authority shall:

(i) Use ProviderOne as the primary source for fee-for-service and managed care claims and encounter data;

(ii) Calculate the medicaid managed care program's share of the total allowable graduate medical education cost as the participating hospital's total allowable graduate medical education cost, as derived from the medicare cost report, multiplied by the total managed care charges divided by total medicaid fee-for-service charges plus managed care charges, as derived from ProviderOne data;

(iii) Reduce the medicaid managed care graduate medical education direct payments by the fee-for-service equivalent graduate medical education payment included in managed care organization payments by applying the fee-for-service APR-DRG and EAPG conversion factors and rate adjustments applicable to the same year as the medicare cost report used to calculate allowable graduate medical education costs; and

(iv) Calculate the medicaid managed care graduate medical education direct payments as graduate medical education allowable cost less fee-for-service equivalent graduate medical education payment for managed care services.

(i) Medicaid managed care graduate medical education direct payments must be calculated prior to the beginning of the payment year.

(j) Medicaid managed care graduate medical education direct

payments must be made quarterly.

(k) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the participating hospitals up to an amount not to exceed \$150,000 per year.

(l) Participating hospitals shall retain the full amount of payments provided under this program.

(m) Payments received by hospitals and nonhospital participants in this program shall be in addition to all other payments received and shall not be used to supplant payments received through other programs.

(n) Participating hospitals shall provide local funds to fund the required nonfederal contribution through intergovernmental transfer.

(o) The authority shall amend its current interagency agreement for funding and administration of similar programs to include the medicaid managed care graduate medical education direct payment program.

(p) This program shall be effective as soon as administratively possible.

(94)(a) \$7,000,000 of the family medicine workforce development account—state appropriation and \$12,834,000 of the general fund—federal appropriation are provided solely for the authority, in collaboration with the family medicine residency network and UW Medicine, to establish a medicaid direct payment program to supplement family medicine provider graduate medical education funding in Washington state.

(b) The medicaid family medicine graduate medical education direct payment program shall:

(i) Support graduate medical education training;

(ii) Improve access to quality health care services;

(iii) Improve the state's ability to ensure that medicaid graduate medical education funding supports the state's workforce development goals; and

(iv) Focus on improving underserved populations' and regions' access to health care.

(c) The medicaid family medicine graduate medical education direct payment program participants must include teaching sites that pay resident full-time equivalent costs that are eligible for federal financial participation.

(d) The authority shall seek any necessary state plan amendments or waivers from the centers for medicare and medicaid services that are necessary to implement this program and receive federal financial participation at the earliest possible date, but no later than January 1, 2025.

(e) Any incremental costs incurred by the authority in the development, implementation, and maintenance of this program shall be the responsibility of the medicaid family medicine graduate medical education direct payment program up to an amount not to exceed \$100,000 per year.

(f) The family medicine family education advisory board created in RCW 70.112.080 shall have administrative oversight, including over the amount and methodologies used to distribute funds deposited within the family medicine workforce development account, subject to the conditions described in this subsection.

(g) Of the amounts provided in this section, \$150,000 of the family medicine workforce development account—state appropriation is provided for consultant assistance, including program design and a payment model to estimate the effect of family medicine family education advisory board allocation decisions on all family medicine residency network participants.

(h) Annual allocations from the family medicine workforce development account—state appropriation shall be determined by the family medicine family education advisory board.

(i) Participants in the medicaid family medicine graduate medical education direct payment program shall retain the full amount of payments provided under this program.

(j) Payments received by participants in the medicaid family medicine graduate medical education direct payment program shall be in addition to all other payments received and shall not be used to supplant payments received through other programs.

(95) \$314,000 of the long-term services and supports trust—state appropriation is provided solely for implementation of Substitute House Bill No. 2467 (LTSS trust access). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(96) \$23,000 of the general fund—state appropriation for fiscal year 2025 and \$20,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed House Bill No. 2041 (physician assistant practice). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(97) \$206,000 of the general fund—state appropriation for fiscal year 2025 and \$137,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1941 (home health serv./children). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(98) The authority and department of social and health services shall collaborate in the identification and evaluation of strategies to obtain federal matching funding opportunities, specifically focusing on innovative medicaid framework adjustments and the consideration of necessary state plan amendments for the treatment facility described in section 203(1)(nn) of this act.

(99) \$1,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for grants to by and for immigrant-led organizations to provide community-embedded trusted messengers and navigators to educate communities about health coverage programs for undocumented immigrants and to provide enrollment support for those seeking access to health coverage and services through the program as outlined in subsection (82) of this section or a qualified health plan through the Washington healthplanfinder. The trusted messengers and navigators must be representative of the diverse undocumented communities in Washington. These grants must be distributed to by and for immigrant-led community groups with proportional statewide geographic representation and language access interpretation support for the population needs where undocumented communities are concentrated. For purposes of this subsection, "by and for organization," means an organization where leadership and staff belong to the same community they serve.

(100)(a) \$266,000 of the general fund—state appropriation for fiscal year 2025 and \$348,000 of the general fund—federal appropriation are provided solely for rate increases, effective January 1, 2025, for private duty nursing, home health, and the medically intensive children's group home program services.

(b) The authority must adopt a payment model that incorporates the following adjustments:

(i) A 7.5 percent rate increase for home health and the medically intensive children's group home program services; and

(ii) Private duty nursing services shall be \$67.89 per hour by a registered nurse and \$55.70 per hour by a licensed practical nurse.

**Sec. 212.** 2023 c 475 s 212 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—  
PUBLIC EMPLOYEES' BENEFITS BOARD AND  
EMPLOYEE BENEFITS PROGRAM**

State Health Care Authority Administrative Account—  
State Appropriation ((~~\$44,102,000~~))

\$44,787,000  
TOTAL APPROPRIATION ((~~\$44,102,000~~))  
\$44,787,000

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

(1) Any savings from reduced claims costs must be reserved for funding employee benefits during future fiscal biennia and may not be used for administrative expenses. The health care authority shall deposit any moneys received on behalf of the uniform medical plan resulting from rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys received as a result of prior uniform medical plan claims payments, in the public employees' and retirees' insurance account to be used for insurance benefits.

(2) Any changes to benefits must be approved by the public employees' benefits board. The board shall not make any changes to benefits without considering a comprehensive analysis of the cost of those changes, and shall not increase benefits unless offsetting cost reductions from other benefit revisions are sufficient to fund the changes. The board shall not make any change in retiree eligibility criteria that reestablishes eligibility for enrollment in retiree benefits.

(3) Except as may be provided in a health care bargaining agreement pursuant to RCW 41.80.020, to provide benefits within the level of funding provided in part IX of this bill, the public employees' benefits board shall require: Employee premium copayments, increases increase in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(4) The board shall collect a surcharge payment of not less than \$25 dollars per month from members who use tobacco products, and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(5) \$78,000 of the health care authority administrative account—state appropriation is provided solely for administrative costs associated with extending retiree coverage under Substitute House Bill No. 1804 (PEBB/subdivision retirees). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(6) \$500,000 of the state health care authority administrative account—state appropriation is provided solely for consultation with retirees, including conducting listening sessions and facilitating public forums to gather feedback about retiree needs. By December 1, 2023, the authority must report to the legislature with its findings, including an analysis of government self-insured plans with benefits that are equal to or richer, and with more affordable premiums, than uniform medical plan classic medicare. The legislature intends that the results of stakeholder engagements will be used to inform future health care plan selections.

(7) During the 2023-2025 fiscal biennium, the health care authority, in consultation with the office of financial management, shall review consolidating the administrative sections of the operating budget for the public employees' and school employees' benefits boards. Any change in budget structure must not result in changes to board or benefit policies. A budget structure change developed under this subsection may be included in the 2024 supplemental or the 2025-2027 biennial governor's budget submittal without being subject to the legislative evaluation and accountability program committee



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

approval under RCW 43.88.030(7).

(8) \$100,000 of the health care authority administrative account—state appropriation is provided solely for a study on consolidating the public employees' benefits board (PEBB) and school employees' benefits board (SEBB) programs. By December 1, 2024, the authority must report to the legislature the necessary statutory and program changes required to achieve consolidation of:

(a) The public employees' benefits board and school employees' benefits board into a single governing board;

(b) The current risks pools described in RCW 41.05.022 (2) and (3);

(c) The existing eligibility provisions of the PEBB and SEBB programs; and

(d) Benefit offerings into more uniform plans.

**Sec. 213.** 2023 c 475 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—  
SCHOOL EMPLOYEES' BENEFITS BOARD**

School Employees' Insurance Administrative Account—	
State Appropriation	(( <del>\$33,743,000</del> ))
	<u>\$33,745,000</u>
TOTAL APPROPRIATION	(( <del>\$33,743,000</del> ))
	<u>\$33,745,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$324,000 of the school employees' insurance administrative account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5275 (SEBB benefit access). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

**Sec. 214.** 2023 c 475 s 214 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—  
HEALTH BENEFIT EXCHANGE**

General Fund—State Appropriation (FY 2024)	(( <del>\$8,242,000</del> ))
	<u>\$9,671,000</u>
General Fund—State Appropriation (FY 2025)	(( <del>\$6,472,000</del> ))
	<u>\$7,156,000</u>
General Fund—Federal Appropriation	(( <del>\$61,983,000</del> ))
	<u>\$70,768,000</u>
Education Legacy Trust Account—State Appropriation	\$350,000
Health Benefit Exchange Account—State Appropriation	(( <del>\$76,214,000</del> ))
	<u>\$83,603,000</u>
State Health Care Affordability Account—State Appropriation	(( <del>\$110,000,000</del> ))
	<u>\$125,000,000</u>
TOTAL APPROPRIATION	(( <del>\$263,261,000</del> ))
	<u>\$296,548,000</u>

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

(1) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(2)(a) By July 15th, October 15th, and January 15th of each year, the authority shall make a payment of ~~((one-half)) 30 percent of the general fund—state appropriation, ((one-half)) 30 percent of the health benefit exchange account—state appropriation, and ((one-half)) 30 percent of the health care affordability account—state appropriation to the exchange.~~ By April 15th of each year, the authority shall make a payment of 10

percent of the general fund—state appropriation, 10 percent of the health benefit exchange account—state appropriation, and 10 percent of the health care affordability account—state appropriation to the exchange.

(b) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(c) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(3) \$1,939,000 of the health benefit exchange account—state appropriation and \$6,189,000 of the general fund—federal appropriation are provided solely for the modernizing healthplanfinder project. These amounts are subject to the conditions, limitations, and review provided in section 701 of this act.

(4)(a) ~~((~~\$100,000,000~~))~~ \$115,000,000 of the state health care affordability account—state appropriation is provided solely for the exchange to administer a premium assistance program, beginning for plan year 2023, as established in RCW 43.71.110. An individual is eligible for the premium assistance provided if the individual: (i) Has income up to 250 percent of the federal poverty level; and (ii) meets other eligibility criteria as established in RCW 43.71.110(4)(a).

(b) \$260,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a study, in consultation with the health care authority and office of the insurance commissioner, of how the exchange's current section 1332 waiver could be amended to generate federal pass-through funding to support the affordability programs established in RCW 43.71.110. The actuarial study must focus on methods that could be most readily leveraged in Washington, considering those being used in other public option programs. Study findings must be reported to the appropriate committees of the legislature by December 1, 2023.

(5) \$10,000,000 of the state health care affordability account—state appropriation is provided solely to provide premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in subsection (4)(a) of this section, and is contingent upon continued approval of the applicable waiver described in RCW 43.71.120.

(6) \$102,000 of the general fund—state appropriation for fiscal year 2024, \$865,000 of the general fund—federal appropriation, and \$123,000 of the health benefit exchange account—state appropriation are provided solely for a technology solution for an authoritative client identifier, or master person index, in Healthplanfinder to support the health and human services coalition in uniformly identifying clients across multiple state service delivery systems. These amounts are subject to the conditions, limitations, and review requirements of section 701 of this act.

(7) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the exchange, in collaboration with the department of social and health services and the home training network as described in RCW 70.128.305, to provide educational resources and trainings to help connect owners and employees of adult family homes to health care coverage.

(8) \$299,000 of the general fund—state appropriation for fiscal year 2024, \$299,000 of the general fund—state appropriation for fiscal year 2025, and \$202,000 of the general fund—federal appropriation are provided solely for pass-through funding in the annual amount of \$100,000 for each lead navigator organization in the four regions with the highest concentration of citizens of the compact of free association (COFA) to:

(a) Support a staff position within the COFA community to provide enrollment assistance to the COFA community beyond the scope of the current COFA program; and

(b) Support COFA community-led outreach and enrollment activities.

(9)(a) \$300,000 of the health benefit exchange account—state appropriation is provided solely for staff and consultants to complete a study of options and recommendations for the state to ensure continuous health care coverage through qualified health plans for medicaid beneficiaries losing medicaid coverage through Washington Healthplanfinder. In coordination with the health care authority and department of social and health services, the study must include, but not be limited to:

(i) An analysis of transitional solutions used in other states to continue coverage for individuals losing medicaid eligibility;

(ii) In coordination with the department of social and health services' research and data analysis division, an analysis of monthly enrollment rates for persons who are determined no longer eligible for medicaid, including demographic and employment information, and those who enroll in qualified health plans, including demographic and employment information; and

(iii) A feasibility analysis of auto-enrolling clients that lose medicaid eligibility and are eligible for a no-premium qualified health plan through Washington Healthplanfinder.

(b) The study must be submitted to the office of financial management and appropriate committees of the legislature by December 31, 2024.

(10)(a) \$3,372,000 of the general fund—federal appropriation is provided solely for the exchange to administer a state health insurance premium assistance program for employees working in a licensed child care facility beginning May 1, 2024.

(b) An individual is eligible for the child care premium assistance program if the individual:

(i) Is an employee working in a licensed child care facility as identified by the department of children, youth, and families;

(ii) Enrolls in a silver standardized health plan under RCW 43.71.095;

(iii) Has income that is less than 300 percent of the federal poverty level;

(iv) Applies for and accepts all federal advance premium tax credits for which they may be eligible before receiving any state premium assistance;

(v) Is not enrolled in minimum essential coverage through medicare and is ineligible for minimum essential coverage through a federal or state medical assistance program; and

(vi) Meets other eligibility criteria as established by the exchange.

(c) Subject to the availability of amounts appropriated for this specific purpose, the exchange shall pay the premium cost for a qualified health plan for an individual who is eligible for the child care premium assistance program under (b) of this subsection.

(d) The exchange may disqualify a participant from the program if the participant:

(i) No longer meets the eligibility criteria in (b) of this subsection;

(ii) Fails, without good cause, to comply with procedural or documentation requirements established by the exchange in accordance with (e) of this subsection;

(iii) Fails, without good cause, to notify the exchange of a

change of address in a timely manner;

(iv) Voluntarily withdraws from the program; or

(v) Performs an act, practice, or omission that constitutes fraud, and, as a result, an insurer rescinds the participant's policy for the qualified health plan.

(e) The exchange shall establish:

(i) Procedural requirements for eligibility and continued participation in any premium assistance program under this subsection, including data sharing processes and participant documentation requirements that are necessary to administer the program; and

(ii) Procedural requirements for facilitating payments to and from carriers.

(11) \$75,000 of the health benefit exchange account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2361 (standardized health plans). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 215.** 2023 c 475 s 215 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY—  
COMMUNITY BEHAVIORAL HEALTH PROGRAM**

General Fund—State Appropriation (FY 2024)	(((\$1,015,063,000))
	<u>\$1,026,357,000</u>
General Fund—State Appropriation (FY 2025)	(((\$1,097,193,000))
	<u>\$1,238,179,000</u>
General Fund—Federal Appropriation	(((\$2,853,321,000))
	<u>\$3,085,785,000</u>
General Fund—Private/Local Appropriation	(((\$38,826,000))
	<u>\$38,906,000</u>
Criminal Justice Treatment Account—State Appropriation	\$22,001,000
Problem Gambling Account—State Appropriation	(((\$2,243,000))
	<u>\$3,738,000</u>
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$28,498,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	\$28,501,000
Opioid Abatement Settlement Account—State Appropriation	(((\$54,415,000))
	<u>\$74,120,000</u>
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation	\$33,135,000
TOTAL APPROPRIATION	(((\$5,173,196,000))
	<u>\$5,579,220,000</u>

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

(1) For the purposes of this section, "behavioral health entities" means managed care organizations and behavioral health administrative services organizations that reimburse providers for behavioral health services.

(2) Within the amounts appropriated in this section, funding is provided for implementation of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. In addition to amounts provided solely for implementation of the settlement agreement, class members must have access to supports and services funded throughout this section for which they meet eligibility and medical necessity requirements. The authority must include language in contracts that requires regional behavioral health entities to develop and implement plans for improving access to timely and appropriate treatment for

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

individuals with behavioral health needs and current or prior criminal justice involvement who are eligible for services under these contracts.

(3)(a) \$44,320,000 of the general fund—state appropriation for fiscal year 2024, \$49,525,000 of the general fund—state appropriation for fiscal year 2025, and \$17,368,000 of the general fund—federal appropriation are provided solely to continue the phase-in of the settlement agreement under *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority, in collaboration with the department of social and health services and the criminal justice training commission, must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to competency evaluations, competency restoration, crisis diversion and supports, education and training, and workforce development. Within these amounts, sufficient funding is provided to implement Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations).

(b) Of the amounts provided in this subsection, \$5,108,000 of the general fund—state appropriation for fiscal year 2024 and \$6,341,000 of the general fund—state appropriation for fiscal year 2025 are provided for implementation of Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations). Of these amounts, \$186,000 of the general fund—state appropriation for fiscal year 2024 and \$186,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase compensation for staff in outpatient competency restoration programs pursuant to Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations).

(c) By December 1, 2024, the authority must provide notification to the office of financial management and the appropriate committees of the legislature of the estimated opening date and operating costs for the Trueblood phase three crisis stabilization center.

(4) ~~\$8,000,000 of the general fund—state appropriation for fiscal year 2024 ((is))~~ and \$8,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue diversion grant programs funded through contempt fines pursuant to *Trueblood, et al. v. Department of Social and Health Services, et al.*, United States District Court for the Western District of Washington, Cause No. 14-cv-01178-MJP. The authority must consult with the plaintiffs and court monitor to determine, within the amounts provided, which of the programs will continue to receive funding through this appropriation. The programs shall use this funding to provide assessments, mental health treatment, substance use disorder treatment, case management, employment, and other social services. By December 1, 2023, the authority, in consultation with the plaintiffs and the court monitor, must submit a report to the office of financial management and the appropriate fiscal committees of the legislature which includes: Identification of the programs that receive funding through this subsection; a narrative description of each program model; the number of individuals being served by each program on a monthly basis; metrics or outcomes reported as part of the contracts; and recommendations related to further support of these programs in the 2023-2025 fiscal biennium.

(5) ~~\$12,359,000 of the general fund—state appropriation for fiscal year 2024, ((~~\$12,359,000~~))~~ \$26,142,000 of the general fund—state appropriation for fiscal year 2025, and ((~~\$23,444,000~~)) \$31,504,000 of the general fund—federal appropriation are provided solely for the authority and behavioral health entities to continue to contract for implementation of high-

intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to behavioral health entities with PACT teams, the authority shall consider the differences between behavioral health entities in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The authority may allow behavioral health entities which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under subsection (7) of this section. The authority and behavioral health entities shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section. Of the amounts provided in this subsection:

(a) \$4,628,000 of the general fund—state appropriation for fiscal year 2025 and \$920,000 of the general fund—federal appropriation are provided solely for two new programs for assertive community treatment teams.

(b) \$7,988,000 of the general fund—state appropriation for fiscal year 2025 and \$5,813,000 of the general fund—federal appropriation are provided solely for current assertive community treatment teams contingent upon a plan submitted to and approved by the authority to increase and maintain average monthly caseloads to no less than 80 percent of the maximum capacity for full and half teams as established in the WA-PACT program standards.

(c) \$669,000 of the general fund—state appropriation for fiscal year 2025 and \$994,000 of the general fund—federal appropriation are provided solely for a rate increase for existing programs for assertive community treatment teams. The rate increase must be implemented to provide the same percentage increase to all providers and the authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure funding provided through managed care organizations must be used to increase rates for their contracted assertive community treatment team providers.

(d) \$399,000 of the general fund—state appropriation for fiscal year 2025 and \$333,000 of the general fund—federal appropriation are provided solely for administrative costs related to assertive community treatment teams including contracted training, technical assistance, and assessment services.

(e) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to contract for an assessment on the access of young adults to assertive community treatment team services. The study must include identification of: (i) The number and percentage of young adults receiving services through assertive community treatment teams; (ii) barriers and strategies for increasing access to assertive community treatment team services for young adults; and (iii) identification of evidence-based alternative models for providing high intensity wraparound services that may be more appropriate for some young adult populations. The authority must submit a report to the office of financial management and the appropriate committees of the legislature summarizing the findings and recommendations of the study by December 1, 2024.

(6) ((~~\$3,520,000~~)) \$1,668,000 of the general fund—state appropriation for fiscal year 2025 and \$3,280,000 of the general fund—federal appropriation ((~~is~~)) are provided solely for the authority to maintain a pilot project to incorporate peer bridging staff into behavioral health regional teams that provide transitional services to individuals returning to their communities.

(7) \$144,519,000 of the general fund—state appropriation for fiscal year 2024 and ((~~\$163,088,000~~)) \$139,238,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for persons and services not covered by the

medicaid program. To the extent possible, levels of behavioral health entity spending must be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts must be distributed to behavioral health entities as follows:

(a) \$108,803,000 of the general fund—state appropriation for fiscal year 2024 and \$124,713,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with behavioral health administrative service organizations for behavioral health treatment services not covered under the medicaid program. Within these amounts, behavioral health administrative service organizations must provide a 15 percent rate increase to providers receiving state funds for nonmedicaid services under this section effective January 1, 2024.

(b) \$35,716,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$38,375,000)~~ \$14,525,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with medicaid managed care organizations for wraparound services to medicaid enrolled individuals that are not covered under the medicaid program. Within the amounts provided in this subsection:

(i) Medicaid managed care organizations must provide a 15 percent rate increase to providers receiving state funding for nonmedicaid services under this section effective January 1, 2024.

(ii) ~~((The authority shall assure that managed care organizations reimburse the department of social and health services, aging and long-term support administration for the general fund state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these because of a psychiatric disability. Funding for the federal share of these services is separately appropriated to the department of social and health services.~~

~~((iii))~~ Pursuant to RCW 41.56.029, during fiscal year 2024, the authority may work with the office of financial management to negotiate a tiered rate structure for behavioral health personal care services for adult family home providers serving medicaid enrollees. An agreement reached with the adult family home council must be submitted to the director of financial management by October 1, 2023, and certified as financially feasible in order to be considered for funding during the 2024 legislative session. Upon completion of bargaining, the authority shall coordinate with the department of social and health services to develop and submit to the centers for medicare and medicaid services an application to provide a 1915(i) state plan home and community-based services benefit. The application shall be developed to allow for the delivery of wraparound supportive behavioral health services for individuals with mental illnesses who also have a personal care need. The 1915(i) state plan shall be developed to standardize coverage and administration, improve the current benefit design, and clarify roles in administration of the behavioral health personal care services benefit.

(8) The authority is authorized to continue to contract directly, rather than through contracts with behavioral health entities for children's long-term inpatient facility services.

(9) \$1,204,000 of the general fund—state appropriation for fiscal year 2024 and \$1,204,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(10) Behavioral health entities may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable

rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, behavioral health entities may use a portion of the state funds allocated in accordance with subsection (7) of this section to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(11) \$2,291,000 of the general fund—state appropriation for fiscal year 2024 and \$2,291,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The authority must collect information from the behavioral health entities on their plan for using these funds, the numbers of individuals served, and the types of services provided.

(12) Within the amounts appropriated in this section, funding is provided for the authority to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(13) The authority must establish minimum and maximum funding levels for all reserves allowed under behavioral health administrative service organization contracts and include contract language that clearly states the requirements and limitations. The reserve levels must be informed by the types of risk carried by behavioral health administrative service organizations for mandatory services and also consider reasonable levels of operating reserves. The authority must monitor and ensure that behavioral health administrative service organization reserves do not exceed maximum levels. The authority must monitor revenue and expenditure reports and must require a behavioral health administrative service organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The authority must review and approve such plans and monitor to ensure compliance. If the authority determines that a behavioral health administrative service organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the authority must reduce payments to the entity in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the authority determines that the entity has come into substantial compliance with an approved excess reserve corrective action plan. The authority must submit to the office of financial management and the appropriate committees of the legislature, each December of the biennium, the minimum and maximum reserve levels established in contract for each of the behavioral health administrative service organizations for the prior fiscal year and the actual reserve levels reported at the end of the fiscal year.

(14) During the 2023-2025 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the authority and pregnant and parenting women case management providers.

(15) \$3,500,000 of the general fund—federal appropriation is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(16) Within the amounts appropriated in this section, the authority may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, postpartum, and

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

parenting women. For all contractors: (a) Service and other outcome data must be provided to the authority by request; and (b) indirect charges for administering the program must not exceed 10 percent of the total contract amount.

(17) Within the amounts provided in this section, behavioral health entities must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision. Contracts with behavioral health entities must require that behavioral health entities include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the authority must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The authority must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(18) The criminal justice treatment account—state appropriation is provided solely for treatment and treatment support services for offenders with a substance use disorder pursuant to RCW 71.24.580. The authority must offer counties the option to administer their share of the distributions provided for under RCW 71.24.580(5)(a). If a county is not interested in administering the funds, the authority shall contract with behavioral health entities to administer these funds consistent with the plans approved by local panels pursuant to RCW 71.24.580(5)(b). Funding from the criminal justice treatment account may be used to provide treatment and support services through the conclusion of an individual's treatment plan to individuals participating in a drug court program as of February 24, 2021, if that individual wishes to continue treatment following dismissal of charges they were facing under RCW 69.50.4013(1). Such participation is voluntary and contingent upon substantial compliance with drug court program requirements. The authority must provide a report to the office of financial management and the appropriate committees of the legislature that identifies the distribution of criminal justice treatment account funds by September 30, 2023.

(19)(a) \$11,426,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$15,501,000)~~ \$15,651,000 of the general fund—state appropriation for fiscal year 2025, and \$21,554,000 of the general fund—federal appropriation are provided solely for crisis triage facilities, crisis relief centers, or crisis stabilization units. Services in these facilities may include crisis stabilization and intervention, individual counseling, peer support, medication management, education, and referral assistance. The authority shall monitor each center's effectiveness at lowering the rate of state psychiatric hospital admissions.

(b) Within these amounts, the health care authority shall convene representatives from medicaid managed care organizations, behavioral health administrative organizations, private insurance carriers, self-insured organizations, crisis providers, and the office of the insurance commissioner to assess gaps in the current funding model for crisis and co-response services and recommend options for addressing these gaps including, but not limited to, an alternative funding model for crisis and co-response services. The assessment must consider available data to determine to what extent the costs of crisis and co-response services for clients of private insurance carriers,

medicaid managed care organizations, and individuals enrolled in medicaid fee-for-service are being subsidized through state funded behavioral health administrative services organization contracts. The analysis shall examine crisis and co-response services provided by mobile crisis teams and co-response teams as well as facility-based services such as crisis triage and crisis stabilization units. In the development of an alternative funding model, the authority and office of the insurance commissioner must explore mechanisms that: (i) Determine the annual cost of operating crisis and co-response services and collect a proportional share of the program cost from each health insurance carrier; ~~(and)~~ (ii) differentiate between crisis and co-response services eligible for medicaid funding from other nonmedicaid eligible activities; and (iii) simplify administrative complexity of billing for service providers such as the use of a third party administrator. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature by December 1, 2023, and a final report by December 1, 2024. Up to \$300,000 of the general fund—state appropriation for fiscal year 2024, and ~~(\$300,000)~~ \$450,000 of the general fund—state appropriation for fiscal year 2025 may be used for the assessment and reporting activities required under this subsection.

(c) Sufficient funding is provided in this subsection to implement Second Substitute Senate Bill No. 5120 (crisis relief centers).

(20) \$9,795,000 of the general fund—state appropriation for fiscal year 2024, \$10,015,000 of the general fund—state appropriation for fiscal year 2025, and \$15,025,000 of the general fund—federal appropriation are provided solely for the operation of secure withdrawal management and stabilization facilities. The authority may not use any of these amounts for services in facilities that are subject to federal funding restrictions that apply to institutions for mental diseases, unless they have received a waiver that allows for full federal participation in these facilities. Within these amounts, funding is provided to increase the fee for service rate for these facilities up to \$650 per day. The authority must require in contracts with behavioral health entities that they pay no lower than the fee for service rate. The authority must coordinate with regional behavioral health entities to identify and implement purchasing strategies or regulatory changes that increase access to services for individuals with complex behavioral health needs at secure withdrawal management and stabilization facilities.

(21) \$1,401,000 of the general fund—state appropriation for fiscal year 2024, \$1,401,000 of the general fund—state appropriation for fiscal year 2025, and \$3,210,000 of the general fund—federal appropriation are provided solely for the implementation of intensive behavioral health treatment facilities within the community behavioral health service system pursuant to chapter 324, Laws of 2019 (2SHB 1394).

(22)(a) \$12,878,000 of the dedicated cannabis account—state appropriation for fiscal year 2024 and \$12,878,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for:

(i) A memorandum of understanding with the department of children, youth, and families to provide substance abuse treatment programs;

(ii) A contract with the Washington state institute for public policy to conduct a cost-benefit evaluation of the implementations of chapter 3, Laws of 2013 (Initiative Measure No. 502);

(iii) Designing and administering the Washington state healthy youth survey and the Washington state young adult behavioral health survey;

(iv) Maintaining increased services to pregnant and parenting

women provided through the parent child assistance program;

(v) Grants to the office of the superintendent of public instruction for life skills training to children and youth;

(vi) Maintaining increased prevention and treatment service provided by tribes and federally recognized American Indian organization to children and youth;

(vii) Maintaining increased residential treatment services for children and youth;

(viii) Training and technical assistance for the implementation of evidence-based, research based, and promising programs which prevent or reduce substance use disorder;

(ix) Expenditures into the home visiting services account; and

(x) Grants to community-based programs that provide prevention services or activities to youth.

(b) The authority must allocate the amounts provided in (a) of this subsection amongst the specific activities proportionate to the fiscal year 2021 allocation.

(23)(a) \$1,125,000 of the general fund—state appropriation for fiscal year 2024 and \$1,125,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for Spokane behavioral health entities to implement services to reduce utilization and the census at eastern state hospital. Such services must include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the 16-bed evaluation and treatment facility.

(b) At least annually, the Spokane county behavioral health entities shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(24) \$1,850,000 of the general fund—state appropriation for fiscal year 2024, \$1,850,000 of the general fund—state appropriation for fiscal year 2025, and \$13,312,000 of the general fund—federal appropriation are provided solely for substance use disorder peer support services included in behavioral health capitation rates in accordance with section 213(5)(ss), chapter 299, Laws of 2018. The authority shall require managed care organizations to provide access to peer support services for individuals with substance use disorders transitioning from emergency departments, inpatient facilities, or receiving treatment as part of hub and spoke networks.

(25) \$1,423,000 of the general fund—state appropriation for fiscal year 2024, \$1,423,000 of the general fund—state appropriation for fiscal year 2025, and \$5,908,000 of the general fund—federal appropriation are provided solely for the authority to continue to implement discharge wraparound services for individuals with complex behavioral health conditions transitioning or being diverted from admission to psychiatric inpatient programs. The authority must coordinate with the department of social and health services in establishing the standards for these programs.

(26) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,000,000 of the general fund—federal appropriation are provided solely for the authority to maintain a memorandum of understanding with the criminal justice training commission to provide funding for community grants pursuant to RCW 36.28A.450.

(27) \$350,000 of the general fund—federal appropriation and \$300,000 of the opioid abatement settlement account—state appropriation are provided solely to contract with a nationally recognized recovery residence organization and to provide technical assistance to operators of recovery residences seeking certification in accordance with chapter 264, Laws of 2019 (2SHB 1528).

(28) \$3,396,000 of the general fund—state appropriation for fiscal year 2024, \$3,396,000 of the general fund—state appropriation for fiscal year 2025, and \$16,200,000 of the general fund—federal appropriation are provided solely for support of and to continue to increase clubhouse programs across the state. The authority shall work with the centers for medicare and medicaid services to review opportunities to include clubhouse services as an optional "in lieu of" service in managed care organization contracts in order to maximize federal participation.

(29) \$708,000 of the general fund—state appropriation for fiscal year 2024, \$708,000 of the general fund—state appropriation for fiscal year 2025, and \$1,598,000 of the general fund—federal appropriation are provided solely for implementing mental health peer respite centers and a pilot project to implement a mental health drop-in center in accordance with chapter 324, Laws of 2019 (2SHB 1394).

(30) \$800,000 of the general fund—state appropriation for fiscal year 2024, \$800,000 of the general fund—state appropriation for fiscal year 2025, and \$1,452,000 of the general fund—federal appropriation are provided solely for the authority to implement strategies related to suicide prevention and treatment.

(31) \$446,000 of the general fund—state appropriation for fiscal year 2024, \$446,000 of the general fund—state appropriation for fiscal year 2025, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation of evidence-based or promising practices. The institute must work with the authority to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds. The authority must collect information from the institute on the use of these funds and submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1st of each year of the biennium.

(32) As an element of contractual network adequacy requirements and reporting, the authority shall direct managed care organizations to make all reasonable efforts to develop or maintain contracts with provider networks that leverage local, federal, or philanthropic funding to enhance effectiveness of medicaid-funded integrated care services. These networks must promote medicaid clients' access to a system of services that addresses additional social support services and social determinants of health as defined in RCW 43.20.025 in a manner that is integrated with the delivery of behavioral health and medical treatment services.

(33) \$9,000,000 of the criminal justice treatment account—state appropriation is provided solely for the authority to maintain funding for new therapeutic courts created or expanded during fiscal year 2021, or to maintain the fiscal year 2021 expansion of services being provided to an already existing therapeutic court that engages in evidence-based practices, to include medication assisted treatment in jail settings pursuant to RCW 71.24.580. Funding provided under this subsection shall not supplant existing funds utilized for this purpose.

(34) In establishing, re-basing, enhancing, or otherwise updating medicaid rates for behavioral health services, the authority and contracted actuaries shall use a transparent process that provides an opportunity for medicaid managed care

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

organizations, behavioral health administrative service organizations, and behavioral health provider agencies, and their representatives, to review and provide data and feedback on proposed rate changes within their region or regions of service operation. The authority and contracted actuaries shall transparently incorporate the information gained from this process and make adjustments allowable under federal law when appropriate.

(35) The authority shall seek input from representatives of the managed care organizations (MCOs), licensed community behavioral health agencies, and behavioral health administrative service organizations to develop specific metrics related to behavioral health outcomes under integrated managed care. These metrics must include, but are not limited to: (a) Revenues and expenditures for community behavioral health programs, including medicaid and nonmedicaid funding; (b) access to services, service denials, and utilization by state plan modality; (c) claims denials and record of timely payment to providers; (d) client demographics; and (e) social and recovery measures and managed care organization performance measures. The authority must work with managed care organizations and behavioral health administrative service organizations to integrate these metrics into an annual reporting structure designed to evaluate the performance of the behavioral health system in the state over time. The authority must submit a report to the office of financial management and the appropriate committees of the legislature, before December 30th of each year during the fiscal biennium, that details the implemented metrics and relevant performance outcomes for the prior calendar year.

(36) \$4,061,000 of the general fund—state appropriation for fiscal year 2024, \$3,773,000 of the general fund—state appropriation for fiscal year 2025, and \$6,419,000 of the general fund—federal appropriation are provided solely for the authority to maintain pilot programs for intensive outpatient services and partial hospitalization services for certain children and adolescents and, pursuant to chapter 94, Laws of 2022 (2SSB 5736), add coverage for these services into the state medicaid program beginning January 1, 2024.

(a) The authority must establish minimum standards, eligibility criteria, authorization and utilization review processes, and payment methodologies for the programs in contract.

(b) Eligibility for the pilot sites is limited pursuant to the following:

(i) Children and adolescents discharged from an inpatient hospital treatment program who require the level of services offered by the pilot programs in lieu of continued inpatient treatment;

(ii) Children and adolescents who require the level of services offered by the pilot programs in order to avoid inpatient hospitalization; and

(iii) Services may not be offered if there are less costly alternative community-based services that can effectively meet the needs of an individual referred to the program.

(c) Eligibility for services through the state medicaid program shall be consistent with criteria approved by the centers for medicare and medicaid services pursuant to implementation of chapter 94, Laws of 2022 (2SSB 5736).

(d) The authority must collect data on the program sites and work with the actuaries responsible for establishing managed care rates for medicaid enrollees to develop and submit an annual report to the office of financial management and the appropriate committees of the legislature each December of the fiscal biennium that includes the following information:

(i) A narrative description of the services provided at each program site and identification of any specific gaps the sites were

able to fill in the current continuum of care;

(ii) Clinical outcomes and estimated reductions in psychiatric inpatient costs associated with each of the program sites;

(iii) Recommendations for whether the pilot models should be expanded statewide, whether modifications should be made to the models to better address gaps in the continuum identified through the pilot sites, whether the models could be expanded to community behavioral health providers, and whether statewide implementation should be achieved through a state plan amendment or some other mechanism for leveraging federal medicaid match;

(iv) Actuarial projections on the statewide need for services related to the pilot sites and estimated costs of adding each of the services to the medicaid behavioral health benefit for children and adolescents and adults; and

(v) Annual costs and any quantifiable cost offsets associated with the program sites.

(37) \$25,587,000 of the general fund—federal appropriation (ARPA) and \$9,828,000 of the general fund—federal appropriation are provided solely to promote the recovery of individuals with substance use disorders through expansion of substance use disorder services. The authority shall implement this funding to promote integrated, whole-person care to individuals with opioid use disorders, stimulant use disorders, and other substance use disorders. The authority shall use this funding to support evidence-based and promising practices as follows:

(a) \$8,500,000 of the amounts provided in this subsection is provided solely for treatment services to low-income individuals with substance use disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$7,500,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, mobile opioid use disorder treatment programs, law enforcement assisted diversion programs, contingency management interventions, modified assertive community treatment, trauma informed care, crisis respite, and for reimbursement of one-time start-up operating costs for opening new beds in withdrawal management treatment programs.

(b) \$2,015,000 of the amounts provided in this subsection is provided solely for outreach programs that link individuals with substance use disorders to treatment options to include medication for opioid use disorder. The authority must contract for these services with programs that use interdisciplinary teams, which include peer specialists, to engage and facilitate linkage to treatment for individuals in community settings such as homeless encampments, shelters, emergency rooms, harm reduction programs, churches, community service offices, food banks, libraries, legal offices, and other settings where individuals with substance use disorders may be engaged. The services must be coordinated with emergency housing assistance and other services administered by the authority to promote access to a full continuum of treatment and recovery support options.

(c) \$7,500,000 of the amounts provided in this subsection is provided solely for substance use disorder recovery support services not covered by the medicaid program including, but not limited to, emergency housing, recovery housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(d) \$3,550,000 of the amounts provided in this subsection is provided solely for efforts to support the recovery of American Indians and Alaska natives with substance use disorders. This funding may be used for grants to urban Indian organizations,

tribal opioid prevention media campaigns, and support for government to government communication, planning, and implementation of opioid use disorder related projects.

(e) \$5,000,000 of the amounts provided in this subsection is provided solely for the authority, in coordination with the department of health, to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone for agency staff in organizations such as syringe service programs, housing providers, and street outreach programs, and for law enforcement and emergency responders.

(f) \$7,100,000 of the amounts provided in this subsection is provided solely for community services grants that support the implementation and evaluation of substance use disorder prevention services.

(g) Up to \$1,750,000 of the amounts provided in this subsection may be used for the authority's administrative costs associated with services funded in this subsection.

(38) \$3,109,000 of the general fund—state appropriation for fiscal year 2024 and \$3,109,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for short-term rental subsidies for individuals with mental health or substance use disorders. This funding may be used for individuals enrolled in the foundational community support program while waiting for a longer term resource for rental support or for individuals transitioning from behavioral health treatment facilities or local jails. Individuals who would otherwise be eligible for the foundational community support program but are not eligible because of their citizenship status may also be served. Each December of the fiscal biennium, the authority must submit a report identifying the expenditures and number of individuals receiving short-term rental supports through the agency budget during the prior fiscal year broken out by region, treatment need, and the demographics of those served, including but not limited to age, country of origin within racial/ethnic categories, gender, and immigration status.

(39) \$25,332,000 of the general fund—federal appropriation (ARPA) is provided solely to promote the recovery of individuals with mental health disorders through expansion of mental health services. The authority shall implement this funding to promote integrated, whole-person care through evidence based and promising practices as follows:

(a) \$8,153,000 of the amounts provided in this subsection is provided solely for treatment services to low-income individuals with mental health disorders who are not eligible for services under the medicaid program and for treatment services that are not covered under the medicaid program. A minimum of \$7,000,000 of this amount must be contracted through behavioral health administrative services organizations. The amounts in this subsection may be used for services including, but not limited to, outpatient treatment, residential treatment, law enforcement assisted diversion programs, modified assertive community treatment, and trauma informed care.

(b) \$8,200,000 of the amounts provided in this subsection is provided solely for mental health recovery support services not covered by the medicaid program including, but not limited to, supportive housing, emergency housing vouchers, supported employment, skills training, peer support, peer drop-in centers, and other community supports.

(c) \$2,553,000 of the amounts provided in this subsection is provided solely for efforts to support the recovery of American Indians and Alaska natives with mental health disorders.

(d) \$1,300,000 of the amounts provided in this subsection is provided solely to enhance crisis services and may be used for

crisis respite care.

(e) \$2,600,000 of the amounts provided in this subsection is provided solely for the expansion of first episode psychosis programs.

(f) Up to \$1,279,000 of the amounts provided in this subsection may be used for the authority's administrative costs associated with services funded in this subsection.

(40) The authority must pursue opportunities for shifting state costs to the state's unused allocation of federal institutions for mental disease disproportionate share hospital funding.

(41) \$500,000 of the general fund—federal appropriation is provided solely to establish an emotional support network program for individuals employed as peer specialists. The authority must contract for these services which shall include, but not be limited to, facilitating support groups for peer specialists, support for the recovery journeys of the peer specialists themselves, and targeted support for the secondary trauma inherent in peer work.

(42) \$1,500,000 of the general fund—federal appropriation is provided solely for the authority to contract on a one-time basis with the University of Washington behavioral health institute to continue and enhance its efforts related to training and workforce development. This funding may be used for the following activities:

(a) Making substance use disorder training content accessible to all community behavioral health providers;

(b) Refining and implementing a substance use disorder provider needs assessment to advance best practice implementation for treatment in inpatient and outpatient settings;

(c) Disseminating innovative best practices through training and technical assistance;

(d) Developing and launching a telebehavioral health training series, providing webinars and packaging the training content so that it is accessible to all community behavioral health providers;

(e) Planning for advanced telebehavioral health training and support to providers;

(f) Convening a race, equity, and social justice in behavioral health conference annually;

(g) Developing training and technical assistance opportunities for an annual series that translates lessons learned in behavioral health equity into actionable and sustainable change at the provider, organizational, and system levels;

(h) Developing recommendations for reducing health disparities and training the workforce in culturally and linguistically relevant practices to achieve improved outcomes;

(i) Increasing the number of community substance use providers that are trained in best practice assessment and treatment models;

(j) Convening a telebehavioral health summit of leading experts regarding long-term provider telebehavioral health training and workforce needs;

(k) Creating a behavioral health workforce strategy plan that identifies gaps that are not being addressed and suggests system improvements to address those gaps;

(l) Working with community partners and key stakeholders to identify best practice strategies to evaluate and measure equity and health disparities within the behavioral health system and make recommendations regarding potential metrics to help advance system change; and

(m) Developing metrics and evaluating telebehavioral health training needs and the impact of telebehavioral health training on provider knowledge and treatment protocols.

(43) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with the King county behavioral health



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

administrative services organization to maintain children's crisis outreach response system services that were previously funded through the department of children, youth, and families. The authority, in consultation with the behavioral health administrative services organization, medicaid managed care organizations, and the actuaries responsible for developing medicaid managed care rates, must work to maximize federal funding provided for the children's crisis outreach response system program.

(44) \$31,891,000 of the general fund—state appropriation for fiscal year 2024, \$63,395,000 of the general fund—state appropriation for fiscal year 2025, and \$172,425,000 of the general fund—federal appropriation are provided solely to implement a 15 percent increase to medicaid reimbursement for community behavioral health providers contracted through managed care organizations to be effective January 1, 2024. The authority must employ mechanisms such as directed payment or other options allowable under federal medicaid law to assure the funding is used by the managed care organizations for a 15 percent provider rate increase as intended and verify this pursuant to the process established in chapter 285, Laws of 2020 (EHB 2584). The rate increase shall be implemented to all behavioral health nonhospital inpatient, residential, and outpatient providers contracted through the medicaid managed care organizations. Psychiatric hospitals and other providers receiving rate increases under other subsections of this section must be excluded from the rate increase directed in this subsection.

(45) \$532,000 of the general fund—state appropriation for fiscal year 2024, \$2,935,000 of the general fund—state appropriation for fiscal year 2025, and \$3,467,000 of the general fund—federal appropriation are provided solely to increase the number of beds and rates for community children's long-term inpatient program providers. The number of beds is increased on a phased in basis to 72 beds by the end of fiscal year 2024. The bed day rates are increased from \$1,030 per day to \$1,121 per day effective July 1, 2023.

(46) \$505,000 of the general fund—state appropriation for fiscal year 2024, \$1,011,000 of the general fund—state appropriation for fiscal year 2025, and \$1,095,000 of the general fund—federal appropriation are provided solely to increase rates for parent child assistance program providers by 15 percent effective January 1, 2024.

(47) \$300,000 of the general fund—federal appropriation is provided solely for training of behavioral health consumer advocates. The authority must enter into a memorandum of understanding with the department of commerce to provide support for training of behavioral health consumer advocates pursuant to chapter 202, Laws of 2021 (E2SHB 1086).

(48) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with a statewide mental health nonprofit organization that provides free community and school-based mental health education and support programs for consumers and families. The contractor must use this funding to provide access to programs tailored to peers living with mental illness as well as family members of people with mental illness and the community at large. Services provided by the contracted program shall include education, support, and assistance to reduce isolation and help consumers and families understand the services available in their communities.

(49) \$15,474,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$15,474,000)~~ \$17,125,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$14,312,000)~~ \$14,562,000 of the general fund—federal

appropriation are provided solely for maintaining the expansion of local behavioral health mobile crisis response team capacity and ensuring each region has at least one adult and one children and youth mobile crisis team that is able to respond to calls coming into the 988 crisis hotline.

(a) In prioritizing this funding, the health care authority shall assure that there are a minimum of six new children and youth mobile crisis teams in comparison to the number of teams at the end of fiscal year 2021 and that there is one children and youth mobile crisis team in each region.

(b) In implementing funding for adult and youth mobile crisis response teams, the authority must establish standards in contracts with managed care organizations and behavioral health administrative services organizations for the services provided by these teams.

(c) Of these amounts, \$3,000,000 of the general fund—state appropriation for fiscal year 2024, \$3,000,000 of the general fund—state appropriation for fiscal year 2025, and \$2,024,000 of the general fund—federal appropriation are provided solely to maintain increased capacity for mobile crisis services in King county that was funded in fiscal year 2023. These amounts must supplement and not supplant funding to the county previously allocated by the authority under this subsection.

(d) Of the amounts provided in this subsection, \$1,404,000 of the general fund—state appropriation for fiscal year 2025 and \$501,000 of the general fund—federal appropriation are provided solely for adding or increasing stabilization services provided through existing children and youth mobile crisis teams.

(50) ~~(\$57,580,000)~~ \$45,094,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$61,807,000)~~ \$71,107,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$109,146,000)~~ \$69,409,000 of the general fund—federal appropriation are provided solely for the authority to contract with community hospitals or freestanding evaluation and treatment centers to provide long-term inpatient care beds as defined in RCW 71.24.025. Within these amounts, the authority must meet the requirements for reimbursing counties for the judicial services for patients being served in these settings in accordance with RCW 71.05.730. The authority must coordinate with the department of social and health services in developing the contract requirements, selecting contractors, and establishing processes for identifying patients that will be admitted to these facilities. Of the amounts in this subsection, sufficient amounts are provided in fiscal year 2024 and fiscal year 2025 for the authority to reimburse community hospitals and nonhospital residential treatment centers serving clients in long-term inpatient care beds as defined in RCW 71.24.025 as follows:

(a) For a hospital licensed under chapter 70.41 RCW that requires a hospital specific medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients because the hospital has completed a medicare cost report, the authority shall analyze the most recent medicare cost report of the hospital after a minimum of 200 medicaid inpatient psychiatric days. The authority shall establish the inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at 100 percent of the allowable cost of care, based on the most recent medicare cost report of the hospital.

(b) For a hospital licensed under chapter 70.41 RCW that has not completed a medicare cost report with more than 200 medicaid inpatient psychiatric days, the authority shall establish the medicaid inpatient psychiatric per diem payment rate for long-term civil commitment patients for the hospital at the higher of the hospital's current medicaid inpatient psychiatric rate; or the annually updated statewide average of the medicaid inpatient psychiatric per diem payment rate of all acute care hospitals

licensed under chapter 70.41 RCW providing long-term civil commitment services.

(c) For a hospital licensed under chapter 71.12 RCW and currently providing long-term civil commitment services, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at \$940 for fiscal year 2024 and \$1,250 for fiscal year 2025 plus adjustments that may be needed to capture costs associated with long-term psychiatric patients that are not allowable on the medicare cost report or reimbursed separately. The hospital may provide the authority with supplemental data to be considered and used to make appropriate adjustments to the medicaid inpatient psychiatric per diem payment rate of the hospital. Adjustment of costs may include:

(i) Costs associated with professional services and fees not accounted for in the hospital's medicare cost report or reimbursed separately;

(ii) Costs associated with the hospital providing the long-term psychiatric patient access to involuntary treatment court services that are not reimbursed separately; and

(iii) Other costs associated with caring for long-term psychiatric patients that are not reimbursed separately.

(d) For a hospital licensed under chapter 71.12 RCW that requires an initial medicaid inpatient psychiatric per diem payment rate for long-term civil commitment services because it has not yet completed a medicare cost report, the authority shall establish the medicaid inpatient psychiatric per diem payment rate at the higher of:

(i) The hospital's current medicaid inpatient psychiatric rate; or

(ii) The annually updated statewide average of the medicaid long-term inpatient psychiatric per diem payment rate of all freestanding psychiatric hospitals licensed under chapter 71.12 RCW providing long-term civil commitment services.

(e) For nonhospital residential treatment centers certified to provide long-term inpatient care beds as defined in RCW 71.24.025, the authority shall establish the medicaid psychiatric per diem payment rate at the fiscal year 2023 level for fiscal year 2024 and \$1,250 per bed for fiscal year 2025.

(f) Beginning in fiscal year 2024, the authority shall pay a rate enhancement for patients committed pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The enhancement shall be available to all hospital and nonhospital facilities providing services under this subsection except those whose rates are set at 100 percent of their most recent medicare cost report. The rate enhancement shall not exceed the tiered rate enhancements established under the 1915(i) state plan.

(g) Beginning in fiscal year 2025, the authority may pay a rate enhancement of \$500 per day for individuals with complex medical needs, challenging behaviors often diagnosed with co-occurring intellectual or developmental disability, traumatic brain injury, dementia, or significant medical issues requiring personal care. The rate enhancement shall be available to providers contracting directly with the authority.

(h) Provider payments for vacant bed days shall not exceed six percent of their annual contracted bed days.

~~((h))~~ (i) The authority, in coordination with the department of social and health services, the office of the governor, the office of financial management, and representatives from medicaid managed care organizations, behavioral health administrative service organizations, and community providers, must update its plan to continue the expansion of civil community long-term inpatient capacity. The plan shall identify gaps and barriers in the current array of community long-term inpatient beds in serving higher need individuals including those committed to a state hospital pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088. The plan

shall identify strategies to overcome these barriers including, but not limited to, potential rate enhancements for high needs clients. The authority must submit its updated implementation plan to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2023, and submit a status update on the implementation plan by October 15, 2024.

(51)(a) \$150,000 of the general fund—state appropriation for fiscal year 2024 and ~~(((\$150,000))~~ \$450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a one-time grant to Island county to maintain support for a pilot program to improve behavioral health outcomes for young people in rural communities. In administering the pilot program, Island county shall coordinate with school districts, community groups, and health care providers to increase access to behavioral health programs for children and youth aged birth to 24 years of age. The grant funds shall be used to coordinate and expand behavioral health services. The grant funding must not be used to supplant funding from existing programs. No more than 10 percent of the funds may be used for administrative costs incurred by Island county in administering the program. Services that may be provided with the grant funding include, but are not limited to:

(i) Support for children and youth with significant behavioral health needs to address learning loss caused by COVID-19 and remote learning;

(ii) School based behavioral health education, assessment, and brief treatment;

(iii) Screening and referral of children and youth to long-term treatment services;

(iv) Behavioral health supports provided by community agencies serving youth year-round;

(v) Expansion of mental health first aid, a program designed to prepare adults who regularly interact with youth for how to help people in both crisis and noncrisis mental health situations;

(vi) Peer support services; and

(vii) Compensation for the incurred costs of clinical supervisors and internships.

(b) The authority, in coordination with Island county, must submit to the office of financial management and the appropriate committees of the legislature, a report summarizing how the funding was used and providing the number of children and youth served by the pilot during fiscal year 2024 by December 1, 2024.

(52) ~~(((\$265,000))~~ \$315,000 of the general fund—state appropriation for fiscal year 2024, ~~(((\$281,000))~~ \$494,000 of the general fund—state appropriation for fiscal year 2025, and ~~(((\$546,000))~~ \$809,000 of the general fund—federal appropriation are provided solely for the authority to ~~((provide))~~ contract with the University of Washington's project extension for community health outcomes (ECHO) and the systemic, therapeutic, assessment, resources, and treatment (START) programs for specialized training and consultation for physicians and professionals to support ~~((children))~~;

(a) Children with developmental disabilities and behavioral health needs;

(b) Applied behavior analysis provider training, education, and consultation; and

(c) The screening and diagnosis of autism spectrum disorder.

(53) ~~(((\$2,184,000))~~ \$2,262,000 of the general fund—federal appropriation and ~~(((\$2,184,000))~~ \$2,262,000 of the general fund—local appropriation are provided solely for supported housing and employment services described in initiative 3a and 3b of the 1115 demonstration waiver and this is the maximum amount that may be expended for this purpose. Within these amounts, funding is provided for the authority to support community discharge efforts for patients at the state hospitals. Under this initiative, the authority and the department of social and health services shall ensure that allowable and necessary

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

services are provided to eligible clients as identified by the authority or its providers or third party administrator. The department and the authority in consultation with the medicaid forecast work group, shall ensure that reasonable reimbursements are established for services deemed necessary within an identified limit per individual. The authority shall not increase general fund—state expenditures above appropriated levels for this specific purpose. The secretary in collaboration with the director of the authority shall report to the joint select committee on health care oversight no less than quarterly on financial and health outcomes. The secretary in cooperation with the director shall also report to the fiscal committees of the legislature the expenditures of this subsection and shall provide such fiscal data in the time, manner, and form requested by the legislative fiscal committees.

(54) \$130,000 of the general fund—federal appropriation is provided solely for the authority to participate in efforts to ensure behavioral health agencies are compensated for their role as teaching clinics for students seeking professional education in behavioral health disciplines and for new graduates working toward licensure.

(55) \$250,000 of the general fund—state appropriation for fiscal year 2024, \$934,000 of the general fund—state appropriation for fiscal year 2025, and \$1,447,000 of the general fund—federal appropriation are provided solely for increasing case management services to pregnant and parenting women provided through the parent child assistance program and for increasing the number of residential treatment beds available for pregnant and parenting women.

(56) Within the amounts provided in this section, sufficient funding is provided for the authority to maintain and increase the capabilities of a tool to track medication assisted treatment provider capacity.

(57) \$2,000,000 of the general fund—federal appropriation is provided solely for grants to law enforcement and other first responders to include a mental health professional on the team of personnel responding to emergencies.

(58) (~~(\$1,653,000)~~) \$855,000 of the general fund—state appropriation for fiscal year 2025 and (~~(\$2,024,000)~~) \$1,149,000 of the general fund—federal appropriation are provided solely for the authority to contract for long-term involuntary treatment services in a 16-bed residential treatment facility being developed by the Tulalip tribe in Stanwood.

(59) \$956,000 of the general fund—state appropriation for fiscal year 2024 and \$956,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for wraparound with intensive services for youth ineligible for medicaid as outlined in the settlement agreement under *AGC v. Washington State Health Care Authority*, Thurston county superior court no. 21-2-00479-34.

(60) (~~(\$18,188,000)~~) \$14,637,000 of the general fund—state appropriation for fiscal year 2024 and (~~(\$18,188,000)~~) \$14,637,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for claims for services rendered to medicaid eligible clients admitted to institutions of mental disease that were determined to be unallowable for federal reimbursement due to medicaid's institutions for mental disease exclusion rules.

(61) \$6,010,000 of the general fund—state appropriation for fiscal year 2024, \$6,010,000 of the general fund—state appropriation for fiscal year 2025, and \$1,980,000 of the general fund—federal appropriation are provided solely for the authority, in coordination with the department of health, to deploy an opioid awareness campaign and to contract with syringe service programs and other service settings assisting people with substance use disorders to: Prevent and respond to overdoses;

provide other harm reduction services and supplies, including but not limited to distributing naloxone; fentanyl testing and other drug testing supplies; and for expanding contingency management services. The authority is encouraged to use these funds to leverage federal funding for this purpose to expand buying power when possible. The authority should prioritize funds for naloxone in coordination with the department of health, to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone for agency staff in organizations such as syringe service programs, housing providers, and street outreach programs. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to deploy an opioid awareness campaign targeted at youth to increase the awareness of the dangers of fentanyl.

(62) \$4,763,000 of the general fund—state appropriation for fiscal year 2024, \$4,763,000 of the general fund—state appropriation for fiscal year 2025, and \$25,754,000 of the general fund—federal appropriation are provided solely to maintain a rate increase authorized for opioid treatment providers on January 1, 2023.

(63) \$2,387,000 of the general fund—state appropriation for fiscal year 2024 and \$2,387,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support individuals enrolled in the foundational community supports initiative who are transitioning from benefits under RCW 74.04.805 due to increased income or other changes in eligibility. The authority, department of social and health services, and department of commerce shall collaborate on this effort.

(64) \$2,249,000 of the general fund—state appropriation for fiscal year 2024 and \$2,249,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with programs to provide medical respite care for individuals with behavioral health needs. The programs must serve individuals with complex medical issues, who may also have significant behavioral health needs (~~(and medical issues)~~) who do not require hospitalization but are unable to provide adequate self-care for their medical conditions. The programs must prioritize services to individuals with complex medical and behavioral health issues who are homeless or who were recently discharged from a hospital setting. The services must meet quality standards and best practices developed by the national health care for the homeless council and may include, but are not limited to, medical oversight and health education; care transitions; and discharge planning to and from primary care, inpatient hospital, emergency rooms, and supportive housing. In selecting the contractors, the authority must prioritize projects that demonstrate the active involvement of an established medical provider that is able to leverage federal medicaid funding in the provision of these services. The authority must work with the medicaid managed care organizations to encourage their participation and assist the plans and the contractor in identifying mechanisms for appropriate use of medicaid reimbursement in this setting.

(65) \$988,000 of the general fund—state appropriation for fiscal year 2024, \$988,000 of the general fund—state appropriation for fiscal year 2025, and \$618,000 of the general fund—federal appropriation are provided solely for the authority to contract for three regional behavioral health mobile crisis response teams focused on supported housing to prevent individuals with behavioral health conditions at high risk of

losing housing from becoming homeless, identify and prioritize serving the most vulnerable people experiencing homelessness, and increase alternative housing options to include short-term alternatives which may temporarily deescalate situations where there is high risk of a household from becoming homeless.

(66) \$5,623,000 of the general fund—state appropriation for fiscal year 2024, \$5,623,000 of the general fund—state appropriation for fiscal year 2025, and \$3,748,000 of the general fund—federal appropriation are provided solely to maintain and expand access to no barrier, and low-barrier programs using a housing first model designed to assist and stabilize housing supports for adults with behavioral health conditions. Housing supports and services shall be made available with no requirement for treatment for their behavioral health condition and must be individualized to the needs of the individual. The authority and department of commerce shall collaborate on this effort and must submit a status report to the office of financial management and the appropriate committees of the legislature by December 31, 2023.

(67) \$675,000 of the general fund—state appropriation for fiscal year 2024 and \$675,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a rental voucher and bridge program and to implement strategies to reduce instances where an individual leaves a state operated behavioral or private behavioral health facility directly into homelessness. The authority must prioritize this funding for individuals being discharged from state operated behavioral health facilities.

(68) \$361,000 of the general fund—state appropriation for fiscal year 2024, \$361,000 of the general fund—state appropriation for fiscal year 2025, and \$482,000 of the general fund—federal appropriation are provided solely for the authority, in collaboration with the department of social and health services research and data analysis division, to implement community behavioral health service data into the existing executive management information system. Of these amounts, \$288,000 of the general fund—state appropriation for fiscal year 2024, \$288,000 of the general fund—state appropriation for fiscal year 2025, and \$384,000 of the general fund—federal appropriation are provided solely for the authority to reimburse the research and data analysis division for staff costs associated with this project. The data elements shall be incorporated into the monthly executive management information system reports on a phased-in basis, allowing for elements which are readily available to be incorporated in the initial phase, and elements which require further definition and data collection changes to be incorporated in a later phase. The authority must collaborate with the research and data analysis division to ensure data elements are clearly defined and must include requirements in medicaid managed care organization and behavioral health administrative services organization contracts to provide the data in a consistent and timely manner for inclusion into the system. The community behavioral health executive management system information data elements must include, but are not limited to: Psychiatric inpatient bed days; evaluation and treatment center bed days; long-term involuntary community psychiatric inpatient bed days; children's long-term inpatient bed days; substance use disorder inpatient, residential, withdrawal evaluation and management, and secure withdrawal evaluation and management bed days; crisis triage and stabilization services bed days; mental health residential bed days; mental health and substance use disorder outpatient treatment services; opioid substitution and medication assisted treatment services; program of assertive treatment team services; wraparound with intensive services; mobile outreach crisis services; recovery navigator team services; foundational community supports housing and employment services; projects

for assistance in transition from homelessness services; housing and recovery through peer services; other housing services administered by the authority; mental health and substance use disorder peer services; designated crisis responder investigations and outcomes; involuntary commitment hearings and outcomes; pregnant and parenting women case management services; and single bed certifications and no available bed reports. Wherever possible and practical, the data must include historical monthly counts and shall be broken out to distinguish services to medicaid and nonmedicaid individuals and children and adults. The authority and the research and data analysis division must consult with the office of financial management and staff from the fiscal committees of the legislature on the development and implementation of the community behavioral health data elements.

(69) \$2,587,000 of the general fund—state appropriation for fiscal year 2024 and \$2,587,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to support efforts by counties and cities to implement local response teams. Of these amounts:

(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to provide a grant to the association of Washington cities to assist cities with the costs of implementing alternative response teams. This funding must be used to reimburse cities for documented costs associated with creating co-responder teams within different alternative diversion models including law enforcement assisted diversion programs, community assistance referral and education programs, and as part of mobile crisis teams. Cities are encouraged to partner with each other to create a regional response model. In awarding these funds, the association must prioritize applicants with demonstrated capacity for facility-based crisis triage and stabilization services. The association and authority must collect and report information regarding the number of facility-based crisis stabilization and triage beds available in the locations receiving funding through this subsection and submit a report to the office of financial management and the appropriate committees of the legislature with this information by December 1, 2023.

(b) \$587,000 of the general fund—state appropriation for fiscal year 2024 and \$587,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the Whatcom county alternative response team.

(70) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with the University of Washington addictions, drug, and alcohol institute. This funding must be used for advanced, evidence-based training for law enforcement to improve interactions with individuals who use drugs. The training must be developed so it can be adapted and used statewide to decrease stigmatizing beliefs among law enforcement through positive contact with people who use drugs and improve officer well-being and effectiveness by providing skills and techniques to address the drug overdose epidemic. The institute must develop and refine this training, leveraging prior work, and in partnership with a steering committee that includes people with lived or living experience of substance use disorder and criminal legal involvement, researchers, clinicians, law enforcement officers, and others. The training must complement, but not duplicate, existing curricula already provided by the criminal justice training commission. The institute must pilot the advanced training in a subset of regional law enforcement agencies and evaluate its acceptability and feasibility through participant interviews and pretraining and posttraining ratings of stigmatizing beliefs. The

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

institute must incorporate feedback from the pilot training sessions into a final training program that it must make available to law enforcement agencies across the state.

(71) ~~(\$1,000,000)~~ \$400,000 of the general fund—state appropriation for fiscal year 2024 ~~(is)~~ and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to continue development and implementation of the certified community behavioral health clinic model for comprehensive behavioral health services. Funding must be used to secure actuarial expertise, conduct research into national data and other state models, including obtaining resources and expertise from the national council for mental well-being certified community behavioral health clinic success center; and engage stakeholders, including representatives of licensed community behavioral health agencies and medicaid managed care organizations, in the process. The authority must provide a report to the office of financial management and the appropriate committees of the legislature with findings, recommendations, and cost estimates by December 31, 2024. The study must build on the preliminary report submitted to the legislature in December 2022 and include:

(a) Overviews of options and considerations for implementing the certified community behavioral health clinic model within Washington state, including participation as a certified community behavioral health clinic demonstration state or for independent statewide implementation;

(b) An analysis of the impact of expanding the certified community behavioral health clinic model on the state's behavioral health systems;

(c) Relevant federal regulations and options to implement the certified community behavioral health clinic model under those regulations;

(d) Options for implementing a prospective payment system methodology;

(e) An analysis of the benefits and potential challenges for integrating the certified community behavioral health clinic reimbursement model within an integrated care environment;

(f) Actuarial analysis on the costs for implementing the certified community behavioral health clinic model, including opportunities for leveraging federal funding; and

(g) Recommendations to the legislature on a pathway for statewide implementation including a plan for implementation no later than fiscal year 2027 that must include the following:

(i) Implementation of the certified community behavioral health clinic model with clinics that adhere to the program standards under the federal substance abuse and mental health services administration demonstration program established under section 223 of the federal protecting access to medicare act of 2014 (42 U.S.C. Sec. 1396a note), as amended by the bipartisan safer communities act (P.L. 117-159);

(ii) Incorporation in the planned funding model of at least one of the prospective payment system methodologies approved by the centers for medicare and medicaid services;

(iii) The plan may allow for the certified community behavioral health clinic funding model to be implemented either by applying for and joining the federal demonstration program referenced in (g)(i) of this subsection, applying to the centers for medicare and medicaid services for a medicaid state plan waiver or amendment, or both;

(iv) Continued consultation with the national council for mental wellbeing's certified community behavioral health clinic success center for technical assistance and meaningful opportunities for community behavioral health agencies to participate and offer feedback throughout the implementation process; and

(v) Inclusion of services to children, youth, and families through the certified community behavioral health clinic funding model through providers that serve individuals of all ages as well as specialty providers that serve children, youth, and families.

(72) \$1,135,000 of the general fund—state appropriation for fiscal year 2025 and \$568,000 of the general fund—federal appropriation are provided solely to develop and operate a 16-bed substance use disorder inpatient facility in Grays Harbor county that specializes in treating pregnant and parenting women using a family preservation model. The authority must contract for these services through behavioral health entities in a manner that allows leveraging of federal medicaid funds to pay for a portion of the costs. The authority must consult with the department of children, youth, and families in the implementation of this funding. The facility must allow families to reside together while a parent is receiving treatment. Of these amounts, \$568,000 may be used for documented startup costs including the recruitment, hiring, and training of staff. If the authority is able to identify a provider that can begin developing these services before July 2024, it must notify the office of financial management and the appropriate committees of the legislature and submit a request for funding in the fiscal year 2024 supplemental operating budget.

(73) \$160,000 of the general fund—state appropriation for fiscal year 2024 is provided on a one-time basis solely for the authority to continue a grant to the city of Snoqualmie to pilot behavioral health emergency response and coordination services through a regional behavioral health coordinator. The regional behavioral health coordinator shall be a licensed mental health or substance use disorder professional who works directly with and accompanies law enforcement officers and fire and rescue first responders to help respond to crises involving persons with behavioral health needs. The coordinator shall plan, implement, and coordinate services related to crisis response and social service needs with the city of Snoqualmie, the city of North Bend, the Snoqualmie police and fire departments, and the eastside fire and rescue agency serving North Bend, and local community services, school districts, hospitals, and crisis response systems provided by King county for the region. The coordinator shall support the social services needs identified through police and fire response in the lower Snoqualmie valley and serve as a liaison between law enforcement, first responders, and persons accessing or requesting emergency services with social service needs. The authority shall collect information on the pilot project and, in coordination with the city of Snoqualmie, must submit a report to the office of financial management and the appropriate committees of the legislature by December 31, 2023, summarizing the services provided through the grant funds and identifying recommendations on how to implement effective, integrated, coordinated behavioral health emergency response and community care services. The authority must also provide the report to the criminal justice training commission, the Washington association of sheriffs and police chiefs, and the Washington fire commissioners association.

(74) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract for services with a statewide recovery community organization. The authority must award this funding to an organization that: (a) Has experience building the capacity of the recovery community to advance substance use recovery and mental health wellness by catalyzing public understanding and shaping public policy; (b) is led and governed by representatives of local communities of recovery; (c) centers the voices of people with lived experience who are touched by addiction and mental health challenges, and harnesses the power

of story to drive change in the mental health and addiction treatment systems; and (d) provides free community education, skills trainings, events, and a conference in order to increase the understanding of issues around behavioral health and recovery. Services provided by the contracted program must include education, support, and assistance to increase connection of the recovery community, recovery capital, and knowledge about recovery and mental health resources. In conducting this work, the contractor must engage diverse individuals in recovery, impacted families, and providers from all regions of the state and leverage the assistance of affiliated groups and organizations. The organization must also prioritize diversity, equity, and justice in their work to eradicate health disparities of marginalized communities.

(75) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to continue and expand a contract with a Seattle based nonprofit organization with experience matching voluntary specialty care providers with patients in need of care to provide pro bono counseling and behavioral health services to uninsured and underinsured individuals with incomes below 300 percent of the federal poverty level. The authority may require the contractor to seek, document, and report to the authority on efforts to leverage local, federal, or philanthropic funding to provide sustained operational support for the program.

(76) (~~(\$2,437,000)~~) \$3,437,000 of the general fund—state appropriation for fiscal year 2024, \$4,772,000 of the general fund—state appropriation for fiscal year 2025, and \$1,705,000 of the general fund—federal appropriation are provided solely for the authority to contract for youth inpatient navigator services in seven regions of the state. The services must be provided through clinical response teams that receive referrals for children and youth inpatient services and manage a process to coordinate placements and alternative community treatment plans. Of these amounts for each fiscal year, \$445,000 of the general fund—state appropriation and \$79,000 of the general fund—federal appropriation are provided solely to contract for services through an existing program located in Pierce county.

(77) \$7,601,000 of the general fund—state appropriation for fiscal year 2024, \$7,601,000 of the general fund—state appropriation for fiscal year 2025, and \$2,820,000 of the general fund—federal appropriation are provided solely for assisted outpatient treatment and other costs associated with implementation of chapter 210, Laws of 2022 (SHB 1773). Of the amount provided in this subsection, \$1,000 is for implementation of Engrossed Senate Bill No. 5130 (assisted outpatient treatment).

(78) (~~(\$1,878,000)~~) \$1,664,000 of the general fund—state appropriation for fiscal year 2024 and (~~(\$429,000)~~) \$2,883,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue to support the children and youth behavioral health work group to consider and develop longer term strategies and recommendations regarding the delivery of behavioral health services for children, transitioning youth, and their caregivers pursuant to chapter 76, Laws of 2022 (2SHB 1890).

(79) Sufficient funding is provided for the authority to extend continuous eligibility for apple health to children ages zero to six with income at or below 215 percent of the federal poverty level. The centers for medicare and medicaid services must approve the 1115 medicaid waiver prior to the implementation of this policy.

(80) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contingency management resources in accordance with chapter 311, Laws of 2021 (ESB 5476).

(81) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to continue a contract for services funded in section 215(127), chapter 297, Laws of 2022 (ESSB 5693) to provide information and support related to safe housing and support services for youth exiting inpatient mental health and/or substance use disorder facilities to stakeholders, inpatient treatment facilities, young people, and other community providers that serve unaccompanied youth and young adults.

(82) (~~(\$2,336,000)~~) \$2,616,000 of the general fund—state appropriation for fiscal year 2024, (~~(\$2,336,000)~~) \$5,946,000 of the general fund—state appropriation for fiscal year 2025, and (~~(\$3,036,000)~~) \$2,145,000 of the general fund—federal appropriation are provided solely for the authority to contract with opioid treatment providers to operate mobile methadone units to address treatment gaps statewide. Within the amounts provided, the authority must provide service support subsidies to all mobile methadone units including those that began operations prior to fiscal year 2024. The authority must work with the actuaries responsible for setting medicaid managed care rates to explore options for creating a specific rate for mobile medication units that reflects the unique costs of these programs. The authority must provide a report to the office of financial management and the appropriate committees of the legislature which summarizes the analysis and identifies the options and related costs by December 1, 2024.

(83) \$216,000 of the general fund—state appropriation for fiscal year 2024, \$427,000 of the general fund—state appropriation for fiscal year 2025, and \$1,454,000 of the general fund—federal appropriation are provided solely for the authority to increase fee for service rates for mental health and substance use disorder treatment by 22 percent. This rate increase shall be effective January 1, 2024. This rate increase does not apply to per diem costs for long-term civil commitment inpatient services or for services for which rate increases were provided under other subsections of this section. Services affected by the psychiatric rebase in subsection (84) of this section are excluded from this rate increase. The authority must include the proportional costs of increasing fee-for-service rates for mental health and substance use disorder treatment paid on behalf of tribal members not electing enrollment in managed care plans in any agency request decision package it submits during the fiscal biennium for increasing provider rates in the managed care behavioral health program.

(84) Sufficient amounts are provided in this section for the authority to rebase community hospital psychiatric inpatient rates effective January 1, 2024. Rebasing adjustments shall be based on adjusted calendar year 2020 medicare cost reports.

(85)(a) (~~(\$3,805,000)~~) \$5,778,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority, beginning July 1, 2024, to implement a program with coverage comparable to the amount, duration, and scope of care provided in the categorically needy medicaid program for adult individuals who:

(i) Have an immigration status making them ineligible for federal medicaid or federal subsidies through the health benefit exchange;

(ii) Are age 19 and older, including over age 65, and have countable income of up to 138 percent of the federal poverty level; and

(iii) Are not eligible for another full scope federally funded medical assistance program, including any expansion of medicaid coverage for deferred action for childhood arrivals recipients.

(b) Within the amount provided in this subsection, the authority shall use the same eligibility, enrollment, redetermination and

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

renewal, and appeals procedures as categorically needy medicaid, except where flexibility is necessary to maintain privacy or minimize burden to applicants or enrollees.

(c) The authority in collaboration with the health benefit exchange, the department of social and health services, and community organizations must develop and implement an outreach and education campaign.

(d) The authority must provide the following information to the governor's office and appropriate committees of the legislature by February 1st and November 1st of each year:

- (i) Actual and forecasted expenditures;
- (ii) Actual and forecasted data from the caseload forecast council; and
- (iii) The availability and impact of any federal program or proposed rule that expands access to health care for the population described in this subsection, such as the expansion of medicaid coverage for deferred action for childhood arrivals recipients.

(e) The amount provided in this subsection is the maximum amount that may be expended for the purposes of this program.

(86)(a) \$2,317,000 of the general fund—state appropriation for fiscal year 2024 and \$4,433,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a targeted grant program to three behavioral health administrative services organizations to transition persons who are either being diverted from criminal prosecution to behavioral health treatment services or are in need of housing upon discharge from crisis stabilization services. The authority must provide an opportunity for all of the behavioral health administrative service organizations to submit plans for consideration.

(b) Grant criteria must include, but are not limited to:

(i) A commitment to matching individuals with temporary lodging or permanent housing, including supportive housing services and supports, that is reasonably likely to fit their actual needs and situation, is noncongregate whenever possible, and takes into consideration individuals' immediate and long-term needs and abilities to achieve and maintain housing stability; and

(ii) A commitment to transition individuals who are initially matched to temporary lodging into a permanent housing placement, including appropriate supportive housing supports and services, within six months except under unusual circumstances.

(c) When awarding grants, the authority must prioritize applicants that:

- (i) Provide matching resources;
- (ii) Focus on ensuring an expeditious path to sustainable permanent housing solutions; and
- (iii) Demonstrate an understanding of working with individuals who experience homelessness or have interactions with the criminal legal system to understand their optimal housing type and level of ongoing services.

(87)(a) \$2,266,000 of the general fund—state appropriation for fiscal year 2024, \$14,151,000 of the general fund—state appropriation for fiscal year 2025, and \$19,269,000 of the general fund—federal appropriation are provided solely for services to medicaid and state funded clients in behavioral health residential treatment facilities that are scheduled to open during the 2023-2025 fiscal biennium.

(b) Within the amounts provided in this subsection, \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to reimburse the department of social and health services for staffing costs related to tracking behavioral health community capacity through the community behavioral health executive management information system and providing annual reports on the implementation of

new behavioral health community capacity.

(c) The department of commerce, the department of health, and the authority must cooperate with the department of social and health services in collecting and providing the data necessary to incorporate tracking of behavioral health beds into the behavioral health executive management information system and to prepare the required reports. The agencies must work to ensure they are using consistent definitions in classifying behavioral health bed types for the purpose of reporting capacity and utilization.

(d) The authority and the department of social and health services must begin tracking behavioral health bed utilization for medicaid and state funded clients by type of bed in the executive management information system by October 1, 2023. The department of commerce shall identify to the department of social and health services all providers that have received funding through their capital grant program since the 2013-2015 fiscal biennium. The department of social and health services must incorporate tracking of services by provider including an element to identify providers that have received funding through the capital budget so that reports can be provided related to the average daily client counts for medicaid and state funded clients being served by provider and by facility type.

(e) By November 1, 2023, the department of social and health services, in coordination with the department of commerce, the department of health, and the authority, must submit an annual report to the office of financial management and the appropriate committees of the legislature. The first annual report must provide information on the facilities that received funding through the department of commerce's behavioral health community capacity grant funding since the 2013-2015 fiscal biennium and the utilization across all behavioral health facilities for medicaid and state funded clients. The report must provide the following information for each facility that has received funding through the capital budget: (i) The amount received by the state and the total project cost; (ii) the facility address; (iii) the number of new beds or additional bed capacity by the service type being provided; and (iv) the utilization of the additional beds by medicaid or state funded clients by service type.

(f) By November 1, 2024, the department of social and health services must submit the second annual report to the office of financial management and the appropriate committees of the legislature. The second annual report must update the bed capacity and utilization information required in the first report and compare that capacity to demand by service type by geographical region of the state.

(88) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the efforts of the joint legislative and executive committee on behavioral health established in section 135 of this act.

(89) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,000,000 of the general fund—federal appropriation are provided solely to support the provision of behavioral health co-responder services on nonlaw enforcement emergency medical response teams.

(90) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract on a one-time basis with the King county behavioral health administrative services organization to expand medication for opioid use disorder treatment services in King county.

(91) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the authority to contract on

a one-time basis with the behavioral health administrative services organization serving Kitsap county for crisis triage services in the county that are not being reimbursed through the medicaid program.

(92) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract on a one-time basis with the behavioral health administrative services organization serving Snohomish county for start-up costs in a new 32-bed community recovery center in Lynnwood that will provide crisis services to medicaid and other low income residents.

~~(93) ((\$3,142,000 of the general fund—state appropriation for fiscal year 2024, \$3,869,000 of the general fund—state appropriation for fiscal year 2025, and \$10,574,000 of the general fund—federal appropriation are provided solely to reimburse the department of social and health services for the costs of medicaid services at a 16-bed residential treatment facility serving long-term involuntary inpatient patients. The authority and the department of social and health services must utilize case rate and cost based reimbursement models to maximize federal matching funds at the facility. Up to \$200,000 of the general fund—state appropriation for fiscal year 2024 may be used to facilitate these efforts.~~

(94)) \$313,000 of the general fund—federal appropriation is provided solely to support a media campaign for Native Americans related to the prevention of substance abuse and suicide.

~~((95))~~ (94) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with up to two behavioral health agencies that are interested in offering or expanding wraparound with intensive services for children and youth. The funds may be used to support costs associated with recruitment, training, technical assistance, or other appropriate costs required to develop the capacity to offer these specialized services.

~~((96))~~ (95) \$22,000,000 of the general fund—state appropriation for fiscal year 2024 and ~~(((\$22,000,000))~~ \$24,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with behavioral health administrative service organizations to implement the statewide recovery navigator program established in chapter 311, Laws of 2021 (ESB 5476) and for related technical assistance to support this implementation. This includes funding for recovery navigator teams to provide community-based outreach and case management services based on the law enforcement assisted diversion model and for technical assistance support from the law enforcement assisted diversion national support bureau. The authority and technical assistance contractor must encourage recovery navigator programs to provide educational information and outreach regarding recovery navigator program services to local retailers that have high levels of retail theft. Of the amounts provided in this subsection((+));

(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 must be allocated to maintain recovery navigator services in King, Pierce, and Snohomish counties. These amounts must be in addition to the proportion of the allocation of the remaining funds in this subsection the regional behavioral health administrative services organizations serving those counties were allocated pursuant to section 22(1), chapter 311, Laws of 2021.

(b) \$2,500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for expanding recovery navigator program services in regions where fiscal year 2025

projected expenditures will exceed revenues provided under this subsection. In allocating these amounts, the authority must prioritize regions where the combined fiscal year 2025 recovery navigator program allocations and recovery navigator program reserve balances are inadequate to cover estimated fiscal year 2025 expenditures.

~~((97))~~ (96) \$3,114,000 of the general fund—state appropriation for fiscal year 2024, \$3,114,000 of the general fund—state appropriation for fiscal year 2025, and \$5,402,000 of the general fund—federal appropriation are provided solely for the authority to implement clubhouse services in every region of the state.

~~((98))~~ (97) \$7,500,000 of the general fund—state appropriation for fiscal year 2024 and \$7,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to implement homeless outreach stabilization teams pursuant to chapter 311, Laws of 2021 (ESB 5476).

~~((99))~~ (98) \$2,500,000 of the general fund—state appropriation for fiscal year 2024, \$2,500,000 of the general fund—state appropriation for fiscal year 2025, \$81,000 of the general fund—federal appropriation, and ~~(((\$5,000,000))~~ \$12,280,000 of the opioid abatement settlement account—state appropriation are provided solely for the authority to expand efforts to provide opioid use disorder and alcohol use disorder medication in city, county, regional, and tribal jails.

~~((100))~~ (99) \$1,400,000 of the general fund—state appropriation for fiscal year 2024 and \$1,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for behavioral health administrative service organizations to develop regional recovery navigator program plans pursuant to chapter 311, Laws of 2021 (ESB 5476), and to establish positions focusing on regional planning to improve access to and quality of regional behavioral health services with a focus on integrated care.

~~((101))~~ (100) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to contract with an organization with expertise in supporting efforts to increase access to and improve quality in recovery housing and recovery residences. This funding shall be used to increase recovery housing availability through partnership with private landlords, increase accreditation of recovery residences statewide, operate a grievance process for resolving challenges with recovery residences, and conduct a recovery capital outcomes assessment for individuals living in recovery residences.

~~((102))~~ (101) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$4,000,000 of the opioid abatement settlement account—state appropriation are provided solely for the authority to provide short-term housing vouchers for individuals with substance use disorders.

~~((103))~~ (102) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to convene and provide staff and contracted services support to the recovery oversight committee established in chapter 311, Laws of 2021 (ESB 5476).

~~((104))~~ (103) \$2,565,000 of the general fund—state appropriation for fiscal year 2024 and \$2,565,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the authority to develop and implement the recovery services plan and to carry out other requirements of chapter 311, Laws of 2021 (ESB 5476). Within these amounts, funding is provided for the authority to:

(a) Establish an occupational nurse consultant position within



FIFTY SEVENTH DAY, MARCH 4, 2024

the authority to provide contract oversight, accountability, and performance improvement activities, and to ensure medicaid managed care organization plan compliance with provisions in law and contract related to care transitions work with local jails; and

(b) Establish a position within the authority to create and oversee a program to initiate and support emergency department programs for inducing medications for patients with opioid use disorder paired with a referral to community-based outreach and case management programs.

~~((105) \$400,000 of the general fund—federal appropriation)) (104) \$1,300,000 of the general fund—state appropriation for fiscal year 2025 is provided solely ((to support the development and implementation of the parent portal directed in chapter 134, Laws of 2022 (SHB 1800)) for the authority to continue work with the convener of the Washington state children's behavioral health statewide family network to develop a parent online platform, known as BH360, to continue work on ecosystem mapping, technical development of the portal platform, and to engage families with lived experience on strategic development of the platform.~~

~~((106) \$23,763,000)) (105) \$23,148,000 of the general fund—federal appropriation is provided solely for the authority to contract with the University of Washington behavioral health teaching facility to provide long-term inpatient care beds as defined in RCW 71.24.025. The authority must coordinate with the department of social and health services and the University of Washington to evaluate and determine criteria for the current population of state hospital patients, committed pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, who can be effectively treated at the University of Washington behavioral health teaching facility. The authority, in coordination with the department of social and health services and the University of Washington, must submit a report to the office of financial management and the appropriate committees of the legislature by December 1, 2023, summarizing the numbers and types of patients that are committed to the state hospitals pursuant to the dismissal of criminal charges and a civil evaluation ordered under RCW 10.77.086 or 10.77.088, the numbers and types that would be appropriate to be served at the University of Washington behavioral health teaching facility, and the criteria that was used to make the determination.~~

~~((107)) (106) \$444,000 of the general fund—state appropriation for fiscal year 2024, \$444,000 of the general fund—state appropriation for fiscal year 2025, and \$716,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1515 (behavioral health contracts). ((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((108)) (107)(a) \$320,000 of the general fund—state appropriation for fiscal year 2024, \$796,000 of the general fund—state appropriation for fiscal year 2025, and \$1,196,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1168 (prenatal substance exposure). ((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(b) Of the amounts provided in (a) of this subsection, \$500,000 of the general fund—federal appropriation is provided solely for the authority to contract with a statewide nonprofit entity with expertise in fetal alcohol spectrum disorders and experience in supporting parents and caregivers to offer free support groups for individuals living with fetal alcohol spectrum disorders and their parents and caregivers.

~~((109)) (108) \$91,000 of the general fund—state~~

2024 REGULAR SESSION

appropriation for fiscal year 2024, \$91,000 of the general fund—state appropriation for fiscal year 2025, and \$126,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((111)) (109) \$5,474,000 of the statewide 988 behavioral health crisis response line account—state appropriation and \$210,000 of the general fund—federal appropriation are provided solely for the authority to implement Engrossed Second Substitute House Bill No. 1134 (988 system).~~

(a) Within these amounts, \$4,000,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for the authority to provide grants to new or existing mobile rapid response teams and to community-based crisis teams to support efforts for meeting the standards and criteria for receiving an endorsement pursuant to provisions of the bill. In awarding grants under this subsection, the authority must prioritize funding for proposals that demonstrate experience and strategies that prioritize culturally relevant services to community members with the least access to behavioral health services.

(b) Within the remaining amounts, sufficient funding is provided for the authority to conduct the actuarial analysis and development of options for payment mechanisms for rate enhancements as directed in section ~~((8 of Engrossed Second Substitute House Bill No. 1134 (988 system))) 9, chapter 454, Laws of 2023 and to implement other activities required by the bill.~~

~~((c) If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((112)) (110) \$26,854,000 of the statewide 988 behavioral health crisis response line account—state appropriation and \$17,636,000 of the general fund—federal appropriation are provided solely for the authority to expand and enhance regional crisis services. These amounts must be used to expand services provided by mobile crisis teams and community-based crisis teams either endorsed or seeking endorsement pursuant to standards adopted by the authority. Beginning in fiscal year 2025, the legislature intends to direct amounts within this subsection to be used for performance payments to mobile rapid response teams and community-based crisis teams that receive endorsements pursuant to Engrossed Second Substitute House Bill No. 1134 (988 system).~~

~~((113)) (111) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to increase resources for behavioral health administrative service organizations and managed care organizations for the increased costs of room and board for behavioral health inpatient and residential services provided in nonhospital facilities.~~

~~((114) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000)) (112) \$6,000,000 of the general fund—state appropriation for fiscal year 2025 ~~((are)) is provided solely for ((a contract with a)) youth behavioral ~~((inpatient and outpatient program with facilities)) health services~~ in Clark and Spokane counties ~~((that serve over 65 percent medicaid eligible clients for co-occurring substance use and mental health disorders and sexual exploitation behavioral health treatment)) as follows:~~~~~~

~~(a) \$5,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a contract with a youth behavioral inpatient and outpatient program which has taken ownership of and submitted a plan to the authority to reopen a facility in Clark county previously closed due to state licensing~~

issues with the former owner. The facility must serve over 60 percent medicaid eligible clients for co-occurring substance use and mental health disorders and sexual exploitation behavioral health treatment. This funding is provided on a one-time basis and must be used ~~((#))~~ consistent with the approved plan and contract for reopening costs, treatment, and services.

~~((115))~~ \$1,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to contract for behavioral health stabilization and support services for homeless youth in Spokane. The selected contractor must currently provide permanent supportive housing and services in Spokane and operate a low barrier homeless shelter for youth under the age of 18 and young adults aged 18 to 24.

~~((115))~~ ~~\$18,168,000~~ ((113)) \$18,868,000 of the opioid abatement settlement account—state appropriation is provided solely for prevention, treatment, and recovery support services to address and remediate the opioid epidemic. Of these amounts:

(a) \$2,500,000 is provided solely for the authority to provide or contract for opioid prevention, outreach, treatment, or recovery support services that are not reimbursable under the state medicaid plan.

(b) \$500,000 is provided solely for Spanish language opioid prevention services.

(c) \$2,000,000 is provided solely to maintain prevention services that address underage drinking, cannabis and tobacco prevention, and opioid, prescription, and other drug misuse among individuals between the ages of 12 and 25.

(d) \$1,830,000 is provided solely for programs to prevent inappropriate opioid prescribing.

(e) \$538,000 is provided solely for technical support to improve access to medications for opioid use disorder in jails.

(f) \$2,000,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority, in coordination with the department of health, to develop and implement a health promotion and education campaign, with a focus on synthetic drug supplies, including fentanyl, and accurate harm reduction messaging for communities, law enforcement, emergency responders, and others.

(g) \$3,500,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority to provide support funds to new and established clubhouses throughout the state.

(h) \$6,000,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority to provide grants for the operational costs of new staffed recovery residences which serve individuals with substance use disorders who require more support than a level 1 recovery residence.

(i) Of the amounts provided in this subsection, the authority may use up to 10 percent for staffing and administrative expenses.

(j) In contracting for programs and services under this subsection, the authority must consider data and implement strategies that prioritize culturally relevant services to community members with the least access to behavioral health services.

~~((116))~~ ((114)) \$5,000,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority to maintain funding for ongoing grants to law enforcement assisted diversion programs outside of King county under RCW 71.24.590.

~~((117))~~ ((115)) \$5,500,000 of the opioid abatement settlement account—state appropriation is provided on a one-time basis solely for the authority to implement a pilot program to reimburse a licensed pediatric transitional care facility in Spokane county to provide neonatal abstinence syndrome services to infants who have prenatal substance exposure. The pilot program must study and evaluate the efficacy, outcomes, and impact of providing these services to avoid more costly medical interventions. Within

these amounts, \$190,000 is provided solely for the authority to contract with Washington State University to conduct research analyzing the prevalence of neonatal abstinence syndrome and infant and maternal health outcomes associated with neonatal transitional nurseries in Washington. The university must submit a report articulating findings to the appropriate committees of the legislature by December 1, 2024. The report must identify to what extent the federal medicaid program allows for reimbursement of these services and identify the barriers in leveraging federal medicaid funding for these services in Washington's state medicaid plan.

~~((118))~~ ((116)) \$15,447,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority to pass through to tribes and urban Indian health programs for opioid and overdose response activities. The funding must be used for prevention, outreach, treatment, recovery support services, and other strategies to address and mitigate the effects of the misuse and abuse of opioid related products. The authority must provide the tribes and urban Indian health programs the latitude to use the funding as they see fit to benefit their communities, provided the activities are allowable under the terms of the opioid settlement agreements.

~~((119))~~ ((117)) \$66,000 of the general fund—state appropriation for fiscal year 2024, \$502,000 of the general fund—state appropriation for fiscal year 2025, and \$171,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5189 (behavioral health support). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((120))~~ ((118)) \$190,000 of the general fund—state appropriation for fiscal year 2024, \$354,000 of the general fund—state appropriation for fiscal year 2025, and \$1,106,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5228 (behavioral health OT). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((121))~~ ((119)) \$3,605,000 of the general fund—state appropriation for fiscal year 2024, \$1,850,000 of the general fund—state appropriation for fiscal year 2025, and \$1,539,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5555 (certified peer specialists). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((122))~~ ((120)) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the city of Arlington in partnership with the north county regional fire authority for a mobile integrated health pilot project. The project shall provide mobile integrated health services for residents who cannot navigate resources through typical methods through brief therapeutic intervention, biopsychosocial assessment and referral, and community care coordination.

~~((123))~~ ((121)) \$1,000 of the general fund—state appropriation for fiscal year 2024 is for implementation of Engrossed Second Substitute Senate Bill No. 5536 (controlled substances).

~~((124))~~ ((122)) \$300,000 of the opioid abatement settlement account—state appropriation is provided for support of a statewide safe supply work group. The purpose of the work group is to evaluate potential models for safe supply services and make recommendations on inclusion of a safe supply framework in the Washington state substance use recovery services plan to provide a regulated, tested supply of controlled substances to individuals at risk of drug overdose. The work group membership shall be reflective of the community of individuals living with substance use disorder, including persons who are black, indigenous, and

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

persons of color, persons with co-occurring substance use disorders and mental health conditions, as well as persons who represent the unique needs of rural communities.

(a) The work group membership shall consist of, but is not limited to, members appointed by the governor representing the following:

- (i) At least one adult in recovery from substance use disorder;
- (ii) At least one youth in recovery from substance use disorder;
- (iii) One expert from the addictions, drug, and alcohol institute at the University of Washington;
- (iv) One outreach services provider;
- (v) One substance use disorder treatment provider;
- (vi) One peer recovery services provider;
- (vii) One recovery housing provider;
- (viii) One expert in serving persons with co-occurring substance use disorders and mental health conditions;
- (ix) One expert in antiracism and equity in health care delivery systems;
- (x) One employee who provides substance use disorder treatment or services as a member of a labor union representing workers in the behavioral health field;
- (xi) One representative of the association of Washington healthcare plans;
- (xii) One representative of sheriffs and police chiefs;
- (xiii) One representative of a federally recognized tribe; and
- (xiv) One representative of local government.

(b) The work group's evaluation shall include, but is not limited to, the following:

- (i) Examining the concept of "safe supply," defined as a legal and regulated supply of mind or body altering substances that traditionally only have been accessible through illicit markets;
- (ii) Examining whether there is evidence that a proposed "safe supply" would have an impact on fatal or nonfatal overdose, drug diversion, or associated health and community impacts;
- (iii) Examining whether there is evidence that a proposed "safe supply" would be accompanied by increased risks to individuals, the community, or other entities or jurisdictions;
- (iv) Examining historical evidence regarding the overprescribing of opioids; and
- (v) Examining whether there is evidence that a proposed "safe supply" would be accompanied by any other benefits or consequences.

(c) Staffing for the work group shall be provided by the authority.

(d) The work group shall provide a preliminary report and recommendations to the governor and the appropriate committees of the legislature by December 1, 2023, and shall provide a final report by December 1, 2024.

(123) \$2,700,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementing a postinpatient housing program designed for young adults in accordance with the provisions of Second Substitute House Bill No. 1929 (postinpatient housing). Contracts with postinpatient housing providers are exempt from the competitive procurement requirements in chapter 39.26 RCW.

(124) Within existing resources, the authority shall collaborate with the department of social and health services to develop a new program for individuals admitted to a state hospital for purposes of civil commitment under RCW 10.77.086. The program must prioritize the use of assisted outpatient treatment resources for eligible individuals and draw upon existing programs, including the program of assertive community treatment and the governor's opportunity for supportive housing program to provide wraparound services for individuals who may be ready to quickly return to the community following an admission.

(125) \$1,675,000 of the opioid abatement settlement account—state appropriation and \$175,000 of the general fund—federal appropriation are provided solely for the authority to contract for the support of an opioid recovery and care access center in Seattle. The contractor must be an established Seattle based behavioral health provider that has developed a partnership for the project and has leveraged additional operations and research funding from other sources. The contract is exempt from the competitive procurement requirements in chapter 39.26 RCW.

(126) \$3,000,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority to increase access to long-acting injectable medications for opioid use disorders.

(a) The authority may use these funds to:

(i) Provide long-acting injectable medications for opioid use disorders to small providers that are not financially affiliated with a hospital; and

(ii) Cover the cost and administration of the drug for uninsured individuals that do not qualify for other state or federal health insurance programs.

(b) The authority may not use these funds for provision of long-acting injectable medications for opioid use disorders in a hospital, hospital affiliated outpatient clinic, or jail setting.

(c) The authority shall study alternative models that will ease access to long-acting injectable medications for opioid use disorder and report recommendations to the office of financial management and the appropriate committees of the legislature by October 15, 2024.

(127) \$400,000 of the general fund—state appropriation for fiscal year 2025 is provided on a one-time basis solely for the authority to enhance clinical best practices in addiction medicine across the medical field in Washington state. The authority must contract these amounts with a Washington state chapter of a national organization that provides a physician-led professional community for those who prevent, treat, and promote remission and recovery from the disease of addiction and whose comprehensive set of guidelines for determining placement, continued stay, and transfer or discharge of enrollees with substance use disorders and co-occurring disorders have been incorporated into medicaid managed care contracts. Priority for the activities established must be given to prescribers from a variety of settings including emergency rooms, primary care, and community behavioral health settings. The activities may include other licensed professionals as resources allow. At a minimum, the following activities must be supported: (a) An addiction medicine summit; (b) intermittent lunch and learn webinars that are partially presentation based and partially discussion based; and (c) establishment and operation of a mechanism for case consultation. Whenever feasible and appropriate, the activities should incorporate content specific to managing chronic pain patients.

(128) \$1,122,000 of the general fund—state appropriation for fiscal year 2025 and \$368,000 of the general fund—federal appropriation are provided solely for the authority to contract for a pilot program offering digital behavioral health services to school-aged youth. The authority must issue a request for interest or a request for proposals and evaluate all qualified responses before selecting a contractor. The authority must track data related to use and outcomes of the pilot project and submit a report to the office of financial management and the appropriate committees of the legislature that includes a summary of the services provided, outcomes, and recommendations related to continuation or expansion of the pilot program. The data elements and outcomes that must be tracked and reported include, but are not limited to:

(a) The number of youth provided access to the digital service through the pilot program;

(b) The number of pilot participants using the digital service;

(c) The total and average number of hours pilot participants used the digital service;

(d) Regional and demographic data on those provided access to and those using the pilot program services;

(e) The number of participants and hours of direct counseling services provided through the pilot program;

(f) The number of participant referrals to crisis services occurring through the pilot program; and

(g) User satisfaction with the pilot program services.

(129) \$5,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for bridge funding grants to community behavioral health agencies participating in federal certified community behavioral health clinic expansion grant programs to sustain their continued level of operations following expiration of federal grant funding during the planning process for adoption of the certified community behavioral health clinic model statewide.

(130) \$3,932,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to contract for community behavioral health services to be provided at the Olympic heritage behavioral health facility pursuant to the following requirements:

(a) The authority must conduct a survey of provider interest to determine service options for operating up to 40 beds at the Olympic heritage behavioral health facility, with a target opening date of April 1, 2025.

(b) The primary focus must be addressing the needs of adults with a history or likelihood of criminal legal involvement to reduce the number of people with behavioral health or other diagnoses accessing treatment through the criminal legal system.

(c) The survey must seek information from providers, including tribal governments, interested in offering one or more, but not limited to, the following types of services:

(i) Short-term or step down residential behavioral health care, particularly for individuals who may have received treatment or services through crisis stabilization or a 23-hour crisis facility;

(ii) Residential, transitional, or supportive services that would divert individuals from the criminal legal system or emergency departments;

(iii) Substance use or co-occurring treatment, including inpatient or outpatient programming as well as programs designed for the treatment of opioid use disorder; and

(iv) Supportive and residential services for individuals in outpatient competency restoration, subject to assisted outpatient treatment orders, or released on personal recognizance while awaiting competency services.

(d) The authority must provide a summary of the survey results to the office of financial management and the appropriate committees of the legislature.

(e) Based upon a review of the survey results and in consultation with the department of social and health services, the authority must develop and submit a recommendation for approval to the office of financial management for issuing a request for proposals for specific beds to be contracted at the Olympic heritage behavioral health facility.

(f) No later than August 1, 2024, and pursuant to approval from the office of financial management, the authority must release a request for proposals for contracted services at the Olympic heritage behavioral health facility that requires applicants to provide the following information:

(i) A timeline and cost proposal for the operations of selected services;

(ii) An explanation of how the proposal would reduce the

number of individuals with behavioral health needs entering the criminal legal system; and

(iii) Additional information as identified by the authority including relevant information identified in the survey of interest.

(131) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to provide a one-time grant to the city of Maple Valley to support a project for a community resource coordinator position for the city of Maple Valley, Tahoma school district, and the greater Maple Valley area. This amount must be used to develop programs, projects, and training that specifically address behavioral health awareness and education and facilitate access to school-based and community behavioral health resources.

(132) \$1,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for establishing grants to crisis services providers to establish and expand 23-hour crisis relief center capacity in accordance with the provisions of section 33, chapter 1, Laws of 2023 sp. sess. (2E2SSB 5536).

(133) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a one-time grant to a nonprofit organization to provide services to medicaid clients and uninsured clients in a crisis stabilization and secure withdrawal management center located in Island county.

(134) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to develop and issue a request for information to identify digital technologies that can be used for supporting youth and young adult behavioral health prevention, intervention, treatment, and recovery support services. In developing the request for information, the authority must convene a panel of experts in adolescent and young adult behavioral health prevention and treatment, suicide prevention and treatment, and digital behavioral health technologies. The panel must be used to evaluate responses to the request for information and make recommendations for technologies to pursue in future agency budget requests. The authority must submit a report to the children and youth behavioral health work group established pursuant to RCW 74.09.4951, the office of financial management, and the appropriate committees of the legislature, by June 30, 2025, identifying the technologies being recommended for implementation and the associated costs for piloting and/or statewide implementation.

(135) \$3,000,000 of the opioid abatement settlement account—state appropriation is provided solely for establishing three additional health engagement hub pilot program sites in accordance with the provisions of chapter 1, Laws of 2023 sp. sess. (2E2SSB 5536). Prior to initiating another request for interest process, the authority must consider acceptable proposed projects from the request for interest survey initiated by the authority and the department of health in October 2023. In selecting proposals, the authority should consider geographic distribution across the state, and prioritize proposals that demonstrate an ability to serve communities disproportionately impacted by overdose, health issues, and other harms related to drugs, including American Indian/Alaska Native communities, Black/African American communities, Latino/Hispanic communities, people experiencing homelessness, and communities impacted by the criminal-legal system. When determining the contracts for direct services, priority may be given to BIPOC-led organizations, including Tribes.

(136) \$1,500,000 of the opioid abatement settlement account—state appropriation is provided solely for the authority to establish high-intensity community-based teams serving people with opioid use disorder. The funding must be used to significantly increase administration of long-acting injectable buprenorphine to people at highest risk for overdose. The authority must prioritize funding to augment existing field-based teams funded

FIFTY SEVENTH DAY, MARCH 4, 2024

with federal state opioid response grants, such as opioid treatment network, low-barrier buprenorphine, or street medicine teams to enhance low-barrier services in areas with high rates of overdose. Funding must be used to engage people with opioid use disorder in nontraditional settings such as supportive housing, shelters, and encampments to provide low-barrier, immediate, and continual care for people with opioid use disorders to initiate and maintain buprenorphine, with preferential focus on long-acting injectable buprenorphine. The authority must submit a report to the office of financial management and the appropriate committees of the legislature summarizing the implementation of this funding and identifying barriers which impact treatment access for people at high risk for overdose including, but not limited to: (a) State and federal regulations; (b) managed care provider network adequacy; (c) contracting practices between managed care organizations and behavioral health providers, including delegation arrangements with provider networks; (d) reimbursement models and rate adequacy; (e) training and technical assistance needs; and (f) other factors identified by the authority. The report must include recommendations for reducing barriers to medication for opioid use disorder, including long-acting injectable buprenorphine.

(137) \$225,000 of the general fund—state appropriation for fiscal year 2025 and \$225,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 2320 (high THC cannabis products). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(138) \$893,000 of the general fund—state appropriation for fiscal year 2025 and \$722,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1877 (behavioral health/tribes). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(139) \$1,800,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to reimburse King county for the cost of conducting 180-day commitment hearings at state operated facilities operating within King county.

(140) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to contract with an entity that operates as a recovery resource center in north Kitsap county. This funding is provided on a one-time basis and must be used by the contracting entity to expand service hours, provide recovery café services, and promote peer support and vocational, educational, and drug and alcohol-free social opportunities for the local recovery community.

(141) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a Seattle based opioid use disorder treatment provider in Seattle that experienced a severe flooding event in a clinic in January 2024. This funding is provided on a one-time basis and must be used to allow the clinic to continue to provide services by providing support for the increased per client costs resulting from temporarily delivering services to a smaller volume of clients while services are being re-established at the clinic and by supporting efforts to provide transitional services for clients in other settings while the facility is being restored.

(142) \$900,000 of the general fund—state account for fiscal year 2025 is provided solely for the authority to purchase dispensing machines for distribution of naloxone, fentanyl test strips, and other public health supplies. In selecting a contractor for these machines, the authority must not provide any preference for machines that have the capacity to provide telehealth services.

(143) \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to implement

2024 REGULAR SESSION

a rapid methadone induction pilot program. The pilot program must provide rapid methadone induction services to clients in hospitals electing to provide these services on an inpatient basis. Of these amounts, \$250,000 is provided solely for the authority to contract for technical assistance to the hospitals participating in the pilot. The authority must contract the amounts provided for technical assistance to a Washington state chapter of a national organization that provides a physician-led professional community for those who prevent, treat, and promote remission and recovery from the disease of addiction and whose comprehensive set of guidelines for determining placement, continued stay, and transfer or discharge of enrollees with substance use disorders and co-occurring disorders have been incorporated into Washington state medicaid managed care contracts. The authority must develop procedures for incorporating this service through the apple health program including development of an amendment to the state medicaid plan or waiver if required. The authority must submit a preliminary report to the office of financial management and the appropriate committees of the legislature by June 30, 2025, which provides the status of the pilot project, identifies the mechanism that will be required to implement these services statewide through the apple health program, and provides estimates regarding the cost to implement the program statewide.

(144) \$3,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to contract for three street medicine teams that rapidly assess and address the acute and chronic physical and behavioral health needs of homeless people. The teams must offer integrated, team-based medical, mental health, substance use, and infectious disease treatment and prevention, and navigation and case management services. One of the teams must provide services to people in Seattle and one of the teams must provide services to people in Spokane. The authority must submit a report to the office of financial management and the appropriate committees of the legislature on the implementation of this program with recommendations for maximizing leveraging of federal medicaid match and further expansion of the street medicine model by June 30, 2025.

(145)(a) \$480,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a Washington state tribal opioid and fentanyl response task force with members as provided in this subsection:

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(iii) Each federally recognized Indian tribe in Washington state may appoint one member through tribal resolution;

(iv) The attorney general shall appoint one representative from the office of the attorney general;

(v) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public instruction; and

(vi) The governor shall appoint the following members:

(A) A member of the Seattle Indian health board;

(B) A member of the NATIVE project;

(C) One member of the executive leadership team from each of the following state agencies: The health care authority; the department of children, youth, and families; the department of commerce; the department of corrections; the department of health; the department of social and health services; the governor's office of Indian affairs; and the Washington state patrol;

(D) Two indigenous members that have lived experience related to opioids or fentanyl; and

(E) Two representatives of local governments.

(b) Where feasible, the task force may invite and consult with representatives of:

(i) The federal bureau of investigation;

(ii) The offices of the United States attorneys;

(iii) Federally recognized tribes in a state adjacent to Washington state;

(iv) Tribal organizations with specific expertise including but not limited to tribal sovereignty, jurisdiction, cultural practices, and data; and

(v) Any experts or professionals having expertise in the topics of prevention, treatment, harm reduction, and recovery support related to opioids or fentanyl in federal, tribal, and/or state jurisdiction.

(c)(i) The legislative members must convene the initial meeting of the task force no later than August 1, 2024. Thereafter, the task force shall meet at least quarterly.

(ii) The task force must be cochaired by one legislative member and four tribal leader members selected by members of the task force at the first meeting.

(iii) The task force shall convene one summit in fiscal year 2025 with the state agencies identified in (a)(vi) of this subsection, federally recognized Indian tribes in Washington state, federally recognized tribes located in a state adjacent to Washington state, urban Indian organizations, and tribal organizations.

(d)(i) Of the amounts provided in this subsection, \$295,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to contract with the American Indian health commission, as defined in RCW 43.71B.010, to provide support for the Washington state tribal opioid and fentanyl response task force, committees, and work groups and to organize the annual summit, and oversee the development of the task force reports. The American Indian health commission may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, and other services to the task force for the purposes provided in (e) of this subsection. The amounts within this subsection (d)(i) shall be used for the costs of meetings, the annual summit, American Indian health commission staff support, consultants as deemed necessary, and for stipends pursuant to (d)(v) of this subsection.

(ii) Of the amounts provided in this subsection, \$100,000 of the general fund—state appropriations for fiscal year 2025 is provided solely for the authority to contract with tribes and urban Indian health organizations to provide stipends for participation and attendance at task force and committee meetings.

(iii) Of the amounts provided in this subsection, \$85,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to support the Washington state tribal opioid and fentanyl response task force.

(iv) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Except as provided under (d)(v) of this subsection, any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(v) Subject to the provisions of RCW 43.03.220, eligible task force members may be provided a stipend in an amount not to exceed \$200 and other expenses for each day during which the member attends an official meeting of the task force.

(e)(i) The task force shall review the laws and policies relating to opioid and fentanyl use, illicit sale of opioids and fentanyl,

jurisdictional authority, tribal exclusionary authority, and any related impacts affecting American Indian and Alaska Native people. The task force shall develop recommendations including legislative and executive policy changes and budget initiatives for the purpose of addressing priority areas identified at the first annual Washington state tribal opioid and fentanyl summit in May of 2023 in the overarching topic areas of justice; prevention, treatment, and recovery; housing and homelessness; and community and family as well as additional topic areas included in subsequent summits.

(ii) The task force may create subgroups and work with existing state or tribal work groups to develop recommendations to the task force on each of the topics listed in (e)(i) of this subsection.

(iii) The task force, with the assistance of the American Indian health commission and the authority, must submit a status report including any initial findings, recommendations, and progress updates to the governor and the appropriate committees of the legislature by June 30, 2025. The report shall include but is not limited to recommendations related to proposed new statutes or amendment of current statutes, proposed executive branch action items or regulatory changes, and proposed funding and budget requests. To the extent possible, the report may include fiscal analysis related to the cost of implementing specific recommendations.

(146)(a) \$250,000 of the general fund—state appropriation for fiscal year 2025 and \$250,000 of the general fund—federal appropriation are provided solely for the authority to continue work on the behavioral health comparison rate project, including:

(i) Developing phase 3 comparison rates for all major medicaid managed care behavioral health services not addressed in phase 1 or phase 2 of the behavioral health comparison rates project or through other work streams; and

(ii) Preparing to implement a minimum fee schedule for behavioral health services, including developing solutions to resolve any current data and systems limitations.

(b) By December 31, 2024, the authority must provide a preliminary report to the office of financial management and appropriate committees of the legislature that:

(i) Estimates the cost and other impacts to fee for service and managed care programs of establishing a minimum fee schedule effective January 1, 2026, based on the comparison rates developed as part of phase 1 and phase 2 of the behavioral health comparison rates project;

(ii) Identifies any data or other limitations that need to be resolved, and plans for addressing those limitations including funding needs if any, to implement the minimum fee schedule by January 1, 2026;

(iii) Provides additional analysis of variation between the comparison rates and current payment levels at a service and regional level;

(iv) Describes how the authority plans to propose to the legislature implementation of the phase 1 and phase 2 minimum fee schedule by January 1, 2026, to better match medicaid payments to the cost of care; and

(v) Outlines options to periodically update the behavioral health fee schedules.

(c) By June 30, 2025, the authority must provide a final report to the office of financial management and appropriate committees of the legislature that:

(i) Summarizes the new comparison rates developed as part of phase 3;

(ii) Updates comparison rates developed in phase 1 and phase 2 for new salary and wage information based on most current bureau of labor statistics data;

(iii) Estimates the cost and other impacts to fee for service and managed care of incorporating additional behavioral health

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

services developed as part of phase 3 of the behavioral health comparison rates project into a minimum fee schedule effective January 1, 2027;

(iv) Identifies planned actions and funding needs if any to resolve any remaining limitations to implement the phase 3 minimum fee schedule by January 1, 2027;

(v) Provides additional analysis of variation between the comparison rates developed as part of phase 3 and current payment levels at a service and regional level; and

(vi) Describes how the authority plans to propose to the legislature implementation of the phase 3 minimum fee schedule by January 1, 2027, to better match medicaid payments to the cost of care.

(d) It is the intent of the legislature to continue funding the study in the 2025-2027 fiscal biennium, with a final report due by October 1, 2025.

(147) \$750,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to provide support to behavioral health agencies interested in establishing occupational therapy services for behavioral health clients. This funding must be used for establishing and integrating occupational therapy into behavioral health agency programs and operations. Funding may be used for occupational therapist and occupational therapy assistant services, recruitment, training, technical assistance, fieldwork opportunities, and for other approved activities targeted to increase access to occupational therapy services within behavioral health agency settings. The authority must submit a preliminary report to the legislature on the number of patients receiving occupational therapy through this initiative, the programs in which services were provided, and the number and type of fieldwork students trained in each participating behavioral health agency program by June 30, 2025.

(148)(a) \$42,527,000 of the general fund—state appropriation for fiscal year 2025 and \$36,680,000 of the general fund—federal appropriation are provided solely for the authority to implement supportive supervision and oversight services, and skills development and restoration services pursuant to a 1915(i) state plan amendment that is assumed to be effective on July 1, 2024. This reflects a change in purchasing structure and a transition of clients from behavioral health personal care services to the new services established under the 1915(i) state plan amendment. For medicaid clients enrolled in managed care, the authority must contract for these services through managed care organizations utilizing an actuarially sound rate structure as established by the authority and approved by the centers for medicare and medicaid services.

(b) Of the amounts provided in this subsection, \$24,661,000 of the general fund—state appropriation for fiscal year 2025 and \$26,931,000 of the general fund—federal appropriation are for implementing supportive supervision and oversight services in adult family home settings in accordance with and contingent upon execution of the collective bargaining agreement negotiated between the state and the adult family homes and referenced in part IX of this act.

(c) Of the amounts provided in this subsection, \$5,611,000 of the general fund—state appropriation for fiscal year 2025 and \$6,128,000 of the general fund—federal appropriation are for implementing supportive supervision and oversight services in assisted living settings.

(d) Of the amounts provided in this subsection, \$3,426,000 of the general fund—state appropriation for fiscal year 2025 and \$3,245,000 of the general fund—federal appropriation are for implementing skills development and restoration services.

(e) Of the amounts provided in this subsection, \$8,453,000 is for managed care organizations to provide reimbursement for the

state share of exceptional behavioral health personal care services for individuals who have not transitioned into the new 1915(i) state plan services.

(f) Of the amounts provided in this subsection, \$376,000 of the general fund—state appropriation for fiscal year 2024 and \$376,000 of the general fund—federal appropriation is for administrative costs associated with implementation of the new 1915(i) state plan.

(g) In the event that either the 1915(i) state plan amendment is not approved by the center for medicaid and medicare services or the collective bargaining agreement negotiated between the state and the adult family homes as referenced in part IX of this act is not executed in fiscal year 2025, then from the amounts provided in (a) of this subsection, up to \$23,850,000 of the general fund—state appropriation for fiscal year 2025 may be used for the authority to continue the reimbursement structure for behavioral health personal care services in place during fiscal year 2024.

(h) Within the amounts provided in this subsection, the authority must assure that managed care organizations reimburse the department of social and health services aging and long term support administration for the general fund—state cost of exceptional behavioral health personal care services for medicaid enrolled individuals who require these services because of a psychiatric disability.

(149) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the authority to contract with a nonprofit organization to provide education on innovative care for individuals with mental illnesses. The contracting organization must:

(a) Have experience holding mental health focused summits that bring together provider, advocacy communities, and other stakeholders; and in distributing mental health first aid manuals and online resources for mental health curricula;

(b) Have a mission to (i) create an environment through education to eliminate stigma around mental illness; (ii) help to boost effectiveness of current treatment pathways through proactive care coordination and management; (iii) aid efforts in psychiatric research and innovations; and (iv) identify and elevate systems of excellence; and

(c) Use this funding to support initiatives related to the distribution of mental health curricula and training manuals, and innovation in the identification and treatment of individuals with mental illnesses.

**Sec. 216.** 2023 c 475 s 216 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2024)	(( <del>\$4,799,000</del> ))
	\$4,929,000
General Fund—State Appropriation (FY 2025)	(( <del>\$4,720,000</del> ))
	\$4,730,000
General Fund—Federal Appropriation	(( <del>\$2,975,000</del> ))
	\$2,978,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$12,494,000</del>))</b>
	<b>\$12,637,000</b>

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

(1) \$448,000 of the general fund—state appropriation for fiscal year 2024 and \$420,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for investigative staff to address the commission's caseload backlog.

(2) \$77,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5186 (contracting/discrimination). ((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))

**Sec. 217.** 2023 c 475 s 217 (uncodified) is amended to read as follows:

**FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right to Know Fund—State Appropriation	\$10,000
Accident Account—State Appropriation	<del>(\$27,516,000)</del>
	<u>\$27,537,000</u>
Medical Aid Account—State Appropriation	<del>(\$27,510,000)</del>
	<u>\$27,531,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$55,036,000)</del>
	<u>\$55,078,000</u>

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

(1) \$650,000 of the accident account—state appropriation and \$650,000 of the medical aid account—state appropriation are provided solely for the board of appeals information system modernization project, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(2) \$47,000 of the accident account—state appropriation and \$47,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1521 (industrial insurance/duties). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(3) \$22,000 of the accident account—state appropriation and \$21,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5454 (RN PTSD/industrial insurance). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

**Sec. 218.** 2023 c 475 s 218 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation	(FY 2024)	<del>(\$53,805,000)</del>
		<u>\$55,654,000</u>
General Fund—State Appropriation	(FY 2025)	<del>(\$50,466,000)</del>
		<u>\$66,464,000</u>
General Fund—Private/Local Appropriation		<del>(\$11,970,000)</del>
		<u>\$7,901,000</u>
Death Investigations Account—State Appropriation		\$1,708,000
Municipal Criminal Justice Assistance Account—State Appropriation		\$460,000
Washington Auto Theft Prevention Authority Account—State Appropriation		<del>(\$7,167,000)</del>
		<u>\$12,967,000</u>
Washington Internet Crimes Against Children Account—State Appropriation		\$2,270,000
24/7 Sobriety Account—State Appropriation		\$20,000
<b>TOTAL APPROPRIATION</b>		<del>(\$127,866,000)</del>
		<u>\$147,444,000</u>

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

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130.

(2) Funding in this section is sufficient for 75 percent of the costs of providing 23 statewide basic law enforcement trainings in each fiscal year 2024 and fiscal year 2025. The criminal justice

training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. At least three classes must be held in Spokane each year.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$2,270,000 of the Washington internet crimes against children account—state appropriation is provided solely for the implementation of chapter 84, Laws of 2015.

(5) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the mental health field response team program administered by the Washington association of sheriffs and police chiefs. The association must distribute \$7,000,000 in grants to the phase one and phase two regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP. The association must submit an annual report to the Governor and appropriate committees of the legislature by September 1st of each year of the biennium. The report shall include best practice recommendations on law enforcement and behavioral health field response and include outcome measures on all grants awarded.

(6) \$899,000 of the general fund—state appropriation for fiscal year 2024 and \$899,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for crisis intervention training for the phase one regions as outlined in the settlement agreement under *Trueblood, et. al. v. Department of Social and Health Services, et. al.*, U.S. District Court-Western District, Cause No. 14-cv-01178-MJP.

(7) \$1,598,000 of the death investigations account—state appropriation is provided solely for the commission to provide 240 hours of medicolegal forensic investigation training to coroners and medical examiners to meet the recommendations of the national commission on forensic science for certification and accreditation.

(8) \$346,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of chapter 321, Laws of 2021 (officer duty to intervene).

(9) \$30,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional grants to local jurisdictions to investigate instances where a purchase or transfer of a firearm was attempted by an individual who is prohibited from owning or possessing a firearm.

(10) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the criminal justice training commission to provide grant funding to local law enforcement agencies to support law enforcement wellness programs. Of the amount provided in this subsection:

(a) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to provide grants to local law enforcement and corrections agencies for the purpose of establishing officer wellness programs. Grants provided under this subsection may be used for, but not limited to building resilience, injury prevention, peer support programs, physical fitness, proper nutrition, stress management, suicide prevention, and physical or behavioral health services. The commission must consult with a representative from the Washington association of sheriffs and



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

police chiefs and a representative of the Washington state fraternal order of police and the Washington council of police and sheriffs in the development of the grant program.

(b) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington association of sheriffs and police chiefs to establish and coordinate an online or mobile-based application for any Washington law enforcement officer; 911 operator or dispatcher; and any other current or retired employee of a Washington law enforcement agency, and their families, to anonymously access on-demand wellness techniques, suicide prevention, resilience, physical fitness, nutrition, and other behavioral health and wellness supports.

(11) \$290,000 of the general fund—state appropriation for fiscal year 2024 and \$290,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for academy training for limited authority Washington peace officers employed by the Washington state gambling commission, Washington state liquor and cannabis board, Washington state parks and recreation commission, department of natural resources, and the office of the insurance commissioner.

(a) Up to 30 officers must be admitted to attend the basic law enforcement academy and up to 30 officers must be admitted to attend basic law enforcement equivalency academy.

(b) Allocation of the training slots amongst the agencies must be based on the earliest application date to the commission. Training does not need to commence within six months of employment.

(c) The state agencies must reimburse the commission for the actual cost of training.

(12) (~~(\$6,687,000)~~) \$6,746,000 of the general fund—state appropriation for fiscal year 2024 and (~~(\$4,668,000)~~) \$4,996,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to establish and provide basic law enforcement academy classes at three new regional training academies, one in Pasco, one in (~~Skagit county~~) northwest Washington, and one in Clark county. Funding in this subsection is sufficient for 75 percent of the costs of providing six classes per year beginning in fiscal year 2024. The criminal justice training commission must schedule its funded classes to minimize wait times throughout each fiscal year and meet statutory wait time requirements. The criminal justice training commission must track and report the average wait time for students at the beginning of each class and provide the findings in an annual report to the legislature due in December of each year. The six classes per year are in addition to the classes in subsection (2) of this section.

(13) (~~(\$150,000)~~) \$120,000 of the general fund—state appropriation for fiscal year 2024 (~~(\*)~~) and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the criminal justice training commission to develop plans for increasing training capacity. The planning process should include engagement with limited law enforcement agencies, tribal law enforcement representatives, and local law enforcement agencies and representatives. The criminal justice training commission will provide recommendations to the governor and the appropriate committees of the legislature in a preliminary report due November 15, 2023, and in a final report due September 30, 2024. The reports should include the following:

(a) Identifying the demand for additional basic law enforcement academy courses to support law enforcement agencies and develop a proposal to meet any identified training needs, including basic law enforcement academy and advanced training needs;

(b) A plan for how to provide basic law enforcement academy training to limited law enforcement officers and tribal law enforcement officers, including providing additional capacity for training classes. The plan should also consider alternatives for distribution of the costs of the training course; and

(c) A plan for providing at least two basic law enforcement training academy classes per year to candidates who are not yet employed with a law enforcement agency. The plan should, at a minimum, include the following:

(i) A recruitment strategy that emphasizes recruitment of diverse candidates from different geographic areas of the state; diverse race, ethnicity, gender, and sexual orientation; and candidates with diverse backgrounds and experiences including nontraditional educational programs or work experience;

(ii) Pathways from training to employment with a law enforcement agency; and

(iii) Plans to address capacity for and delivery of training.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the criminal justice training commission to provide accreditation incentive awards.

(a) The commission may provide an accreditation incentive award totaling up to \$50,000 to each law enforcement agency that receives an accreditation during the fiscal biennium from a national or state accrediting entity recognized by the commission. The commission must divide award amounts provided pursuant to this section equally among qualifying law enforcement agencies. A law enforcement agency may not receive more than one accreditation incentive award per fiscal biennium. Funds received by a law enforcement agency pursuant to this subsection must be made available to the law enforcement agency to which they are awarded and may not supplant or replace existing funding received by the law enforcement agency.

(b) The commission must submit a report to the legislature by June 30th of each fiscal year during the biennium that lists each law enforcement agency that received an accreditation incentive award during the fiscal year.

(15) \$1,085,000 of the general fund—state appropriation for fiscal year 2024 and \$1,040,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims & witnesses). (~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~)

(16) \$236,000 of the general fund—state appropriation for fiscal year 2024 and \$226,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1132 (limited authority officers). (~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~)

(17) \$1,200,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for body camera grant funding to local law enforcement agencies.

(a) The Washington association of sheriffs and police chiefs shall develop and implement a body-worn camera grant program. The purpose of the program is to assist law enforcement agencies to establish and expand body-worn camera programs.

(b) Law enforcement agencies may use the grants for: (i) The initial purchase, maintenance, and replacement of body-worn cameras; (ii) ongoing costs related to the maintenance and storage of data recorded by body worn cameras; (iii) costs associated with public records requests for body worn-camera footage; and (iv) hiring of personnel necessary to operate a body-worn camera program.

(c) The Washington association of sheriffs and police chiefs shall develop and implement a grant application process and review applications from agencies based on locally developed proposals to establish or expand body-worn camera programs.

(d) Law enforcement agencies that are awarded grants must:

(i) Comply with the provisions of chapter 10.109 RCW;

(ii) Demonstrate the ability to redact body-worn camera footage consistent with RCW 42.56.240 and other applicable provisions;

(iii) Provide training to officers who will wear body-worn cameras and other personnel associated with implementation of the body-worn camera program; and

(iv) Agree to comply with any data collection and reporting requirements that are established by the Washington association of sheriffs and police chiefs.

(e) The Washington association of sheriffs and police chiefs must submit an annual report regarding the grant program to the governor and appropriate committees of the legislature by December 1st of each year the program is funded. The report must be submitted in compliance with RCW 43.01.036.

(18) \$5,800,000 of the Washington auto theft prevention authority account—state appropriation is provided solely to the Washington association of sheriffs and police chiefs for the implementation of chapter 388, Laws of 2023 (auto theft authority account).

(19) \$50,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the commission to complete a study on establishing a regional basic law enforcement academy or a regional corrections officer academy, or both, on the Kitsap peninsula. At a minimum, the study must estimate the costs and identify a possible timeline for establishing one or both academies. A report providing recommendations is due to the governor and the appropriate policy and fiscal committees of the legislature by June 30, 2025.

(20) \$2,500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the commission to support the law enforcement assisted diversion program for drug possession and public use in Seattle. These funds must supplement, not supplant, current levels of local funding in the city of Seattle budget.

(21) \$381,000 of the general fund—state appropriation for fiscal year 2024 and \$628,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). ((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))

(22) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of House Bill No. 1635 (police dogs/liability). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(23) \$1,384,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2311 (first responder wellness). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(24) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2396 (synthetic opioids). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(25) \$659,000 of the general fund—state appropriation for fiscal year 2024 and \$4,191,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to conduct additional corrections officer academy classes. These classes may be conducted at the corrections officer academy in Burien or at a regional corrections officer academy

established by the commission.

**Sec. 219.** 2023 c 475 s 219 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF INDEPENDENT INVESTIGATIONS**

General Fund—State	Appropriation	(FY 2024)	
			(\$17,037,000)
			\$17,049,000
General Fund—State	Appropriation	(FY 2025)	
			(\$17,211,000)
			\$24,739,000
<b>TOTAL APPROPRIATION</b>			(\$34,248,000)
			\$41,788,000

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

(1) \$9,383,000 of the general fund—state appropriation for fiscal year 2024 and \$9,383,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for dedicated staffing at regional offices to include at least regional investigator supervisors, investigators, forensic investigators, family liaisons, and evidence technicians.

(2) \$1,124,000 of the general fund—state appropriation for fiscal year 2024 and \$1,124,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with the Washington state patrol for laboratory-based testing and processing of crime scene evidence collected during investigations.

(3) \$251,000 of the general fund—state appropriation for fiscal year 2024 and \$251,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracted specialized training for investigators relating to death investigations in cases involving deadly force.

(4) \$2,257,000 of the general fund—state appropriation for fiscal year 2024 and \$2,057,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for training development, additional staff training costs, crime lab processing, and contract services to include polygraphs, background checks, personnel evaluations, contracted security, and software licensing.

(5) \$3,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for an evidence facility.

(6) \$4,500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for tenant improvements of three regional offices.

**Sec. 220.** 2023 c 475 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State	Appropriation	(FY 2024)	
			(\$15,789,000)
			\$17,408,000
General Fund—State	Appropriation	(FY 2025)	
			(\$19,773,000)
			\$24,203,000
General Fund—Federal	Appropriation		(\$11,470,000)
			\$11,521,000
Asbestos Account—State	Appropriation		\$629,000
Electrical License Account—State	Appropriation		(\$71,526,000)
			\$73,577,000
Farm Labor Contractor Account—State	Appropriation		\$28,000
Opioid Abatement Settlement Account—State	Appropriation		\$250,000
Worker and Community Right to Know Fund—State	Appropriation		(\$1,138,000)

			<u>\$1,139,000</u>
Construction	Registration	Inspection	Account—State
Appropriation			<u>(((\$30,754,000))</u>
			<u>\$31,209,000</u>
Public Works	Administration	Account—State	Appropriation
			<u>(((\$18,304,000))</u>
			<u>\$18,002,000</u>
Manufactured Home	Installation	Training	Account—State
Appropriation			\$455,000
Accident	Account—State	Appropriation	<u>(((\$427,767,000))</u>
			<u>\$434,824,000</u>
Accident	Account—Federal	Appropriation	<u>(((\$15,823,000))</u>
			<u>\$19,953,000</u>
Medical Aid	Account—State	Appropriation	<u>(((\$414,710,000))</u>
			<u>\$419,509,000</u>
Medical Aid	Account—Federal	Appropriation	<u>(((\$3,571,000))</u>
			<u>\$3,920,000</u>
Plumbing	Certificate	Account—State	Appropriation
			<u>(((\$3,624,000))</u>
			<u>\$3,627,000</u>
Pressure Systems	Safety	Account—State	Appropriation
			<u>(((\$5,065,000))</u>
			<u>\$5,072,000</u>
Workforce	Education	Investment	Account—State
Appropriation			<u>(((\$14,200,000))</u>
			<u>\$20,500,000</u>
<b>TOTAL APPROPRIATION</b>			<u><b>(((\$1,054,876,000))</b></u>
			<u><b>\$1,085,826,000</b></u>

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

(1) ~~(((\$4,714,000))~~ \$6,756,000 of the accident account—state appropriation and ~~(((\$4,711,000))~~ \$6,753,000 of the medical aid account—state appropriation are provided solely for the labor and industries workers' compensation information system replacement project and is subject to the conditions, limitations, and review provided in section 701 of this act. The department must:

(a) Submit quarterly data within 30 calendar days of the end of each quarter, effective July 1, 2023, on:

(i) The quantifiable deliverables accomplished and the amount spent by each deliverable in each of the following subprojects:

- (A) Business readiness;
- (B) Change readiness;
- (C) Commercial off the shelf procurement;
- (D) Customer access;
- (E) Program foundations;
- (F) Independent assessment; and
- (G) In total by fiscal year;

(ii) All of the quantifiable deliverables accomplished by subprojects identified in (a)(i)(A) through (F) of this subsection and in total and the associated expenditures by each deliverable by fiscal month;

(iii) The contract full time equivalent charged by subprojects identified in (a)(i)(A) through (F) of this subsection, and in total, compared to the budget spending plan by month for each contracted vendor and what the ensuing contract equivalent budget spending plan by subprojects identified in (a)(i)(A) through (F) of this subsection, and in total, assumes by fiscal month;

(iv) The performance metrics by subprojects identified in (a)(i)(A) through (F) of this subsection, and in total, that are currently used, including monthly performance data; and

(v) The risks identified independently by at least the quality assurance vendor and the office of the chief information officer, and how the project:

(A) Has mitigated each risk; and

(B) Is working to mitigate each risk, and when it will be mitigated;

(b) Submit the report in (a) of this subsection to fiscal and policy committees of the legislature; and

(c) Receive an additional gated project sign off by the office of financial management, effective September 1, 2023. Prior to spending any project funding in this subsection each quarter, there is an additional gate of approval required for this project. The director of financial management must agree that the project shows accountability, effective and appropriate use of the funding, and that risks are being mitigated to the spending and sign off on the spending for the ensuing quarter.

(2) \$250,000 of the medical aid account—state appropriation and \$250,000 of the accident account—state appropriation are provided solely for the department of labor and industries safety and health assessment and research for prevention program to conduct research to address the high injury rates of the janitorial workforce. The research must quantify the physical demands of common janitorial work tasks and assess the safety and health needs of janitorial workers. The research must also identify potential risk factors associated with increased risk of injury in the janitorial workforce and measure workload based on the strain janitorial work tasks place on janitors' bodies. The department must conduct interviews with janitors and their employers to collect information on risk factors, identify the tools, technologies, and methodologies used to complete work, and understand the safety culture and climate of the industry. The department must produce annual progress reports through the year 2025 or until the tools are fully developed and deployed. The annual progress report must be submitted to the governor and legislature by December 1st of each year such report is due.

(3) \$258,000 of the accident account—state appropriation and \$258,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries safety and health assessment research for prevention program to conduct research to prevent the types of work-related injuries that require immediate hospitalization. The department will develop and maintain a tracking system to identify and respond to all immediate in-patient hospitalizations and will examine incidents in defined high-priority areas, as determined from historical data and public priorities. The research must identify and characterize hazardous situations and contributing factors using epidemiological, safety-engineering, and human factors/ergonomics methods. The research must also identify common factors in certain types of workplace injuries that lead to hospitalization. The department must submit a report to the governor and appropriate legislative committees by August 30, 2023, and annually thereafter, summarizing work-related immediate hospitalizations and prevention opportunities, actions that employers and workers can take to make workplaces safer, and ways to avoid severe injuries.

(4)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to promote workforce development in aerospace and aerospace related supply chain industries by: Expanding the number of registered apprenticeships, preapprenticeships, and aerospace-related programs; and providing support for registered apprenticeships or programs in aerospace and aerospace-related supply chain industries.

(b) Grants awarded under this section may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support capacity

needs and expansion of training to veterans and veteran spouses, and underserved populations;

(iii) Curriculum development and instructor training for industry experts;

(iv) Tuition assistance for degrees in engineering and high-demand degrees that support the aerospace industry; and

(v) Funding to increase capacity and availability of child care options for shift work schedules.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit, nongovernmental, or institution of higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, aerospace-related degree programs, or incumbent worker training to prepare workers for the aerospace and aerospace-related supply chain industries.

(d) The department may use up to 5 percent of these funds for administration of these grants.

(5) \$3,774,000 of the accident account—state appropriation and \$890,000 of the medical aid account—state appropriation are provided solely for the creation of an agriculture compliance unit within the division of occupational safety and health. The compliance unit will perform compliance inspections and provide bilingual outreach to agricultural workers and employers.

(6) \$1,642,000 of the medical aid account—state appropriation is provided solely to cover the overhead rent costs to increase the number of labor and industry vocational specialists embedded in WorkSource offices and to implement a comprehensive quality-assurance team to ensure the continuous improvement of vocational services for injured workers through the workers' compensation program.

(7) \$1,798,000 of the public works administration account—state appropriation is provided solely to maintain expanded capacity to investigate and enforce prevailing-wage complaints.

(8) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the crime victims' compensation program to pay for medical exams for suspected victims of domestic violence. Neither the hospital, medical facility, nor victim is to pay for the cost of the medical exam. This funding must not supplant existing funding for sexual assault medical exams. If the cost of medical exams exceeds the funding provided in this subsection, the program shall not reduce the reimbursement rates for medical providers seeking reimbursement for other claimants, and instead the program shall return to paying for domestic violence medical exams after insurance.

(9) ~~(\$1,065,000)~~ (a) \$1,209,000 of the construction registration inspection account—state appropriation, ~~(\$57,000)~~ \$66,000 of the accident account—state appropriation, and ~~(\$12,000)~~ \$14,000 of the medical aid account—state appropriation are provided solely for the conveyance management system replacement project and are subject to the conditions, limitations, and review provided in section 701 of this act.

(b) \$270,000 of the construction registration inspection account—state appropriation, \$17,000 of the accident account—state appropriation, and \$3,000 of the medical aid account—state appropriation are provided solely for the maintenance and operations of the conveyance management system replacement project.

(10) \$250,000 of the opioid abatement settlement account—state appropriation is provided solely for the department to analyze patients who are maintained on chronic opioids. The department must submit an annual report of its findings to the governor and the appropriate committees of the legislature no later than October 1st of each year of the fiscal biennium. The

report shall include analysis of patient data, describing the characteristics of patients who are maintained on chronic opioids and their clinical needs, and a preliminary evaluation of potential interventions to improve care and reduce harms in this population.

(11) \$1,363,000 of the medical aid account—state appropriation is provided solely to improve access to medical and vocational providers of the workers' compensation program by expanding the use of navigators to recruit and assist providers in underserved communities and by ensuring access to high quality and reliable interpreter services.

(12) \$3,000,000 of the workforce education investment account—state appropriation, \$1,870,000 of the accident account—state appropriation, and \$330,000 of the medical aid account—state appropriation are provided solely for the department, in coordination with the Washington state apprenticeship council, to administer grants to continue the growth of behavioral health apprenticeship programs. Grants may be awarded for provider implementation costs, apprentice tuition and stipend costs, curriculum development, and program administration. Grant awardees must use a minimum of one-half of amounts provided to compensate behavioral health providers for employer implementation costs including mentor wage differentials, related instruction wages, and administrative costs. In awarding this funding, special preference must be given to entities with experience in implementation of behavioral health sector apprenticeships and labor-management partnerships. By June 30, 2024, and June 30, 2025, grantees must report to the department on the number of individuals that were recruited and upskilled in the preceding fiscal year. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(13) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for the department, in coordination with the Washington state apprenticeship training council, to administer grants to address the behavioral health workforce shortage through behavioral health preapprenticeship and behavioral health entry level training, including nursing assistant certified programs. Grants may cover program costs including, but not limited to, provider implementation costs, apprentice tuition and stipend costs, curriculum development, and program administration. In awarding this funding, special preference must be given to entities with experience in implementation of behavioral health sector apprenticeships and labor-management partnerships. By June 30, 2024, and June 30, 2025, grantees must report to the department on the number of individuals that were recruited and upskilled in the preceding fiscal year. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(14)(a) \$300,000 of the workforce education investment account—state appropriation is provided solely for certified construction trade preapprenticeship programs that use a nationally approved multicraft curriculum and emphasize construction math, tool use, job safety, equipment, life skills, and financial literacy. The preapprenticeship programs should focus on disadvantaged, nontraditional, and underrepresented populations, and on populations reentering the community from incarceration and homelessness. Funding provided in this subsection may be used to:

(i) Provide incentives for participation in preapprenticeship programs, such as covering program costs, providing stipends to preapprentices, or covering the costs of construction tools; or

(ii) Address barriers for participation in preapprenticeship programs, such as covering costs of child care or transportation, or facilitating interviews for apprenticeship programs.

(b) The department may use up to five percent of the amount

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

provided in (a) of this subsection for administration of these grants.

(15)(a) \$400,000 of the workforce education investment account—state appropriation is provided solely for grants to nonprofit organizations to:

(i) Expand meatcutter registered apprenticeship and preapprenticeship programs to new locations; or

(ii) Develop a new fishmonger registered apprenticeship program.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training space and lab locations to support the expansion and establishment of apprenticeship and preapprenticeship training in new locations;

(iii) Curriculum development, including the creation of elearning content, and instructor training for apprenticeship and preapprenticeship instructors;

(iv) Tuition assistance for apprentices in registered apprenticeship programs accredited by a community or technical college;

(v) Stipends for preapprentices; and

(vi) Apprenticeship and preapprenticeship coordination and administration services.

(c) An entity is eligible to receive a grant under this subsection if it is a nonprofit organization that administers or directly provides apprenticeship and preapprenticeship training opportunities, overseen by a committee with at least one labor union and one employer representative or with an active program with participation of both labor union and employer partners, for retail meatcutters and/or fishmongers.

(d) The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(16) (~~(\$6,000,000)~~) \$12,000,000 of the workforce education investment account—state appropriation is provided solely for the department to distribute funding to multiemployer nonprofit programs providing apprenticeship education and job training for general journey level (01) electricians to increase funding for related supplemental instruction costs. Funding shall be allocated to programs by formula based on delivered related supplemental instruction hours for active apprentices under chapter 49.04 RCW and operating in compliance for administrative procedures. If a program is partnered with a Washington community or technical college to deliver the related supplemental instruction, the program may apply for up to a 25 percent increase in allocated funding based on the level of contracted support provided by the college. The department may use up to five percent of the amount provided in this subsection for administration of these grants.

(17) (~~(\$1,249,000)~~) \$873,000 of the accident account—state appropriation and (~~(\$507,000)~~) \$883,000 of the medical aid account—state appropriation are provided solely for the creation of the center for work equity research. The center will study and systematically address employer and employment factors that place historically marginalized workers at increased risk for work-related injuries and illnesses and social and economic hardship.

(18) \$2,908,000 of the public works administration account—state appropriation is provided solely for system improvements to the prevailing wage program information technology system. This project is subject to the conditions, limitations, and review provided in section 701 of this act.

(19) \$205,000 of the general fund—state appropriation for fiscal year 2024 and \$205,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue conducting a four-year retention study of state registered

apprentices as provided in chapter 156, Laws of 2022 (apprenticeship programs). The study shall include the collection of data from all apprentices three months into their apprenticeship to understand challenges and barriers they face towards program participation. The aggregate data by trade must be displayed on a publicly available dashboard. Study data must be provided with apprenticeship coordinators to implement an early response to connect apprentices with needed supports. The department shall submit an annual report to the governor and appropriate legislative committees on June 30, 2024 and June 30, 2025.

(20) \$3,500,000 of the workforce education investment account—state appropriation is provided solely to administer a grant program intended to provide wraparound support services to mitigate barriers to beginning or participating in apprenticeship programs as described in chapter 156, Laws of 2022. Up to five percent of the total funding provided in this subsection may be used to cover administrative expenses.

(21) (~~(\$1,963,000)~~) \$1,798,000 of the accident account—state appropriation and (~~(\$797,000)~~) \$960,000 of the medical aid account—state appropriation are provided solely to expand access to worker rights and safety information for workers with limited English proficiency (LEP) through outreach and translation of safety-related information, training, and other materials. \$1,000,000 of the amount provided in this subsection is provided solely for grants to community-based organizations to provide workplace rights and safety outreach to underserved workers.

(22) \$857,000 of the accident account—state appropriation and \$855,000 of the medical aid account—state appropriation are provided solely for enhancements to the workers' compensation training modules to include strategies on reducing long-term disability among claimants.

(23) \$6,702,000 from the electrical license account—state appropriation is provided solely for an additional wage increase for all positions within the electrical construction inspector, electrical construction inspector lead, electrical inspection field supervisor/technical specialist, and electrical plans examiner job class series consistent with the July 1, 2023, range differentials, subject to an agreement between the state and the exclusive collective bargaining representative of the electrical construction inspectors.

(24) \$165,000 of the general fund—state appropriation for fiscal year 2024 and \$165,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to an organization in Pierce county experienced in providing peer-to-peer training to continue implementation of a program aimed at reducing workplace sexual harassment in the agricultural sector. The department may use up to five percent of the amount provided in this subsection for administration of this grant. The organization receiving the grant must:

(a) Continue peer-to-peer trainings for farmworkers in Yakima county and expand to provide peer-to-peer trainings for farmworkers in Grant and Benton counties;

(b) Support an established network of peer trainings as farmworker leaders, whose primary purpose is to prevent workplace sexual harassment and assault through leadership, education, and other tools; and

(c) Share best practices from the peer-to-peer model at a statewide conference for farmworkers, industry representatives, and advocates.

(25) \$250,000 of the accident account—state appropriation and \$278,000 of the medical aid account—state appropriation is provided solely for implementation of House Bill No. 1197 (workers' comp. providers). (~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~)

(26) ~~(\$1,645,000)~~ \$1,088,000 of the public works administration account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1050 (apprenticeship utilization). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(27) ~~(\$365,000)~~ \$318,000 of the accident account—state appropriation and ~~(\$64,000)~~ \$56,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1217 (wage complaints). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(28) \$105,000 of the accident account—state appropriation and \$19,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1323 (fire-resistant materials). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(29) \$239,000 of the accident account—state appropriation and \$239,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1521 (industrial insurance/duties). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(30) \$256,000 of the construction registration inspection account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1534 (construction consumers). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(31) \$1,311,000 of the accident account—state appropriation and \$243,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1762 (warehouse employees). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(32) \$431,000 of the accident account—state appropriation and \$76,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(33) \$560,000 of the public works administration account—state appropriation is provided solely to update computer applications for implementation of Senate Bill No. 5088 (contractor registration). This project is subject to the conditions, limitations, and review provided in section 701 of this act. ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(34) \$84,000 of the accident account—state appropriation and \$84,000 of the medical aid account—state appropriation are provided solely for implementation of Senate Bill No. 5084 (self-insured pensions/fund). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(35) \$226,000 of the general fund—state appropriation for fiscal year 2024 and \$240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Senate Bill No. 5070 (nonfatal strangulation). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(36) \$216,000 of the accident account—state appropriation and \$37,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5156 (farm internship program). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(37) \$1,470,000 of the accident account—state appropriation and \$260,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5217 (musculoskeletal injuries/L&I). ~~((If the bill~~

~~is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(38) \$354,000 of the public works administration account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5268 (public works procurement). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(39) \$234,000 of the accident account—state appropriation and \$41,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5582 (nurse supply). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(40) \$230,000 of the accident account—state appropriation and \$41,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5111 (sick leave/construction). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(41) \$4,663,000 of the accident account—state appropriation and \$884,000 of the medical aid account—state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5236 (hospital staffing standards). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(42) ~~(\$333,000)~~ \$367,000 of the accident account—state appropriation and ~~(\$333,000)~~ \$369,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5454 (RN PTSD/industrial insurance). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(43) \$1,906,000 of the electrical license account—state appropriation is provided solely for electrical inspector staffing to expand capacity to conduct electrical inspections, effective July 1, 2024.

(44) \$250,000 of the accident account—state appropriation and \$250,000 of the medical aid account—state appropriation are provided solely for the department of labor and industries to contract with a third-party vendor to produce a study that assesses post-traumatic stress disorder related workers' compensation policies and claims in Washington and other states. The intent of the study is to inform the department on policy and best practices that improve worker outcomes for law enforcement officers, firefighters, and nurses. The department shall submit a report describing the outcomes, best practices, and recommendations to the governor and appropriate legislative committees by June 30, 2025.

(45) \$240,000 of the workforce education investment account—state appropriation is provided solely for a grant to a statewide-serving nonprofit organization providing support services to apprentices and preapprentices for the provision of new work boots and other resources to state recognized apprenticeship preparation participants in correctional facilities and as they transition from incarceration to state registered apprenticeship programs. The work boots and other resources must be within allowable guidelines for incarcerated and community supervised individuals. The department may use up to five percent of the amount provided in this subsection for administration of this grant.

(46) \$300,000 of the surgical smoke evacuation nonappropriated account—state appropriation is provided solely to implement the reimbursement requirements established in chapter 129, Laws of 2022.

(47) \$60,000 of the workforce education investment account—state appropriation is provided solely for costs for instructors for the preapprenticeship construction programs pursuant to

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

subsection (14) of this section.

(48) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for increasing access to manufacturing apprenticeships.

(49) \$665,000 of the accident account—state appropriation and \$118,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 1905 (equal pay/protected classes). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(50) \$202,000 of the accident account—state appropriation and \$202,000 of the medical aid account—state appropriation are provided solely for implementation of House Bill No. 1927 (temporary total disability). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(51) \$1,933,000 of the accident account—state appropriation and \$294,000 of the medical aid account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 2022 (construction crane safety). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(52) \$219,000 of the accident account—state appropriation and \$38,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2061 (health employees/overtime). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(53) \$226,000 of the accident account—state appropriation and \$76,000 of the medical aid account—state appropriation are provided solely for implementation of Substitute House Bill No. 2097 (worker wage recovery). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(54) \$226,000 of the public works administration account—state appropriation is provided solely for implementation of Substitute House Bill No. 2136 (prevailing wage sanctions). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(55) \$50,000 of the electrical license account—state appropriation is provided solely for the department of labor and industries to work with the association of Washington cities and interested stakeholders having an interest in the installation and maintenance of electric security alarm systems to identify appropriate pathways to streamline the permitting process and any other recommendations in order to allow the installation of these systems in this state. The department shall submit a report to the legislature with its findings and recommendations, in accordance with RCW 43.01.036, by December 15, 2024.

**Sec. 221.** 2023 c 475 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

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

(a) The department of veterans affairs shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys that are unrelated to the coronavirus response and not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys that are unrelated to the coronavirus response, those moneys must be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the

lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(b) Each year, there is fluctuation in the revenue collected to support the operation of the state veteran homes. When the department has foreknowledge that revenue will decrease, such as from a loss of census or from the elimination of a program, the legislature expects the department to make reasonable efforts to reduce expenditures in a commensurate manner and to demonstrate that it has made such efforts. In response to any request by the department for general fund—state appropriation to backfill a loss of revenue, the legislature shall consider the department's efforts in reducing its expenditures in light of known or anticipated decreases to revenues.

(2) HEADQUARTERS

General Fund—State Appropriation (FY 2024) ~~(\$4,932,000)~~  
\$5,476,000

General Fund—State Appropriation (FY 2025) ~~(\$4,978,000)~~  
\$5,672,000

Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation \$10,000

TOTAL APPROPRIATION ~~(\$9,920,000)~~  
\$11,158,000

(3) FIELD SERVICES

General Fund—State Appropriation (FY 2024) ~~(\$10,998,000)~~  
\$11,016,000

General Fund—State Appropriation (FY 2025) ~~(\$10,860,000)~~  
\$11,466,000

General Fund—Federal Appropriation ~~(\$10,323,000)~~  
\$10,328,000

General Fund—Private/Local Appropriation ~~(\$6,538,000)~~  
\$6,542,000

Veteran Estate Management Account—Private/Local Appropriation ~~(\$717,000)~~  
\$718,000

TOTAL APPROPRIATION ~~(\$39,436,000)~~  
\$40,070,000

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

(a) \$1,200,000 of the general fund—state appropriation for fiscal year 2024 and \$1,200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5358 (veterans' services). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(i) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one veterans service officer each in Island county, Walla Walla county, Clallam county, and Stevens county.

(b) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with an organization located in Thurston county that has experience in the delivery of no-cost equine therapy for military veterans and active members of the military.

(c) \$138,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of

Second Substitute Senate Bill No. 5268 (public works procurement). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(d) \$566,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2014 (definition of veteran). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(4) STATE VETERANS HOMES PROGRAM

General Fund—State Appropriation (FY 2024)	(\$25,818,000)
	<u>\$26,775,000</u>
General Fund—State Appropriation (FY 2025)	(( <del>\$20,386,000</del> ))
	<u>\$19,694,000</u>
General Fund—Federal Appropriation	(( <del>\$127,227,000</del> ))
	<u>\$136,122,000</u>
General Fund—Private/Local Appropriation	(( <del>\$17,330,000</del> ))
	<u>\$11,957,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$190,761,000</del>))</b>
	<u>\$194,548,000</u>

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

(a) If the department receives additional unanticipated federal resources that are unrelated to the coronavirus response at any point during the remainder of the 2023-2025 fiscal biennium, an equal amount of general fund—state must be placed in unallotted status so as not to exceed the total appropriation level specified in this subsection. The department may submit as part of the policy level budget submittal documentation required by RCW 43.88.030 a request to maintain the general fund—state resources that were unallotted as required by this subsection.

(b) Appropriations have been adjusted in this section to reflect anticipated changes in state, federal, and local resources as a result of census changes. The department shall incorporate these adjustments in the governor's projected maintenance level budget required in RCW 43.88.030.

(5) CEMETERY SERVICES

General Fund—State Appropriation (FY 2024)	\$167,000
General Fund—State Appropriation (FY 2025)	(( <del>\$169,000</del> ))
	<u>\$171,000</u>
General Fund—Federal Appropriation	\$1,055,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,391,000</del>))</b>
	<u>\$1,393,000</u>

**Sec. 222.** 2023 c 475 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2024)	(( <del>\$168,127,000</del> ))
	<u>\$190,849,000</u>
General Fund—State Appropriation (FY 2025)	(( <del>\$148,005,000</del> ))
	<u>\$195,600,000</u>
General Fund—Federal Appropriation	(( <del>\$589,208,000</del> ))
	<u>\$589,551,000</u>
General Fund—Private/Local Appropriation	(( <del>\$174,244,000</del> ))
	<u>\$187,743,000</u>
Dedicated Cannabis Account—State Appropriation (FY 2024)	\$11,863,000
Dedicated Cannabis Account—State Appropriation (FY 2025)	(( <del>\$12,356,000</del> ))
	<u>\$12,368,000</u>
Climate Commitment Account—State Appropriation	(( <del>\$89,552,000</del> ))
	<u>\$90,880,000</u>
Climate Investment Account—State Appropriation	\$902,000

Foundational Public Health Services Account—State Appropriation	\$23,066,000
Hospital Data Collection Account—State Appropriation	\$592,000
Health Professions Account—State Appropriation	(( <del>\$192,069,000</del> ))
	<u>\$192,666,000</u>
Aquatic Lands Enhancement Account—State Appropriation	\$642,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	(( <del>\$10,175,000</del> ))
	<u>\$10,176,000</u>
Medicaid Fraud Penalty Account—State Appropriation	\$3,027,000
Natural Climate Solutions Account—State Appropriation	\$72,000
<del>((Public Health Supplemental Account—State Appropriation</del>	<del>(\$293,000))</del>
Safe Drinking Water Account—State Appropriation	(( <del>\$8,946,000</del> ))
	<u>\$8,955,000</u>
Drinking Water Assistance Account—Federal Appropriation	(( <del>\$25,867,000</del> ))
	<u>\$25,896,000</u>
Waterworks Operator Certification Account—State Appropriation	(( <del>\$2,089,000</del> ))
	<u>\$2,090,000</u>
Drinking Water Assistance Administrative Account—State Appropriation	\$2,480,000
Site Closure Account—State Appropriation	\$197,000
Biotoxin Account—State Appropriation	\$1,773,000
Model Toxics Control Operating Account—State Appropriation	(( <del>\$8,953,000</del> ))
	<u>\$11,998,000</u>
Medical Test Site Licensure Account—State Appropriation	(( <del>\$5,239,000</del> ))
	<u>\$5,240,000</u>
Secure Drug Take-Back Program Account—State Appropriation	(( <del>\$1,474,000</del> ))
	<u>\$1,475,000</u>
Youth Tobacco and Vapor Products Prevention Account—State Appropriation	\$3,273,000
Public Health Supplemental Account—Private/Local Appropriation	(( <del>\$3,824,000</del> ))
	<u>\$4,119,000</u>
Accident Account—State Appropriation	\$388,000
Medical Aid Account—State Appropriation	\$58,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation	(( <del>\$42,865,000</del> ))
	<u>\$66,197,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	(( <del>\$27,022,000</del> ))
	<u>\$3,222,000</u>
Opioid Abatement Settlement Account—State Appropriation	(( <del>\$7,400,000</del> ))
	<u>\$11,650,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,566,041,000</del>))</b>
	<u>\$1,659,008,000</u>

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

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the ~~((rules and a final cost estimate have been~~



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

~~presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute)) start of the fiscal year following the next legislative session after the rules are adopted.~~ The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) During the 2023-2025 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to \$25 annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(3) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt license and certification fees in fiscal years 2024 and 2025 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(4) Within the amounts appropriated in this section, and in accordance with RCW 70.41.100, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 70.41.080.

(5) In accordance with RCW 43.70.110 and 71.24.037, the department is authorized to adopt fees for the review and approval of mental health and substance use disorder treatment programs in fiscal years 2024 and 2025 as necessary to support the costs of the regulatory program. The department's fee schedule must have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(6) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition.

The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

(7) Within the amounts appropriated in this section, and in accordance with RCW 43.70.110 and 71.12.470, the department shall set fees to include the full costs of the performance of inspections pursuant to RCW 71.12.485.

(8) \$492,000 of the general fund—state appropriation for fiscal year 2024 and \$492,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to coordinate with local health jurisdictions to establish and maintain comprehensive group B programs to ensure safe drinking water. These funds shall be used for implementation costs, including continued development and adoption of rules, policies, and procedures; technical assistance; and training.

(9) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$92,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for community outreach to prepare culturally and linguistically appropriate hepatitis B information in a digital format to be distributed to ethnic and cultural leaders and organizations to share with foreign-born and limited or non-English speaking community networks.

(10) Within amounts appropriated in this section, the Washington (~~nursing commission~~) board of nursing must hire sufficient staff to process applications for nursing licenses so that the time required for processing does not exceed seven days.

(11) \$725,000 of the general fund—state appropriation for fiscal year 2024 and (~~\$725,000~~) \$1,225,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the Washington poison center. This funding is provided in addition to funding pursuant to RCW 69.50.540.

(12) \$622,000 of the general fund—state appropriation for fiscal year 2024, \$622,000 of the general fund—state appropriation for fiscal year 2025, and \$3,000,000 of the medicaid fraud penalty account—state appropriation are provided solely for the ongoing operations and maintenance of the prescription monitoring program maintained by the department.

(13) \$2,265,000 of the general fund—state appropriation for fiscal year 2024 and \$2,265,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for:

(a) Staffing by the department, the department of veterans affairs, and the department of corrections to expand statewide suicide prevention efforts, which efforts include suicide prevention efforts for military service members and veterans and incarcerated persons;

(b) A suicide prevention public awareness campaign to provide education regarding the signs of suicide, interventions, and resources for support;

(c) Staffing for call centers to support the increased volume of calls to suicide hotlines;

(d) Training for first responders to identify and respond to individuals experiencing suicidal ideation;

(e) Support for tribal suicide prevention efforts;

(f) Strengthening behavioral health and suicide prevention efforts in the agricultural sector;

(g) Support for the three priority areas of the governor's challenge regarding identifying suicide risk among service members and their families, increasing the awareness of resources available to service members and their families, and lethal means safety planning;

(h) Training for community health workers to include culturally informed training for suicide prevention;

(i) Coordination with the office of the superintendent of public instruction; and

(j) Support for the suicide prevention initiative housed in the University of Washington.

(14) \$4,500,000 of the general fund—state appropriation for fiscal year 2024 and \$4,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the fruit and vegetable incentives program.

(15) \$627,000 of the general fund—state appropriation for fiscal year 2024 and \$627,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement the recommendations from the community health workers task force to provide statewide leadership, training, and integration of community health workers with insurers, health care providers, and public health systems.

(16) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington (~~nursing commission~~) board of nursing to manage a grant process to incentivize nurses to supervise nursing students in health care settings. The goal of the grant program is to create more clinical placements for nursing students to complete required clinical hours to earn their nursing degree and related licensure.

(17) \$1,490,000 of the health professional services account—state appropriation is provided solely for the Washington (~~nursing commission~~) board of nursing to continue to implement virtual nursing assistant training and testing modalities, create an apprenticeship pathway into nursing for nursing assistants, implement rule changes to support a career path for nursing assistants, and collaborate with the workforce training and educational coordinating board on a pilot project to transform the culture and practice in long term care settings. The goal of these activities is to expand the nursing workforce for long term care settings.

(18) \$186,000 of the general fund—state appropriation for fiscal year 2024 and \$186,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to test for lead in child care facilities to prevent child lead exposure and to research, identify, and connect facilities to financial resources available for remediation costs.

(19) \$814,000 of the general fund—state appropriation for fiscal year 2024 and \$814,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide grants to support school-based health centers and behavioral health services.

(20) \$1,300,000 of the general fund—state appropriation for fiscal year 2024 and \$1,300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to coordinate and lead a multi-agency approach to youth suicide prevention and intervention.

(21)(a) \$486,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for maintenance of the community health worker platform and continued implementation of the community health worker trainings in the pediatric setting for children with behavioral health needs.

(b) Of the amounts provided in this subsection for fiscal year 2024, \$250,000 is provided solely for a grant to a pediatric organization to convene a learning collaborative to support community health workers to ensure their success while on the job with their multidisciplinary clinic teams and for the development of this new integrated health care worker field.

(22) \$1,390,000 of the general fund—state appropriation for fiscal year 2024 and \$1,378,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the child profile health promotion notification system.

(23) (~~(\$5,000,000)~~) (a) \$4,000,000 of the general fund—state appropriation for fiscal year 2025 and \$6,250,000 of the opioid abatement settlement account—state appropriation is provided solely for the department to expand the distribution of naloxone through the department's overdose education and naloxone distribution program. Funding must be prioritized to fill naloxone access gaps in community behavioral health and other community settings, including providing naloxone to first responders and agency staff in organizations such as syringe service programs, house providers, and street outreach programs.

(b) Of the amounts provided in this subsection, \$1,250,000 of the opioid abatement settlement account—state appropriation is provided solely for the department to purchase a dedicated supply of naloxone for first responders across the state.

(24) \$2,000,000 of the opioid abatement settlement account—state appropriation is provided solely for prevention, treatment, and recovery support services to remediate the impacts of the opioid epidemic. This funding must be used consistent with conditions of the opioid settlement agreements that direct how funds deposited into the opioid abatement settlement account created in Engrossed Substitute Senate Bill No. 5293 must be used.

(25) \$400,000 of the opioid abatement settlement account—state appropriation is provided solely for the completion of work identified in the state opioid response plan related to maternal and infant health.

(26)(a) \$10,000,000 of the climate commitment account—state appropriation is provided solely to support and administer a workplace health and safety program for workers who are affected by climate impacts, including but not limited to, extreme heat and cold, wildfire smoke, drought, and flooding. This program will focus on workplace health and safety for farmworkers, construction workers, and other workers who face the most risk from climate-related impacts. This amount shall be limited to supporting vulnerable populations in overburdened communities under the climate commitment act as defined in RCW 70A.65.010. Funding shall be provided for:

(i) Pass through grants to community-based organizations, tribal governments, and tribal organizations to support workplace health and safety for workers who are burdened by the intersection of their work and climate impacts; and

(ii) Procurement and distribution of equipment and resources for workers who are burdened by the intersection of their work and climate impacts directly by the department of health, or through pass-through grants to community-based organizations, tribal governments, and tribal organizations. Equipment and resources may include but are not limited to: Personal protective equipment, other protective or safety clothing for cold and heat, air purifiers for the workplace or worker housing, protection from ticks and mosquitoes, and heating and cooling devices.

(b) The department of health, in consultation with the environmental justice council, community groups, and the department of labor and industries, shall evaluate mechanisms to provide workers with financial assistance to cover lost wages or other financial hardships caused by extreme weather events and climate threats.

(c) No more than five percent of this funding may be used to administer this grant program.

(27) (~~(\$5,996,000)~~) \$7,174,000 of the climate commitment account—state appropriation is provided solely for the department to implement the healthy environment for all act under chapter 70A.02 RCW, including additional staff and

FIFTY SEVENTH DAY, MARCH 4, 2024

support for the environmental justice council and implementation of a community engagement plan. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes of this subsection.

(28)(a) \$26,355,000 of the climate commitment account—state appropriation is provided solely for the department to administer capacity grants to tribes and tribal organizations and to overburdened communities and vulnerable populations to provide guidance and input:

(i) To agencies and to the environmental justice council on implementation of the healthy environment for all act; and

(ii) To the department on updates to the environmental health disparities map.

(b) At least 50 percent of the total amount distributed for capacity grants in this subsection must be reserved for grants to tribes and tribal organizations.

(c) Funding provided in this subsection may be used for tribes and tribal organizations to hire staff or to contract with consultants to engage in updating the environmental health disparities map or on implementing the healthy environment for all act.

(d) The department may use a reasonable amount of funding provided in this subsection to administer the grants.

(29) \$17,752,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to sustain information technology infrastructure, tools, and solutions developed to respond to the COVID-19 pandemic. The department shall submit a plan to the office of financial management by September 15, 2023, that identifies a new funding strategy to maintain these information technology investments within the department's existing state, local, and federal funding. Of this amount, a sufficient amount is appropriated for the department to create an implementation plan for real-time bed capacity and tracking for hospitals and skilled nursing facilities, excluding behavioral health hospitals and facilities. The department will provide the implementation plan and estimated cost for an information technology system and implementation costs to the office of financial management by September 15, 2023, for the bed capacity and tracking tool.

(30) (~~(\$20,000,000)~~) \$18,700,000 of the general fund—state appropriation for fiscal year 2024 and \$1,300,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely to support COVID-19 public health and response activities. The department must continue to distribute COVID-19 testing supplies to agricultural workers and tribal governments. The department must submit a spending plan to the office of financial management for approval. These funds may only be allocated and expended after approval of the spending plan.

(31) \$7,657,000 of the general fund—state appropriation for fiscal year 2024 and \$7,853,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for programs and grants to maintain access to abortion care. Of the amounts provided in this subsection:

(a) \$2,939,000 of the general fund—state appropriation for fiscal year 2024 and \$2,939,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to providers of abortion care;

(b) \$368,000 of the general fund—state appropriation for fiscal year 2024 and \$364,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for outreach, patient navigation, staffing at the department, and training;

(c) \$4,100,000 of the general fund—state appropriation for fiscal year 2024 and \$4,300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants

2024 REGULAR SESSION

to providers of abortion care who participate in the department's sexual and reproductive health program for workforce retention and recruitment initiatives to ensure continuity of services; and

(d) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to providers of abortion care that participate in the department's sexual and reproductive health program for security investments.

(32) \$285,000 of the general fund—state appropriation for fiscal year 2024, \$295,000 of the general fund—state appropriation for fiscal year 2025, and \$214,000 of the general fund—private/local appropriation are provided solely for the behavioral health agency program for licensure and regulatory activities.

(33) \$104,000 of the general fund—state appropriation for fiscal year 2024, \$104,000 of the general fund—state appropriation for fiscal year 2025, and \$42,000 of the health professions account—state appropriation are provided solely for the department to conduct credentialing and inspections under chapter 324, Laws of 2019 (behavioral health facilities).

(34) (~~(\$3,298,000)~~) \$1,398,000 of the general fund—state appropriation for fiscal year 2024 (~~(=)~~) and \$1,900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the breast, cervical and colon screening program, comprehensive cancer community partnerships, and Washington state cancer registry.

(35) \$85,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for continued implementation of chapter 58, Laws of 2022 (cardiac & stroke response).

(36) \$671,000 of the general fund—state appropriation for fiscal year 2024 and \$329,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the care-a-van mobile health program.

(37) \$702,000 of the climate investment account—state appropriation is provided solely for implementation of chapter 316, Laws of 2021 (climate commitment act).

(38) \$200,000 of the climate investment account—state appropriation is provided solely for the environmental justice council to coordinate with the department of ecology on a process to track state agency expenditures from climate commitment act accounts, as described in section 302(13) of this act. Funding is for the following as they relate to development of the department of ecology process:

(a) Public engagement with tribes and vulnerable populations within the boundaries of overburdened communities; and

(b) Cost recovery or stipends for participants in the public process to reduce barriers to participation, as described in RCW 43.03.220.

(39) \$31,000 of the general fund—state appropriation for fiscal year 2024 and \$31,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 204, Laws of 2022 (truck drivers/restrooms).

(40) \$808,000 of the drinking water assistance administrative account—state appropriation is provided solely for the water system consolidation grant program.

(41) \$1,044,000 of the safe drinking water account—state appropriation is provided solely for the drinking water technical services program.

(42) \$288,000 of the secure drug take-back program account—state appropriation is provided solely for implementation of chapter 155, Laws of 2021 (drug take-back programs).

(43) \$7,146,000 of the drinking water assistance account—federal appropriation is provided solely for the office of drinking water to provide technical assistance, direct engineering support, and construction management to small water systems.

(44) \$381,000 of the general fund—state appropriation for fiscal year 2024 and \$607,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the early hearing detection, diagnosis, and intervention program.

(45) \$954,000 of the general fund—state appropriation for fiscal year 2024 and \$686,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(46) \$12,466,000 of the health professions account—state appropriation is provided solely for the regulation of health professions.

(47) \$599,000 of the health professions account—state appropriation is provided solely for ongoing maintenance of the HEALWA web portal to provide access to health information for health care providers.

(48) \$1,359,000 of the general fund—state appropriation for fiscal year 2024, \$680,000 of the general fund—state appropriation for fiscal year 2025, and \$680,000 of the general fund—private/local appropriation are provided solely for the department to perform investigations to address the backlog of hospital complaints.

(49) \$12,000 of the health professions account—state appropriation is provided solely for implementation of chapter 204, Laws of 2021 (international medical grads).

(50) \$634,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to onboard systems to, and maintain, the master person index as part of the health and human services coalition master person index initiative, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(51) \$2,062,000 of the general fund—state appropriation for fiscal year 2024 and \$1,454,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to complete upgrades to the medical cannabis authorization database to improve reporting functions and accessibility, and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(52) \$1,865,000 of the medical test site licensure account—state appropriation is provided solely for the medical test site regulatory program for inspections and other regulatory activities.

(53) \$2,276,000 of the health professions account—state appropriation is provided solely for the ~~((nursing care quality assurance commission))~~ Washington board of nursing for nursing licensure and other regulatory activities.

(54) \$813,000 of the general fund—state appropriation for fiscal year 2024 and \$811,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to assist with access to safe drinking water for homes and businesses with individual wells or small water systems that are contaminated.

(55) \$146,000 of the model toxics control operating account—state appropriation is provided solely for implementation of chapter 264, Laws of 2022 (chemicals/consumer products).

(56) \$1,150,000 of the general fund—state appropriation for fiscal year 2024 and \$1,150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to expand the birth equity project with the goal of reducing prenatal and perinatal health disparities.

(57) \$1,738,000 of the general fund—private/local appropriation is provided solely for implementation of chapter 115, Laws of 2020 (psychiatric patient safety).

(58) \$23,066,000 of the foundational public health services account—state appropriation is provided solely for the

department to maintain the RAINIER (reporting array for incident, noninfectious and infectious event response) suite, RHINO (rapid health information network) program, WAIS (Washington immunization information system) system, and data exchange services.

(59) \$5,100,000 of the general fund—state appropriation for fiscal year 2024, \$7,355,000 of the general fund—state appropriation for fiscal year 2025, and ~~(((\$7,022,000))~~ \$1,922,000 of the coronavirus state fiscal recovery—federal appropriation are provided solely for operation of the statewide medical logistics center. Within these amounts, the department must coordinate with the department of social and health services to develop processes that will minimize the disposal and destruction of personal protective equipment and for interagency distribution of personal protective equipment.

(60) \$315,000 of the general fund—state appropriation for fiscal year 2024 and \$315,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to operate the universal development screening system.

(61) \$2,000,000 of the health professions account—state appropriation and \$293,000 of the public health supplemental account—state appropriation are provided solely for the Washington medical commission for regulatory activities, administration, and addressing equity issues in processes and policies.

(62) ~~(((\$200,000))~~ \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department, in collaboration with the Washington medical coordination center, to create an implementation plan for real-time bed capacity and tracking for hospitals. The department must provide the implementation plan and estimated costs for the bed capacity and tracing tool to the office of financial management by September 15, 2023.

(63) \$48,000 of the model toxics control operating account—state appropriation is provided solely for the Puget Sound clean air agency to coordinate meetings with local health jurisdictions in King, Pierce, Snohomish, and Kitsap counties to better understand air quality issues, align messaging, and facilitate delivery of ready-to-go air quality and health interventions. The amount provided in this subsection may be used for agency staff time, meetings and events, outreach materials, and tangible air quality and health interventions.

(64) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than \$525 annually for new or renewed licenses for the midwifery program.

(65) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of radiation protection to conduct a review of the state's readiness for licensing fusion energy projects. The legislature intends for Washington to support the deployment of fusion energy projects and larger research facilities by taking a leading role in the licensing of future fusion power plants. The department, in consultation with relevant state-level regulatory agencies, must review and provide recommendations and costs estimates for the necessary staffing and technical resources to fulfill the state's registration, inspection, and licensure obligations. The department must report its findings and any recommendations to the governor and appropriate legislative committees by December 1, 2023.

(66) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for blood supply relief. The department must distribute this amount equally between the four

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

largest nonprofit blood donation organizations operating in the state. The amounts distributed may be used only for activities to rebuild the state's blood supply, including increased staffing support for donation centers and mobile blood drives.

(67) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$2,500,000)~~ \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for tobacco, vapor product, and nicotine control, cessation, treatment, and prevention, and other substance use prevention and education, with an emphasis on community-based strategies. These strategies must include programs that consider the disparate impacts of nicotine addiction on specific populations, including youth and racial or other disparities.

(68) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for an existing program that works with community members and partners to bridge health equity gaps to establish a pilot health care program in Pierce county to serve the unique needs of the African American community, including addressing diabetes, high blood pressure, low birth weight, and health care for preventable medical, dental, and behavioral health diagnoses.

(69) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to Island county to contract for a study of cost-effective waste treatment solutions, as an alternative to septic and sewer, for unincorporated parts of Island county. The study must:

- (a) Identify any regulatory barriers to the use of alternative technology-based solutions;
- (b) Include an opportunity for review and consultation by the department; and
- (c) Include any recommendations from the department in the final report.

(70) \$2,656,000 of the general fund—private/local appropriation is provided solely for the department to provide cystic fibrosis DNA testing and to engage with a courier service to transport specimens to the public health laboratory.

(71) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely in support of the department's activities pursuant to chapter 226, Laws of 2016 (commonly known as the caregiver advise, record, enable act). This funding must be used to:

- (a) Create a communication campaign to notify hospitals across the state of available resources to support family caregivers;
- (b) Curate or create a set of online training videos on common caregiving tasks including, but not limited to, medication management, injections, nebulizers, wound care, and transfers; and
- (c) Provide information to patients and family caregivers upon admission.

(72) \$29,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1275 (athletic trainers). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(73) \$126,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1001 (audiology & speech compact). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(74) \$9,157,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1134 (988 system). ~~((If the bill is not enacted by June 30, 2023,~~

~~the amount provided in this subsection shall lapse.))~~

(75) \$1,016,000 of the general fund—state appropriation for fiscal year 2024, \$453,000 of the general fund—state appropriation for fiscal year 2025, \$30,000 of the general fund—private/local appropriation, and \$676,000 of the health professions account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1724 (behavioral health workforce). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(76) \$72,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(77) \$418,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(78) \$46,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1466 (dental auxiliaries). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(79) \$12,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1287 (dental hygienists). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(80) \$136,000 of the general fund—state appropriation for fiscal year 2025 and \$193,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1678 (dental therapists). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(81) \$158,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1576 (dentist compact). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(82) \$4,000 of the general fund—state appropriation for fiscal year 2025 and \$700,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1503 (health care licenses/info.). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(83) \$29,000 of the general fund—state appropriation for fiscal year 2024 and \$124,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1255 (health care prof. SUD prg.). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(84) \$48,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1694 (home care workforce shortage). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(85) \$282,000 of the health professions account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1039 (intramuscular needling). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(86) \$1,892,000 of the general fund—state appropriation for fiscal year 2024 and \$2,895,000 of the general fund—private/local appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No.

5236 (hospital staffing standards). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(87) \$407,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(88) \$65,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1073 (medical assistants). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(89) \$447,000 of the general fund—state appropriation for fiscal year 2024 and \$448,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1452 (medical reserve corps). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(90) \$195,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor comp). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(91) \$158,000 of the health professions account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(92) ~~(\$400,000)~~ \$165,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$165,000)~~ \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1457 (motor carriers/restrooms). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(93) \$126,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$102,000)~~ \$202,000 of the general fund—state appropriation for fiscal year 2025, and \$81,000 of the health professions account—state appropriation are provided solely for implementation of Substitute House Bill No. 1247 (music therapists). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(94) \$39,000 of the general fund—state appropriation for fiscal year 2024 and \$119,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1271 (organ transport vehicles). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(95) ~~(\$862,000)~~ \$627,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$526,000)~~ \$761,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1470 (private detention facilities). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(96) \$97,000 of the general fund—state appropriation for fiscal year 2024 and \$27,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1230 (school websites/drug info.). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(97) \$77,000 of the general fund—state appropriation for fiscal year 2024 and \$76,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). ~~((If~~

~~the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(98) \$2,773,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$2,773,000)~~ \$3,773,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grant funding and administrative costs for the school-based health center program established in chapter 68, Laws of 2021 (school-based health centers).

(99) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a community-based nonprofit organization located in the Yakima Valley to continue a Spanish-language public radio media campaign aimed at providing education on the COVID-19 pandemic through an outreach program. The goal of the radio media campaign is to reach residents considered "essential workers," including but not limited to farmworkers, and provide information on health and safety guidelines, promote vaccination events, and increase vaccine confidence. The nonprofit organization must coordinate with medical professionals and other stakeholders on the content of the radio media campaign. The department, in coordination with the nonprofit, must provide a preliminary report to the legislature no later than December 31, 2024. A final report to the legislature must be submitted no later than June 30, 2025. Both reports must include: (a) A description of the outreach program and its implementation; (b) the number of individuals reached through the outreach program; and (c) any relevant demographic data regarding those individuals.

(100) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an equity consultant to evaluate the effect of changes made by, and vulnerabilities in, Engrossed Substitute Senate Bill No. 5179 (death with dignity act). The consultant shall partner with interested parties, vulnerable populations, and communities of color to solicit feedback on barriers to accessing the provisions of the act, any unintended consequences, and any challenges and vulnerabilities in the provision of services under the act, recommendations on ways to improve data collection, and recommendations on additional measures to be reported to the department. The department must report the findings and recommendations to the legislature by June 30, 2025.

(101) \$350,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a rural nursing workforce initiative to create a hub for students to remain in rural environments while working toward nursing credentials, including for program personnel, support, and a rural nursing needs assessment. Funding is provided to develop a program based on the rural nursing needs assessment.

(102)(a) \$1,393,000 of the climate commitment account—state appropriation is provided solely for grants to King county to address the disproportionate rates of asthma among children who reside within 10 miles of the Seattle-Tacoma international airport.

(b) Of the amount provided in this subsection, \$971,000 is provided to increase access to community health worker asthma interventions.

(c) Of the amount provided in this subsection, \$412,000 is for an independent investigation of the added benefit of indoor air quality interventions, including high efficiency particulate air filters, on disparities in indoor air pollution.

(d) Of the amount provided in this subsection, \$10,000 is for a regional data analysis and surveillance of asthma diagnoses and hospitalizations in King county.

(e) The county may contract with the University of Washington

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

for the work described in (c) and (d) of this subsection.

(103) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the collaboration between the local public health jurisdiction, related accountable communities of health, and health care providers to reduce potentially preventable hospitalizations in Pierce county. This collaboration will build from the first three years of the project, planning to align care coordination efforts across health care systems and support the related accountable communities of health initiatives, including innovative, collaborative models of care. Strategies to reduce costly hospitalizations include the following: (a) Working with partners to prevent chronic disease; (b) improving heart failure rates; (c) incorporating community health workers as part of the health care team and improving care coordination; (d) supporting the COVID-19 response with improved access to immunizations; and (e) the use of community health workers to provide necessary resources to prevent hospitalization of people who are in isolation and quarantine. By December 15, 2024, the members of the collaboration shall report to the legislature regarding the effectiveness of each of the strategies identified in this subsection. In addition, the report shall describe the most significant challenges and make further recommendations for reducing costly hospitalizations.

(104) \$70,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a community-based organization to host a deliberative democratic processes workshop for the HEAL act interagency work group established under RCW 70A.02.110, then develop, in consultation with environmental justice council or its staff, best practices for how agencies can incorporate deliberative democratic processes into community engagement practices.

(105) \$1,305,000 of the climate commitment account—state appropriation is provided solely for the climate health adaptation initiative.

(106) \$65,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5179 (death with dignity act). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(107) \$604,000 of the general fund—state appropriation for fiscal year 2024 and \$552,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5582 (nurse supply). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(108) \$95,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5389 (optometry). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(109) \$1,205,000 of the health professions account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5499 (multistate nurse licensure). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(110) \$30,000 of the general fund state—appropriation for fiscal year 2024, \$25,000 of the general fund—state appropriation for fiscal year 2025, and \$52,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5547 (nursing pool transparency). ~~((If the bill is not enacted by June 30, 2023, the~~

~~amounts provided in this subsection shall lapse.))~~

(111) \$32,000 of the general fund—private/local appropriation is provided solely for implementation of Substitute Senate Bill No. 5569 (kidney disease centers). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(112) \$446,000 of the general fund—state appropriation for fiscal year 2024 and \$441,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5453 (female genital mutilation). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(113) \$466,000 of the general fund—state appropriation for fiscal year 2024 and \$487,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5278 (home care aide certification). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(114) \$131,000 of the general fund—state appropriation for fiscal year 2024 and \$91,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5523 (forensic pathologist). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(115) \$36,000 of the general fund—private/local appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5515 (child abuse and neglect). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(116) \$339,000 of the general fund—state appropriation for fiscal year 2024 and \$485,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5555 (certified peer specialists). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(117) \$198,000 of the general fund—private/local appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5120 (crisis relief centers). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(118) \$125,000 of the general fund—state appropriation for fiscal year 2024, \$207,000 of the general fund—state appropriation for fiscal year 2025, and \$133,000 of the health professions account—state appropriation are provided solely for implementation of Substitute Senate Bill No. 5189 (behavioral health support). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(119) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of health to provide grants to federally qualified health centers (FQHCs) for the purchase of long-acting reversible contraceptives (LARCs). For LARCs purchased with the funding provided in this subsection, FQHCs shall provide patients with LARCs the same day they are seeking that family planning option.

(a) The department shall develop criteria for how the grant dollars will be distributed, including that FQHCs are required to participate in contraceptive training related to patient-centered care, shared decision making, and reproductive bias and coercion.

(b) The department shall survey the FQHCs participating in the grant program regarding the use of LARCs by their patients, as compared to the two years prior to participation in the grant program, and report the results of the survey to the appropriate

committees of the legislature by December 1, 2025.

(120) \$63,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to utilize materials from the "count the kicks" program in designing, preparing, and making available online written materials to inform health care providers and staff of evidence-based research and practices that reduce the incident of stillbirth, by December 31, 2023.

(121) \$351,000 of the general fund—state appropriation for fiscal year 2024 and \$624,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Snohomish county health department to convene a leadership planning group that will:

(a) Conduct a landscape analysis of current sexually transmitted infection, postexposure prophylaxis, preexposure prophylaxis, and hepatitis B virus services and identify treatment improvements for HIV preexposure prophylaxis;

(b) Establish sexually transmitted infection clinical services at the Snohomish county health department and identify opportunities to expand sexual health services provided outside of clinical settings;

(c) Conduct research on opportunities to expand jail-based sexual health services;

(d) Establish an epidemiology and technical team;

(e) Expand field-based treatment for syphilis; and

(f) Establish an in-house comprehensive, culturally responsive sexual health clinic at the Snohomish county health department.

(122) \$49,000 of the general fund—state appropriation for fiscal year 2024 and \$53,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(123) \$5,496,000 of the climate commitment account—state appropriation is provided solely for the department to provide grants to school districts making updates to existing heating, venting, and air conditioning systems using small district modernization grants.

(124) \$38,600,000 of the climate commitment account—state appropriation is provided solely for the department to develop a grant program to fund projects that benefit overburdened communities as defined in RCW 70A.02.010(11). Of the amount provided in this subsection:

(a) \$6,000,000 of the climate commitment account—state appropriation is provided solely ~~((for fiscal year 2024))~~ for the department and the environmental justice council created in RCW 70A.02.110 to engage in a participatory budgeting process with at least five geographically diverse overburdened communities, as identified by the department, to develop a process to select and fund projects that mitigate the disproportional impacts of climate change on overburdened communities. The process must allow for full community engagement and develop criteria for eligible entities and projects and establish priorities to achieve the greatest gain for decarbonization and resiliency. A report of the outcomes of the participatory budgeting process detailing its recommendations for funding as well as future improvements to the participatory budgeting process must be provided to the appropriate committees of the legislature by December 31, 2023.

(b) \$32,600,000 of the climate commitment account—state appropriation is provided solely ~~((for fiscal year 2025))~~ for the department to provide grants that benefit overburdened communities. The department must submit to the governor and the legislature a ranked list of projects consistent with the recommendations developed in (a) of this subsection. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved

a specific list of projects.

(125) \$5,430,000 of the general fund—state appropriation for fiscal year 2024 and \$5,326,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to maintain the current level of credentialing staff until the completion of the study on fees by Results WA.

(126) \$280,000 of the general fund—state appropriation for fiscal year 2024 and \$280,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with the central nursing resource center established in RCW 18.79.202 to facilitate communication between nursing education programs and health care facilities that offer clinical placements for the purpose of increasing clinical education and practice experiences for nursing students. The department shall contract with the central nursing resource center to:

(a) Gather data to assess current clinical placement practices, opportunities, and needs;

(b) Identify all approved nursing education programs and health care facilities that offer clinical placement opportunities in the state;

(c) Convene and facilitate quarterly stakeholder meetings between representatives from approved nursing education programs and health care facilities that offer clinical placement opportunities, and other relevant stakeholders, in order to:

(i) Connect representatives by region;

(ii) Facilitate discussions between representatives, by region, to determine:

(A) Clinical placement barriers;

(B) The number and types of clinical placement opportunities needed; and

(C) The number and types of clinical placement opportunities available; and

(iii) Develop strategies to resolve clinical placement barriers;

(d) Provide a digital message board and communication platform representatives can use to maintain ongoing communication and clinical placement needs and opportunities;

(e) Identify other policy options and recommendations to help increase the number of clinical placement opportunities, if possible; and

(f) Submit a report of findings, progress, and recommendations to the governor and appropriate committees of the legislature by December 1, 2025.

(127) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of health to contract with an organization located in Thurston county that dedicates itself to the promotion of education, holistic health, and trauma healing in the African American community to provide behavioral health education, mental wellness training, evidence based health programs, events, and conferences to individuals, youth/adults, parents/parent partners, and families, that have suffered from generational and systemic racism. In conducting this work, the organization will engage diverse individuals in racial healing and reparative justice in the field of mental wellness. The organization will also prioritize mental health equity and reparative justice in their work to eradicate health disparities that African American communities have faced due to generational racism.

(128) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1745 (diversity in clinical trials). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(129) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for Benton-Franklin health



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

district to pass through to Franklin county public health district #1 for funding three full-time emergency medical technicians and other resources necessary to provide health services as part of medical transport operations services, including services to Coyote Ridge corrections center.

(130)(a) \$17,770,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for the development of a technologically advanced behavioral health and suicide prevention crisis call center system platform for use in 988 contact hubs, as required in RCW 71.24.890(5). This system must interface with the integrated client referral system developed for this purpose by the health care authority.

(b) Within the amounts provided in (a) of this subsection, \$100,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for the department to produce: (i) An assessment of the national 988 platform to include feasibility to reuse all or part of the system for state use, expected functionality, limitations, and implementation timelines; and (ii) an implementation plan for the state 988 system based on the outcomes of (b)(i) of this subsection, which must be approved by the office of the chief information officer before proceeding with implementation.

(c) Within the amounts provided in (a) of this subsection, \$17,670,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for implementation of the plan to be developed under (b) of this subsection.

(131) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely as pass-through funding to an organization that specializes in culturally relevant sports programs for indigenous children and adolescents, with the goal of keeping at-risk youth out of the juvenile justice system.

(132)(a) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$2,300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for competitive birth center startup grants to address regional needs for maternity services. The department shall provide grants to persons or entities intending to establish or that have recently established and operate a birthing center to cover startup and development costs including utilities, rent, supplies, building improvements, and repairs. Applicants must provide confirmation that the health care authority, a managed care organization, commercial insurance plans, or a combination intend to contract with the facility sufficient to cover the facility's operating costs. The department must give priority to facilities that:

(i) Will serve individuals enrolled in the state's medicaid program;

(ii) Will operate in areas with limited or no access to maternity services;

(iii) Intend to be colocated with a hospital licensed under chapter 70.41 RCW, that is certified as a critical access hospital, has fewer than 25 acute care beds, or is certified by the centers for medicare and medicaid services as a sole community hospital;

(iv) Provide demonstration of a commitment and ability to reduce health inequities for pregnant persons;

(v) Will serve populations disproportionately impacted by maternal morbidity and mortality. The grantee may be a "by and for community organizations" as defined by the department of commerce and the office of equity.

(b) In awarding grant funding to projects under (a) of this subsection, the department must collaborate with the health care

authority and the department of commerce and must only select facilities that meet the following conditions:

(i) The funding must be used to increase capacity for perinatal services for pregnant persons in a region with demonstrated need;

(ii) The operator has submitted a proposal for operating the facility to the department of health and health care authority;

(iii) The operator has demonstrated to the department of health and the health care authority that it will be able to meet the applicable licensing and certification requirements for the facility that will be used to provide services; and

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

(c) The department must provide technical assistance to applicants, including providing resources for small business assistance, architecture and design services, facility licensure, and medicaid enrollment, in coordination with the health care authority and the department of commerce.

(133)(a) \$15,953,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to maintain public health information technology infrastructure in a cloud-based environment.

(b) The department shall develop an initial plan to identify efficiencies in the cloud-based environment and submit it to the office of financial management and the office of the chief information officer by October 1, 2024. The plan should include, at a minimum, strategies to identify efficiencies within the cloud-based environment; new funding strategies for cloud technology for the 2025-2027 fiscal biennium budget; an update on the department's cloud road map that identifies key systems that will be modernized, consolidated, and migrated or implemented in the cloud; an overview of existing public health technology data systems in the cloud and data systems that are scheduled to transition to the cloud with an estimated implementation schedule, including a summary of data retention policies; and strategies to minimize cost increases where possible through efficient implementation strategies.

(134) \$2,000,000 of the model toxics control operating account—state appropriation is provided solely to administer the nitrate water hazard mitigation plan to support safe drinking water in the lower Yakima valley. Administration of this plan includes, but is not limited to, providing education and outreach to potentially impacted residents, well testing, and provision of alternate water supply as warranted. The department may contract with local governments and nonprofit organizations to administer the plan.

(135) \$500,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to entities that operate supportive housing or shelter programs for the purposes of remediating hazards related to chemical or hazardous material contamination.

(136) \$154,000 of the general fund—state appropriation for fiscal year 2025 and \$150,000 of the climate commitment account—state appropriation are provided solely to support health equity zones, as defined in RCW 43.70.595, in identification and implementation of targeted interventions to have a significant impact on health outcomes and health disparities. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes of this subsection.

(137) \$135,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to support the community hospital utilization and financial data reporting program. The department shall provide sufficient staff resources

to ensure data quality, accurate reporting, timely collection of data elements, and analysis of community hospital utilization and financial data. This amount must supplement and not supplant existing funding provided for this program.

(138) \$374,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for staffing to research current vaccine gaps across the state.

(139) \$40,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to promote evidence-based breastfeeding guidelines for individuals with a substance use disorder or who receive medication-assisted treatment for a substance use disorder, and to adapt the guidelines for tribal communities.

(140) \$700,000 of the general fund—state appropriation for fiscal year 2025 is provided solely as pass-through funding to a nonprofit organization located in the city of Seattle that specializes in resources and support for those impacted by cancer, including support groups, camps for kids impacted by cancer, and risk reduction education for teens.

(141) \$196,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for community compensation stipends for low-income individuals who participate in priority engagements across the department.

(142)(a) \$300,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to provide grants to support community-based health assessments for overburdened or highly impacted communities, and to develop a process for a grant program for federally recognized tribes.

(b) Of the amount provided in (a) of this subsection for fiscal year 2025:

(i) \$200,000 is provided solely for the department to leverage its existing health equity zone initiative to provide grants to overburdened or highly impacted communities to conduct community-based health assessments; and

(ii) \$100,000 is provided solely for the department to develop a process, in consultation with tribal governments, for a grant program for federally recognized tribes to conduct community-based health assessments.

(143) \$692,000 of the general fund—state appropriation for fiscal year 2024 and \$2,480,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to improve credentialing timelines, including through implementing licensing process improvements, updating web content for license applicants, developing web-based tutorials for license applications, and researching live chat technology.

(144) \$250,000 of the general fund—state appropriation for fiscal 2025 is provided solely for the department to pass-through to a nonprofit Washington-based organization with expertise in end-of-life care and in chapter 70.245 RCW (death with dignity act), to provide training, outreach, and education to medical professionals, hospice teams, and other Washingtonians, to support the provision of care under chapter 70.245 RCW.

(145) \$168,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department of health to coordinate dementia-specific work within the state, including but not limited to: (a) Coordination of dementia-related activities with the department of social and health services, the health care authority, and other state agencies as needed; (b) implementation of the applicable recommendations from the dementia action collaborative in the updated state Alzheimer's plan within the department; and (c) other dementia-related activities as determined by the secretary.

(146) \$400,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to provide increased support for emergency medical services and fire departments in their opioid overdose prevention efforts, including

naloxone leave-behind programs, overdose response communications, and staffing costs for community-based paramedics serving as navigators for education, resource, and follow-up supports.

(147) \$56,000 of the general fund—state appropriation for fiscal year 2024 and \$1,107,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional staffing and contracted services for the health disparities council.

(148) \$400,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a community organization located in King county that specializes in building a health care workforce equipped to meet the needs of Black, people of color, indigenous, LGBTQIA+ and other marginalized communities and addressing identified gaps through recruitment and training initiatives and research. This funding will support the development and execution of recruitment strategies, human resources systems, and administrative systems that address health care workforce gaps of primary care and mental health providers.

(149) \$83,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the development of an in-home services road map to help individuals assess their in-home services needs and locate providers to serve those needs in their communities. The department must work in consultation with appropriate stakeholders, including but not limited to the department of social and health services. The department must complete the document and make hard copies available for distribution no later than June 30, 2025.

(150) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to Island county to contract for a comprehensive assessment of its drinking water infrastructure. The assessment must include an evaluation of whether aquifer storage and recovery is an appropriate tool to meet the county's water supply needs.

(151) \$2,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to administer grants to local health jurisdictions for opioid and fentanyl awareness, prevention, and education campaigns.

(152)(a) \$750,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract with the Tacoma-Pierce county health department to develop a comprehensive model toolkit that includes prevention, education, awareness, and policy strategies to address local opioid and fentanyl crisis response needs.

(b) The elements of the toolkit must:

(i) Be based upon evidence-based research;

(ii) Include community or participatory approaches and policy, systems, and environment strategies; and

(iii) Be in alignment with the state opioid response plan.

(153) \$400,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to support local health jurisdictions, community-based organizations, and tribes in opioid-related harm reduction, care linkage, and prevention work.

(154)(a) \$745,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the purchase of naloxone and fentanyl test strips, for distribution to high schools and public institutions of higher education.

(b) Of the amount provided in this subsection, \$345,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the purchase and distribution of naloxone administered by nasal inhalation for barrier-free and cost-free distribution to high school students. The department shall utilize and expand, as necessary, its existing bulk purchasing and distribution arrangements with educational service districts, which shall distribute further to high schools.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(i) The department shall enter into agreements with educational service districts and school districts to prioritize distribution to high school juniors and seniors.

(ii) The naloxone must be made available to students via health offices or vending or other machines, to promote confidence that a student may bring naloxone home, to provide anonymity for access, and to prevent any tracking of which students obtain naloxone.

(iii) Information on how naloxone is administered and how to recognize an opioid overdose must be made available to all students.

(iv) The department may prioritize distribution to districts and schools with a higher prevalence of opioid use and overdoses, based on data, including the healthy youth survey.

(c) Of the amount provided in this subsection, \$400,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department for the purchase of naloxone administered by nasal inhalation and fentanyl test strips for barrier-free and cost-free distribution to students at public institutions of higher education, with the goal of distributing naloxone kits to five percent of enrolled students.

(155) \$133,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to maintain a supply of naloxone in public libraries for emergency response. This funding may be used:

(a) To supply naloxone directly to libraries; or

(b) As pass-through grants to libraries, for:

(i) The development of partnerships with local public health agencies or other governmental entities;

(ii) Purchases, delivery, and replacements of naloxone supply;

(iii) Training employees; or

(iv) Other activities and items that would ensure the availability of naloxone in the library.

(156) \$154,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for staffing to support a new office of tribal policy at the department.

(157) \$4,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department for enhanced opioid and fentanyl data dashboards and data systems, to provide a centralized place for local data gathering efforts to be collected, analyzed, and used in larger collaborative efforts. The data dashboards and systems must support use by state, local, public, and private partners in making strategic decisions on program implementation, emergency response, and regional coordination. Examples of data that may be better collected and used include public naloxone access, naloxone use data, mapping for overdoses, and related public health trends. The data dashboards and systems may include a data collection, evaluation, and usage plan for the state opioid and overdose response plan.

(158) \$1,500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to stabilize and expand community-based harm reduction programs that provide evidence-based interventions, care navigation, and services, such as prevention of bloodborne infections, increasing naloxone access, and connecting people to resources and services.

(159) \$3,000,000 of the opioid abatement settlement account—state appropriation is provided solely for the department to conduct an opioid and fentanyl public health campaign to increase awareness in healthy behaviors and harm reduction. Within this amount, sufficient funding is provided to implement Engrossed Second Substitute House Bill No. 1956 (substance use prevention ed.).

(160) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department as pass-through funding for an organization in Pierce county with

expertise in dispute resolution to convene a work group on oral health equity. The work group:

(a) Must include representatives from community-based organizations, dental providers, medical providers, federally qualified health centers, tribal dental clinics, oral health foundations, and public health and water systems;

(b) Shall review the findings from the department's oral health equity assessment, identify the communities in Washington experiencing the greatest oral health disparities, identify communities that should be prioritized for outreach and community water fluoridation efforts, and develop recommendations for how to partner with communities to address oral health disparities and provide education about community water fluoridation and other oral health measures;

(c) May convene its meetings virtually or by telephone; and

(d) Shall report its findings and recommendations to the legislature by June 30, 2025.

(161) \$426,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for two new area health education centers to recruit, train, and retain health care professionals in rural and underserved areas.

(162) \$428,000 of the model toxics control operating account—state appropriation is provided solely for continued implementation of chapter 156, Laws of 2021 (ESHB 1184) (risk-based water standards), to create standards for developers seeking to reuse wastewater in buildings.

(163) \$29,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 2416 (ARNP legal title). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(164) \$193,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Substitute House Bill No. 1300 (assisted reproduction fraud). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(165) \$194,000 of the general fund—state appropriation for fiscal year 2025 and \$94,000 of the health professions account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2247 (behavioral health providers). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(166) \$29,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2128 (certificate of need program). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(167) \$2,096,000 of the statewide 988 behavioral health crisis response line account—state appropriation is provided solely for implementation of Substitute House Bill No. 2408 (crisis response comm methods). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(168) \$35,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2182 (regulated substance use data). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(169) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2320 (high THC cannabis products). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(170) \$161,000 of the general fund—private/local appropriation is provided solely for implementation of Substitute House Bill No. 2295 (hospital at-home service). If the bill is not enacted by June 30, 2024, the amount provided in this subsection

shall lapse.

(171) \$53,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2075 (Indian health care providers). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(172) \$29,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 2009 (missing persons/dental recs.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(173) \$95,000 of the health professions account—state appropriation is provided solely for implementation of Substitute House Bill No. 2355 (MRI technologists). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(174) \$112,000 of the model toxics control operating account—state appropriation is provided solely for implementation of House Bill No. 2302 (pesticide application comm.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(175) \$24,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1917 (physician assistant compact). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(176) \$68,000 of the health professions account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2041 (physician assistant practice). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(177) \$22,000 of the health professions account—state appropriation is provided solely for implementation of House Bill No. 1972 (physician health prg. fees). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(178) \$1,875,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2166 (POLST access). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(179) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2396 (synthetic opioids). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(180) \$59,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5271 (DOH facilities/enforcement). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 223.** 2023 c 475 s 223 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multiorganization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that the development of projects identified in this report

are planned for in a manner that ensures the efficient use of state resources and maximizes federal financial participation. The work of the coalition and any project identified as a coalition project is subject to the conditions, limitations, and review provided in section 701 of this act.

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2024, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2024 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the legislature in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State	Appropriation	(FY 2024)	
			<del>(\$96,389,000)</del>
			\$102,277,000
General Fund—State	Appropriation	(FY 2025)	
			<del>(\$95,589,000)</del>
			\$108,282,000
General Fund—Federal Appropriation			\$400,000
General Fund—Private/Local Appropriation			\$168,000
Opioid Abatement Settlement Account—State	Appropriation		\$116,000
TOTAL APPROPRIATION			<del>(\$192,378,000)</del>
			\$211,243,000

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

(a) ~~(\$819,000)~~ \$1,959,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$58,000)~~ \$169,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(b) \$445,000 of the general fund—state appropriation for fiscal year 2024 and \$452,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for restrictive housing to reduce the use of solitary confinement by increasing correctional staffing, incorporating mental health training, and implementing change to restrictive housing environments.

(c) \$932,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$434,000)~~ \$1,404,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the amend collaboration and training statewide program administration team.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(d) ~~\$2,056,000~~ of the general fund—state appropriation for fiscal year 2024 and ~~((~~\$2,056,000~~))~~ \$2,297,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reentry investments to include reentry and discharge services and staffing to support the iCOACH supervision model. The staffing and resources must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, enhanced discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(e) \$127,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for chapter 160, Laws of 2022 (body scanners).

(f) \$127,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to operate body scanner programs to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeters at the Washington corrections center for women and the Washington corrections center.

(g)(i) \$350,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department of corrections to provide a study on:

- (A) Health care benchmarks; and
- (B) Solitary confinement/restrictive housing.

(ii) The department must provide a review of its health care delivery system for incarcerated individuals. The study must include a review of how long it takes for health care staff to see a patient once a request has been made by that incarcerated individual, determine if patients are restricted from seeing a health care staff person due to health care staffing shortages, and create a health care staffing model that will ensure that incarcerated patients are seen by a physician or appropriate health care staff within 48 hours or less. Preliminary findings shall be submitted to the legislature and governor by November 15, 2024, with a final report due by June 30, 2025.

(iii)(A) The department must provide a review of its restrictive housing (solitary confinement) units. The study must include the number of hours each incarcerated person is held in administrative segregation or an intensive management unit at the Washington corrections center, the Washington state penitentiary, the Washington corrections center for women, the Monroe correctional complex, the Stafford Creek corrections center, and the Clallam Bay corrections center. The department must document, for each incarcerated individual held in a restrictive unit:

- (I) The daily number of hours the person is held in their cell; and
- (II) The daily number of hours or amount of time that the person is outside of their cell. Documentation of time spent outside of the cell must include the reason, at least when they are out of cell for purposes of recreation, treatment, counseling, or a medical appointment. If the person is moved out of their cell for programming, the type of programming must be specified.

(B) A preliminary report must be submitted to the legislature and governor by November 15, 2024, with a final report due by June 30, 2025. The report must also include:

- (I) The staffing by prison needed to ensure each person receives a minimum of one hour of indoor or outside yard recreation or dayroom recreation per day beginning on June 30, 2025;
- (II) The funding needed for construction to begin no later than June 30, 2025, with a one-year completion date for additional indoor recreational yard areas, outdoor recreational yard areas, dayroom areas, and programming space as needed at each facility that has an intensive management unit;

(III) Excluding out of cell time in a dayroom or indoor or outside recreational yard area, the funding and staff needed by facility to ensure each and every incarcerated individual daily receives a minimum of two hours out of their cell for classroom or programming beginning on June 30, 2025;

(IV) A comprehensive list of intensive management unit construction/physical plant capacity by prison and average daily population in these units by fiscal year for 2019, 2020, 2021, 2022, and 2023 and an estimate for 2024, delineated by type of bed to include, but not be limited to: Administrative segregation, restrictive maximum custody housing, transfer housing, and progression housing.

(V) Visuals of each prison intensive management units to include, but not limited to, a typical cell, dayroom, indoor yard, outdoor yard when one is exclusive to the intensive management unit, and programming space if it is exclusive to the intensive management unit.

(h)(i) Within amounts appropriated in this act, the department of corrections shall provide the legislature with a quarterly report that provides an overview of filled versus vacant correctional operations and health care staff. The report must provide, by job class and by program:

- (A) The total number of funded positions on the last day of the quarter;
- (B) The total number of filled positions on the last day of the quarter;
- (C) The total number vacant positions on the last day of the quarter;
- (D) The number of new employees hired or promoted into that job class during the quarter;
- (E) The number of employees leaving that job class during the quarter; and
- (F) For employees departing during that quarter, how many:
  - (I) Transferred or were promoted to another job class within the department of corrections;
  - (II) How many retired; and
  - (III) How many employees left their employment within the department for other reasons.

(ii) If a department submits a budget request for the subsequent fiscal year for additional funding, positions, or overtime costs for the department's correctional operations program or health care services program for the subsequent fiscal year, the department must justify in writing the reason why additional funding and positions are needed when vacant positions and unspent funding exist within the department's respective programs.

(i) \$23,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2084 (construction training/DOC). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(j) \$269,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2099 (state custody/ID cards). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State	Appropriation	(FY 2024)	
			(\$729,679,000)
			\$619,028,000
General Fund—State	Appropriation	(FY 2025)	
			(\$738,933,000)
			\$773,891,000
General Fund—Federal	Appropriation		\$4,326,000
General Fund—Private/Local	Appropriation		\$334,000
Coronavirus State Fiscal Recovery Fund—Federal			

<u>Appropriation</u>	<u>\$127,100,000</u>
<u>Opioid Abatement Settlement Account—State Appropriation</u>	<u>\$538,000</u>
Washington Auto Theft Prevention Authority Account—State Appropriation	\$4,837,000
TOTAL APPROPRIATION	<del>(\$1,478,109,000)</del>
	<u>\$1,530,054,000</u>

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

(a) The department may contract for local jail beds statewide to the extent that it is at no net cost to the department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The department shall not pay a rate greater than \$85 per day per offender excluding the costs of department of corrections provided services, including evidence-based substance abuse programming, dedicated department of corrections classification staff on-site for individualized case management, transportation of offenders to and from department of corrections facilities, and gender responsive training for jail staff. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as close medium or lower security offenders. Programming provided for offenders held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meets standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(b) \$671,000 of the general fund—state appropriation for fiscal year 2024 ~~((and \$671,000 of the general fund—state appropriation for fiscal year 2025 are))~~ is provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester.

(c) ~~(\$1,713,000)~~ \$4,270,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$146,000)~~ \$422,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

(d) Within the appropriated amounts in this subsection, the department of corrections must provide a minimum of one dedicated prison rape elimination act compliance specialist at each institution.

(e) \$300,000 of the general fund—state appropriation for fiscal

year 2024 and \$320,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continuing two contracted parent navigator positions. One parent navigator must be located at the Washington correction center for women and one parent navigator position must be located at the Airway Heights corrections center or another state correctional facility that houses incarcerated male individuals and is selected by the department of corrections as a more suitable fit for a parent navigator. The parent navigators must have lived experience in navigating the child welfare system. The parent navigators must provide guidance and support to incarcerated individuals towards family reunification including, but not limited to, how to access services, navigating the court system, assisting with guardianship arrangements, and facilitating visitation with their children. The goal of the parent navigator program is to assist incarcerated parents involved in dependency or child welfare cases to maintain connections with their children and to assist these individuals in successfully transitioning and reuniting with their families upon release from incarceration. As part of the parent navigation program, the department of corrections must also review and provide a report to the legislature on the effectiveness of the program that includes the number of incarcerated individuals that received assistance from the parent navigators and the type of assistance the incarcerated individuals received, and that ~~((tracked))~~ tracks the outcome of the parenting navigator program. A final report must be submitted to the legislature by September 1, 2024. Of the amounts provided in this subsection, \$20,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department's review and report on the effectiveness of the parent navigator program.

(f) \$4,504,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$4,009,000)~~ \$5,417,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for restrictive housing to reduce the use of solitary confinement by increasing correctional staffing, incorporating mental health training, and implementing change to restrictive housing environments.

(g) ~~(\$579,000)~~ \$595,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$2,058,000)~~ \$4,037,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the amend collaboration and training program.

(h) \$1,294,000 of the general fund—state appropriation for fiscal year 2024 and \$1,294,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reentry investments to include reentry and discharge services and staffing to support the iCOACH supervision model. The staffing and resources must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, enhanced discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(i) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Senate Bill No. 5131 (commissary funds). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(j) \$1,839,000 of the general fund—state appropriation for fiscal year 2024 and \$1,839,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5134 (reentry services & supports) to increase gate money from \$40 to \$300 at release. ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(k) \$2,871,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for chapter 160, Laws of 2022 (body scanners).

(l) \$586,000 of the general fund—state appropriation for fiscal

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

year 2024 and \$576,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a planning and development manager and an executive secretary in the women's prison division.

(m) \$288,000 of the general fund—state appropriation for fiscal year 2024 and \$3,939,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide specialized gender-affirming services, including medical and mental health services, to transgender incarcerated individuals in a manner that is consistent with the October 2023 settlement agreement in *Disability Rights Washington v. Washington Department of Corrections*, United States district court for the western district of Washington.

(n) \$2,871,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to operate body scanner programs to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeters at the Washington corrections center for women and the Washington corrections center.

(o) \$3,500,000 of the general fund—state appropriation for fiscal year 2024 and \$3,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of corrections to provide wages and gratuities of no less than \$1.00 per hour to incarcerated persons working in class III correctional industries.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation	(FY 2024)	
		<del>(\$242,761,000)</del>
		<u>\$253,697,000</u>
General Fund—State Appropriation	(FY 2025)	
		<del>(\$252,147,000)</del>
		<u>\$262,407,000</u>
General Fund—Federal Appropriation		\$4,142,000
General Fund—Private/Local Appropriation		\$10,000
TOTAL APPROPRIATION		<del>(\$499,050,000)</del>
		<u>\$520,256,000</u>

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

(a) The department of corrections shall contract with local and tribal governments for jail capacity to house offenders who violate the terms of their community supervision. A contract rate increase may not exceed five percent each year. The department may negotiate to include medical care of offenders in the contract rate if medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff. If medical care of offender is included in the contract rate, the contract rate may exceed five percent to include the cost of that service. Beginning July 1, 2024, the department shall pay the bed rate for the day of release.

(b) \$270,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to contract with a third-party expert to examine jail rates needed by local governments to recover the cost of housing individuals under the jurisdiction of the Washington state department of corrections who have violated the conditions of their court community supervision order. The analysis must examine the availability of specialized jail beds for medical and behavioral health care that include services such as acute mental health care, detoxification, medications for opioid use disorder, and other substance use disorder treatment. The study must also include an analysis of costs to expand access to specialized jail beds statewide while maximizing medicaid coverage under Washington's section 1115 medicaid transformation waiver. The analysis must include a recommended

methodology to update jail bed rates going forward. A report is due to the governor and appropriate legislative committees by October 1, 2024.

(c) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

~~((e) \$1,233,000)~~ (d) \$2,880,000 of the general fund—state appropriation for fiscal year 2024 and ~~((88,000))~~ \$253,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to acquire and implement a sentencing calculation module for the offender management network information system and is subject to the conditions, limitations, and review requirements of section 701 of this act. This project must use one discrete organizational index across all department of corrections programs. Implementation of this sentencing calculation module must result in a reduction of tolling staff within six months of the project implementation date and the department must report this result. In addition, the report must include the budgeted and actual tolling staffing levels by fiscal month beginning with fiscal year 2023 and the count of tolling staff reduced by fiscal month from date of implementation through six months post implementation. The report must be submitted to the senate ways and means and house appropriations committees within 30 calendar days after six months post implementation.

~~((d))~~ (e) \$110,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the amend collaboration and training program.

~~((e))~~ (f) \$1,409,000 of the general fund—state appropriation for fiscal year 2024 and \$1,386,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staffing and operational costs to operate the Bellingham reentry center as a state-run facility.

~~((f))~~ (g) \$1,320,000 of the general fund—state appropriation for fiscal year 2024 and \$1,320,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staffing and operational costs to operate the Helen B. Ratcliff reentry center as a state-run facility.

~~((g))~~ (h) \$18,813,000 of the general fund—state appropriation for fiscal year 2024 and \$19,027,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reentry investments to include reentry and discharge services and staffing to support the iCOACH supervision model. The staffing and resources must provide expanded reentry and discharge services to include, but not limited to, transition services, preemployment testing, enhanced discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation	(FY 2024)	
		<del>(\$12,638,000)</del>
		<u>\$9,348,000</u>
General Fund—State Appropriation	(FY 2025)	
		<del>(\$12,836,000)</del>
		<u>\$9,359,000</u>
General Fund—Federal Appropriation		\$600,000
General Fund—Private/Local Appropriation		\$2,634,000
TOTAL APPROPRIATION		<del>(\$25,474,000)</del>
		<u>\$21,941,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: ~~((3,500,000 of the general fund—state appropriation for fiscal year 2024 and \$3,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of corrections to provide~~

wages and gratuities of no less than \$1.00 per hour to incarcerated persons working in class III correctional industries.)

(a) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of House Bill No. 2210 (DOC wild horse program). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(5) INTERAGENCY PAYMENTS

General Fund—State	Appropriation	(FY 2024)	
			(\$68,680,000)
			\$69,235,000
General Fund—State	Appropriation	(FY 2025)	
			(\$64,929,000)
			\$65,739,000
<u>Opioid Abatement Settlement Account—State Appropriation</u>			
			\$25,000
TOTAL APPROPRIATION			(\$133,609,000)
			\$134,999,000

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

~~((b))~~ (a) \$19,000 of the general fund—state appropriation for fiscal year 2024 and \$19,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5502 (sub. use disorder treatment). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((c))~~ (b) \$36,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for chapter 160, Laws of 2022 (body scanners).

(c) \$36,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to operate body scanner programs to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeters at the Washington corrections center for women and the Washington corrections center.

(6) OFFENDER CHANGE

General Fund—State	Appropriation	(FY 2024)	
			(\$83,659,000)
			\$86,507,000
General Fund—State	Appropriation	(FY 2025)	
			(\$84,659,000)
			\$91,763,000
General Fund—Federal	Appropriation		\$1,436,000
TOTAL APPROPRIATION			(\$169,754,000)
			\$179,706,000

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

(a) The department of corrections shall use funds appropriated in this subsection (6) for programming for incarcerated individuals. The department shall develop and implement a written comprehensive plan for programming for incarcerated individuals that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) The department of corrections shall collaborate with the state health care authority to explore ways to utilize federal medicaid funds as a match to fund residential substance use disorder treatment-based alternative beds under RCW 9.94A.664 under the drug offender sentencing alternative program and residential substance use disorder treatment beds that serve individuals on community custody.

(c) Within existing resources, the department of corrections may provide reentry support items such as disposable cell phones, prepaid phone cards, hygiene kits, housing vouchers, and release

medications associated with individuals resentenced or ordered released from confinement as a result of policies or court decisions including, but not limited to, the *State v. Blake* decision.

(d) \$11,454,000 of the general fund—state appropriation for fiscal year 2024 and \$11,454,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for expanded reentry investments to include, but not be limited to, transition services, preemployment testing, enhanced discharge planning, housing voucher assistance, cognitive behavioral interventions, educational programming, and community partnership programs.

~~((e))~~ (e) \$1,177,000 of the general fund—state appropriation for fiscal year 2024 and \$1,154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5502 (sub. use disorder treatment) for dedicated staffing for substance use disorder assessments and for coordinated treatment care in the community at release. ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((f))~~ (f) \$150,000 of the general fund—state appropriation for fiscal year 2024 ~~((and \$150,000 of the general fund—state appropriation for fiscal year 2025 are))~~ is provided solely for a grant to a nonprofit organization to assist fathers transitioning from incarceration to community and family reunification. The grant recipient must have experience contracting with the department of corrections to support incarcerated individual betterment projects and contracting with the department of social and health services to provide access and visitation services.

~~((g))~~ (g) \$424,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for chapter 160, Laws of 2022 (body scanners).

(h) \$424,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to operate body scanner programs to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeters at the Washington corrections center for women and the Washington corrections center.

(i) \$350,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department of corrections to contract with the T.E.A.C.H. (taking education and creating history) program to provide liberatory education, foster positive self-reflection, and offer educational courses that encourage critical thinking, self-awareness, and personal growth to incarcerated individuals in correctional facilities.

(j) \$134,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2084 (construction training/DOC). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(7) HEALTH CARE SERVICES

General Fund—State	Appropriation	(FY 2024)	
			(\$241,145,000)
			\$251,920,000
General Fund—State	Appropriation	(FY 2025)	
			(\$245,589,000)
			\$263,670,000
General Fund—Federal	Appropriation		(\$3,084,000)
			\$6,720,000
<u>General Fund—Private/Local Appropriation</u>			\$2,000
<u>Opioid Abatement Settlement Account—State Appropriation</u>			\$4,021,000
TOTAL APPROPRIATION			(\$489,818,000)
			\$526,333,000

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



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(a) The state prison medical facilities may use funds appropriated in this subsection to purchase goods, supplies, and services through hospital or other group purchasing organizations when it is cost effective to do so.

~~((e))~~ (b) \$842,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$1,192,000)~~ \$2,256,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for restrictive housing to reduce the use of solitary confinement by increasing correctional staffing, incorporating mental health training, and implementing change to restrictive housing environments.

~~((d))~~ (c) \$73,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$387,000)~~ \$543,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the amend collaboration and training program.

~~((e))~~ (d) \$1,236,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$1,236,000)~~ \$3,089,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reentry investments to include reentry and discharge services and staffing to support the iCOACH supervision model. The staffing and resources must provide expanded reentry and discharge services to include, but not limited to, transition services, enhanced health care discharge planning, case management, and evaluation of physical health and behavioral health.

~~((f))~~ (e) \$13,605,000 of the general fund—state appropriation for fiscal year 2024 and \$13,605,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for medical staffing in prisons for patient centered care and behavioral health care. Funding must be used to increase access to care, addiction care, and expanded screening of individuals in prison facilities to include chronic illnesses, infectious disease, diabetes, heart disease, serious mental health, and behavioral health services.

~~((g))~~ (f) \$1,612,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for chapter 160, Laws of 2022 (body scanners).

~~((h))~~ (g) \$1,115,000 of the general fund—state appropriation for fiscal year 2024 and \$1,115,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an electronic health records system solution and is subject to the conditions, limitations, and review requirements of section 701 of this act and must be in compliance with the statewide electronic health records plan that must be approved by the office of financial management and the technology services board.

~~((i))~~ (h) \$405,000 of the general fund—state appropriation for fiscal year 2024 and \$399,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Senate Bill No. 5768 (DOC/abortion medications). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(i) \$1,540,000 of the general fund—state appropriation for fiscal year 2024 and \$3,297,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide specialized gender-affirming services, including medical and mental health services, to transgender incarcerated individuals in a manner that is consistent with the October 2023 settlement agreement in Disability Rights Washington v. Washington Department of Corrections, United States district court for the western district of Washington.

(j) To promote the safety, health, and well-being of health care workers and to support patient quality of care, the department will continue to engage in reasonable efforts to reduce the use of overtime for licensed practical nurses, registered nurses, and certified nursing assistants.

(k) \$1,612,000 of the general fund—state appropriation for

fiscal year 2025 is provided solely for the department to operate body scanner programs to conduct security screenings for employees, contractors, visitors, volunteers, incarcerated individuals, and other persons entering the secure perimeters at the Washington corrections center for women and the Washington corrections center.

(l) \$1,822,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for approved long-term injectable medication for the treatment of opioid use disorder of incarcerated individuals.

Sec. 224. 2023 c 475 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2024)	<del>(\$7,061,000)</del>
	<u>\$7,064,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$7,387,000)</del>
	<u>\$7,415,000</u>
General Fund—Federal Appropriation	<del>(\$25,672,000)</del>
	<u>\$32,824,000</u>
General Fund—Private/Local Appropriation	<del>(\$61,000)</del>
	<u>\$67,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$40,181,000)</del>
	<u>\$47,370,000</u>

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

(1) \$201,000 of the general fund—state appropriation for fiscal year 2024 and \$201,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of statewide services for blind or low vision youth under the age of 14.

(2) \$184,000 of the general fund—state appropriation for fiscal year 2024 and \$367,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the independent living program.

Sec. 225. 2023 c 475 s 225 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—State Appropriation (FY 2024)	<del>(\$33,506,000)</del>
	<u>\$29,324,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$23,898,000)</del>
	<u>\$28,630,000</u>
General Fund—Federal Appropriation	<del>(\$216,616,000)</del>
	<u>\$177,272,000</u>
General Fund—Private/Local Appropriation	<del>(\$38,458,000)</del>
	<u>\$38,456,000</u>
Climate Commitment Account—State Appropriation	\$404,000
Unemployment Compensation Administration Account—Federal Appropriation	<del>(\$270,724,000)</del>
	<u>\$308,567,000</u>
Administrative Contingency Account—State Appropriation	<del>(\$28,741,000)</del>
	<u>\$42,631,000</u>
Employment Service Administrative Account—State Appropriation	<del>(\$85,070,000)</del>
	<u>\$97,168,000</u>
Family and Medical Leave Insurance Account—State Appropriation	<del>(\$158,644,000)</del>
	<u>\$159,754,000</u>
Workforce Education Investment Account—State Appropriation	<del>(\$14,556,000)</del>
	<u>\$15,555,000</u>
Long-Term Services and Supports Trust Account—State	

Appropriation	<del>(\$40,960,000)</del>
	\$45,310,000
TOTAL APPROPRIATION	<del>(\$911,577,000)</del>
	\$943,071,000

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

(1) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(2) \$15,399,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of the long-term services and support trust program information technology project and is subject to the conditions, limitations, and review provided in section 701 of this act.

(3) Within existing resources, the department must reassess its ongoing staffing and funding needs for the paid family medical leave program and submit documentation of the updated need to the governor and appropriate committees of the legislature by September 1, 2023, and annually thereafter.

(4) Within existing resources, the department shall coordinate outreach and education to paid family and medical leave benefit recipients with a statewide family resource, referral, and linkage system that connects families with children prenatal through age five and residing in Washington state to appropriate services and community resources. This coordination shall include but is not limited to placing information about the statewide family resource, referral, and linkage system on the paid family and medical leave program web site and in printed materials, and conducting joint events.

(5) Within existing resources, the department shall report the following to the legislature and the governor by October 15, 2023, and each year thereafter:

(a) An inventory of the department's programs, services, and activities, identifying federal, state, and other funding sources for each;

(b) Federal grants received by the department, segregated by line of business or activity, for the most recent five fiscal years, and the applicable rules;

(c) State funding available to the department, segregated by line of business or activity, for the most recent five fiscal years;

(d) A history of staffing levels by line of business or activity, identifying sources of state or federal funding, for the most recent five fiscal years;

(e) A projected spending plan for the employment services administrative account and the administrative contingency account. The spending plan must include forecasted revenues and estimated expenditures under various economic scenarios.

(6) ~~(\$14,510,000)~~ (a) \$15,510,000 of the workforce education investment account—state appropriation is provided solely for career connected learning grants as provided in RCW 28C.30.050, including sector intermediary grants and administrative expenses associated with grant administration.

(b) Within the amount provided in (a) of this subsection:

(i) Up to \$921,000 of the workforce education investment account—state appropriation may be used for the department to contract with the student achievement council to lead the career connected learning cross-agency work group and provide staffing support as required in RCW 28C.30.040.

(ii) Up to \$2,192,000 of the workforce education investment account—state appropriation may be used for technical assistance and implementation support grants associated with the career connected learning grant program as provided in RCW 28C.30.050.

(7) \$2,000,000 of the unemployment compensation administration account—federal appropriation is provided solely

for the department to continue implementing the federal United States department of labor equity grant. This grant includes improving the translation of notices sent to claimants as part of their unemployment insurance claims into any of the 10 languages most frequently spoken in the state and other language, demographic, and geographic equity initiatives approved by the grantor. The department must also ensure that letters, alerts, and notices produced manually or by the department's unemployment insurance technology system are written in plainly understood language and evaluated for ease of claimant comprehension before they are approved for use.

(8) \$3,136,000 of the unemployment compensation administration account—federal appropriation is provided solely for a continuous improvement team to make customer, employer, and equity enhancements to the unemployment insurance program. If the department does not receive adequate funding from the United States department of labor to cover these costs, the department may use funding made available to the state through section 903 (d), (f), and (g) of the social security act (Reed act) in an amount not to exceed the amount provided in this subsection.

(9) \$404,000 of the climate commitment account—state appropriation is provided solely for participation on the clean energy technology work force advisory committee and collaboration on the associated report established in Second Substitute House Bill No. 1176 (climate-ready communities). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(10) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(11) ~~(\$9,323,000)~~ \$16,658,000 of the employment service administrative account—state appropriation is provided solely for the replacement of the WorkSource integrated technology platform. The replacement system must support the workforce administration statewide to ensure adoption of the United States department of labor's integrated service delivery model and program performance requirements for the state's workforce innovation and opportunity act and other federal grants. This subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

~~(\$2,290,000 of the employment services administrative account—state appropriation is provided solely for the maintenance and operation of the WorkSource integrated technology platform.))~~

(12) \$6,208,000 of the general fund—state appropriation for fiscal year 2024 and \$6,208,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of the economic security for all program. The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided by category, including but not limited to, child care, housing, transportation, and car repair, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1 and June 1 of each year that includes an analysis of the program, a detailed summary of the quarterly data collected, and associated recommendations for program delivery.

(13)(a) \$5,292,000 of the employment service administrative account—state appropriation is provided to expand the economic security for all program to residents of Washington state that are over 200 percent of the federal poverty level but who demonstrate financial need for support services or assistance with training costs to either maintain or secure employment. ~~((Supports to each~~

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

~~participant must not exceed \$5,000 per year.)~~ Unspent funds from this subsection may be used for economic security for all participants who are under 200 percent of the federal poverty level as defined in subsection (12) of this section.

(b) The department must collect quarterly data on the number of participants that participate in the program, the costs associated with career, training, and other support services provided by category, including but not limited to, child care, housing, transportation, and car repair, and progress made towards self-sufficiency. The department must provide a report to the governor and the legislature on December 1 and June 1 of each year that includes an analysis of the program, a detailed summary of the quarterly data collected, and associated recommendations for program delivery.

(c) Of the amounts in (a) of this subsection, the department may use \$146,000 each year to cover program administrative expenses.

(14) \$1,655,000 of the administrative contingency account—state appropriation is provided to increase the department's information security team to proactively address critical security vulnerabilities, audit findings, and process gaps.

(15) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for two project managers to assist with the coordination of state audits.

(16) \$1,448,000 of the general fund—state appropriation for fiscal year 2024 and \$1,448,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for business navigators at the local workforce development boards to increase employer engagement in an effort to support industry recovery and growth. Of the amounts in this subsection, the department may use \$148,000 per year to cover associated administrative expenses.

(17) \$11,895,000 of the general fund—federal appropriation is provided solely for the implementation of the quality jobs, equity strategy, and training (QUEST) grant to enhance the workforce system's ongoing efforts to support employment equity and employment recovery from the COVID-19 pandemic. The funds are for partnership development, community outreach, business engagement, and comprehensive career and training services.

(18) \$3,264,000 of the employment services administration account—state appropriation is provided solely for the continuation of the office of agricultural and seasonal workforce services.

(19) \$3,539,000 of the long-term services and supports trust account—state appropriation is provided solely for the programs in the department's leave and care division to increase outreach to underserved communities, perform program evaluation and data management, perform necessary fiscal functions, and make customer experience enhancements.

~~((21))~~ (20) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time employee to provide casework on behalf of constituents who contact their legislators to escalate unresolved claims.

~~((22))~~ (21)(a) \$250,000 of the family and medical leave insurance account—state appropriation is provided solely for the department to contract with the University of Washington Evans school of public policy and governance to conduct a study on the impacts of the state family and medical leave program's job protection standards on equitable utilization of paid leave benefits under the program.

(b) The study shall consider the following:

(i) The rates at which paid leave benefits under chapter 50A.15 RCW are used by persons who qualify for job protection under

RCW 50A.35.010 or the federal family and medical leave act;

(ii) Worker perspectives on the effects of job protection under RCW 50A.35.010 and the federal family and medical leave act on the use of paid leave benefits under chapter 50A.15 RCW; and

(iii) Employment outcomes and other impacts for persons using paid leave benefits under chapter 50A.15 RCW.

(c)(i) In conducting the study, the university must collect original data directly from workers about paid leave and job protection, including demographic information such as race, gender, income, geography, primary language, and industry or job sector.

(ii) In developing the study, the university must consult with the advisory committee under RCW 50A.05.030, including three briefings: An overview on the initial research design with an opportunity to provide feedback; a midpoint update; and final results. The university must consult with the committee regarding appropriate methods for collecting and assessing relevant data in order to protect the reliability of the study.

(d) A preliminary report, including the initial research design and available preliminary results must be submitted by December 1, 2023, and a final report by December 1, 2024, to the governor and the appropriate policy and fiscal committees of the legislature, in accordance with RCW 43.01.036.

~~((23))~~ (22) \$4,433,000 of the family and medical leave insurance account—state appropriation and \$351,000 of the unemployment compensation administration account—federal appropriation are provided solely for implementation of Substitute House Bill No. 1570 (TNC insurance programs). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((24))~~ (23) \$50,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Substitute House Bill No. 1458 (apprenticeship programs/UI). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~((25))~~ (24)(a) \$10,000,000 of the general fund—state appropriation for fiscal year 2024 ~~((and))~~ \$11,227,000 of the general fund—state appropriation for fiscal year 2025, \$9,963,000 of the administrative contingency account—state appropriation, and \$4,271,000 of the employment services administrative account—state appropriation are provided solely to address a projected shortfall of federal revenue that supports the administration of the unemployment insurance program.

(b) The department must submit an initial report no later than November 1, 2023, and a subsequent report no later than November 1, 2024, to the governor and the appropriate committees of the legislature outlining how the funding in (a) of this subsection is being utilized and recommendations for long-term solutions to address future decreases in federal funding.

~~((26) \$11,976,000))~~ (25) \$7,644,000 of the general fund—state appropriation for fiscal year 2024 ~~((is))~~ and \$4,332,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to create a dedicated team of staff to process the unemployment insurance overpayment caseload backlog.

~~((27))~~ (26) \$3,389,000 of the general fund—state appropriation for fiscal year 2024 and \$4,540,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase the stipend for Washington service corps members to \$26,758 per year and for one staff member to assist with program outreach. The stipend increase is for members that enter into a service year with income below 200 percent of the federal poverty level.

~~((28))~~ (27) \$794,000 of the unemployment compensation administration account—federal appropriation is provided solely

for implementation of Substitute Senate Bill No. 5176 (employee-owned coop UI). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~((29))) (28) \$30,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5286 (paid leave premiums). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~~~

~~((30))) (29) \$2,896,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5586 (paid leave data). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~~~

~~((31))) (30) \$35,000 of the employment service administrative account—state appropriation is provided solely for the department to provide research and consultation on the feasibility of replicating the unemployment insurance program for and expanding other social net programs to individuals regardless of their citizenship status.~~

~~((32))) (31) \$10,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to design a form for employer use to voluntarily report no show, no call interview data. This data shall be used to inform potential trend analysis or policy development for job search compliance.~~

~~((32)) (32) \$961,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of House Bill No. 1975 (unemployment overpayments). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.~~

~~((33)) (33) \$5,655,000 of the family and medical leave insurance account—state appropriation is provided solely to increase staffing for the paid family and medical leave program to process claims and respond to customer inquiries in a timely manner.~~

~~((34)) (34) \$7,305,000 of the family and medical leave insurance account—state appropriation is provided solely for information technology staffing to complete system enhancements for any remaining statutorily required components of the paid family and medical leave program, including, but not limited to, the establishment and collection of overpayments, crossmatching eligibility with other programs, and elective coverage for tribes.~~

~~((35)) (35) \$483,000 of the long-term services and supports trust account—state appropriation is provided solely for the department to process nonimmigrant work visa holder exemption requests for the long-term services and supports program.~~

~~((36)) (36) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to provide grants to community-based organizations to become transportation network company navigators. The navigators will assist transportation network company drivers in accessing the pilot program established in chapter 451, Laws of 2023 (TNC insurance programs) by providing outreach, language assistance, cultural competency services, education, and other supports.~~

~~((37)) (37) \$100,000 of the unemployment compensation administration account—federal appropriation is provided solely for the department to develop and deploy training to assist apprentices and apprentice advocate groups in filing claims and navigating the unemployment insurance system.~~

~~((38)) (38) \$1,247,000 of the unemployment compensation administration account—federal appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1893 (unemp ins/strikes & lockouts). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.~~

~~((39)) (39) \$409,000 of the family and medical leave insurance account—state appropriation is provided solely for implementation of Substitute House Bill No. 2102 (PFML benefits/health info.). If the bill is not enacted by June 30, 2024,~~

~~the amount provided in this subsection shall lapse.~~

~~((40)) (40) \$495,000 of the employment service administrative account—state appropriation is provided solely for implementation of Substitute House Bill No. 2226 (H-2A worker program data). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.~~

~~((41)) (41) \$30,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Substitute House Bill No. 2271 (LTSS program statements). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.~~

~~((42)) (42) \$3,863,000 of the long-term services and supports trust account—state appropriation is provided solely for implementation of Substitute House Bill No. 2467 (LTSS portability). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.~~

~~((43)) (43) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for North Central education service district 171 to expand industry and education partnerships in order to support emerging workforce needs through career awareness, exploration, and preparation activities for youth in Grant county.~~

**Sec. 226.** 2023 c 475 s 226 (uncodified) is amended to read as follows:

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

(1)(a) The appropriations to the department of children, youth, and families in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of children, youth, and families shall initially be allotted as required by this act. The department shall seek approval from the office of financial management prior to transferring moneys between sections of this act except as expressly provided in this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose. However, after May 1, 2024, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2024 among programs after approval by the director of the office of financial management. However, the department may not transfer state appropriations that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2024 caseload forecasts and utilization assumptions in the foster care, adoption support, child protective services, working connections child care, and juvenile rehabilitation programs, the department may transfer appropriations that are provided solely for a specified purpose.

(2) The health care authority, the health benefit exchange, the department of social and health services, the department of health, the department of corrections, and the department of children, youth, and families shall work together within existing resources to establish the health and human services enterprise coalition (the coalition). The coalition, led by the health care authority, must be a multi-organization collaborative that provides strategic direction and federal funding guidance for projects that have cross-organizational or enterprise impact, including information technology projects that affect organizations within the coalition. The office of the chief information officer shall maintain a statewide perspective when collaborating with the coalition to ensure that projects are planned for in a manner that ensures the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

efficient use of state resources, supports the adoption of a cohesive technology and data architecture, and maximizes federal financial participation.

(3) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department are subject to technical oversight by the office of the chief information officer.

**Sec. 227.** 2023 c 475 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—CHILDREN AND FAMILIES SERVICES PROGRAM**

General Fund—State Appropriation	(FY 2024)	
		<u>(\$488,869,000)</u>
		<u>\$489,326,000</u>
General Fund—State Appropriation	(FY 2025)	
		<u>(\$500,457,000)</u>
		<u>\$534,898,000</u>
General Fund—Federal Appropriation		<u>(\$503,359,000)</u>
		<u>\$522,274,000</u>
General Fund—Private/Local Appropriation		\$2,824,000
Opioid Abatement Settlement Account—State Appropriation		\$2,304,000
<b>TOTAL APPROPRIATION</b>		<u><b>(\$1,497,813,000)</b></u>
		<u><b>\$1,551,626,000</b></u>

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

(1) \$748,000 of the general fund—state appropriation for fiscal year 2024 and \$748,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to 13 children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(2) \$453,000 of the general fund—state appropriation for fiscal year 2024 and \$453,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the costs of hub home foster and kinship families that provide a foster care delivery model that includes a hub home. Use of the hub home model is intended to support foster parent retention, provide support to biological families, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(3) \$579,000 of the general fund—state appropriation for fiscal year 2024, \$579,000 of the general fund—state appropriation for fiscal year 2025, and \$110,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(4) \$1,620,000 of the general fund—state appropriation for fiscal year 2024 and \$1,620,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for services provided through children's advocacy centers.

(5) In fiscal year 2024 and in fiscal year 2025, the department shall provide a tracking report for social service specialists and corresponding social services support staff to the office of financial management, and the appropriate policy and fiscal

committees of the legislature. The report shall detail continued implementation of the targeted 1:18 caseload ratio standard for child and family welfare services caseload-carrying staff and targeted 1:8 caseload ratio standard for child protection services caseload carrying staff. To the extent to which the information is available, the report shall include the following information identified separately for social service specialists doing case management work, supervisory work, and administrative support staff, and identified separately by job duty or program, including but not limited to intake, child protective services investigations, child protective services family assessment response, and child and family welfare services:

(a) Total full-time equivalent employee authority, allotments and expenditures by region, office, classification, and band, and job duty or program;

(b) Vacancy rates by region, office, and classification and band; and

(c) Average length of employment with the department, and when applicable, the date of exit for staff exiting employment with the department by region, office, classification and band, and job duty or program.

(6) \$94,000 of the general fund—state appropriation for fiscal year 2024 and \$94,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(7)(a) \$999,000 of the general fund—state appropriation for fiscal year 2024, \$1,000,000 of the general fund—state appropriation for fiscal year 2025, \$656,000 of the general fund—private/local appropriation, and \$252,000 of the general fund—federal appropriation are provided solely for a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, regions where backlogs of youth that have formerly requested educational outreach services exist, or youth with high educational needs. The department is encouraged to use private matching funds to maintain educational advocacy services.

(b) The department shall contract with the office of the superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to RCW 28A.300.590.

(8) For purposes of meeting the state's maintenance of effort for the state supplemental payment program, the department of children, youth, and families shall track and report to the department of social and health services the monthly state supplemental payment amounts attributable to foster care children who meet eligibility requirements specified in the state supplemental payment state plan. Such expenditures must equal at least \$3,100,000 annually and may not be claimed toward any other federal maintenance of effort requirement. Annual state supplemental payment expenditure targets must continue to be established by the department of social and health services. Attributable amounts must be communicated by the department of children, youth, and families to the department of social and health services on a monthly basis.

(9) \$197,000 of the general fund—state appropriation for fiscal year 2024 and \$197,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to conduct biennial inspections and certifications of facilities, both

overnight and day shelters, that serve those who are under 18 years old and are homeless.

(10)(a) \$6,195,000 of the general fund—state appropriation for fiscal year 2024, (~~(\$6,195,000)~~) \$8,981,000 of the general fund—state appropriation for fiscal year 2025, and \$1,188,000 of the general fund—federal appropriation are provided solely for the department to operate emergent placement and enhanced emergent placement contracts.

(b) The department shall not include the costs to operate emergent placement contracts in the calculations for family foster home maintenance payments and shall submit as part of the budget submittal documentation required by RCW 43.88.030 any costs associated with increases in the number of emergent placement contract beds after the effective date of this section that cannot be sustained within existing appropriations.

(11) Beginning January 1, 2024, and continuing through the 2023-2025 fiscal biennium, the department must provide semiannual reports to the governor and appropriate legislative committees that includes the number of in-state behavioral rehabilitation services providers and licensed beds, the number of out-of-state behavioral rehabilitation services placements, and a comparison of these numbers to the same metrics expressed as an average over the prior six months. The report shall identify separately beds with the enhanced behavioral rehabilitation services rate. Effective January 1, 2024, and to the extent the information is available, the report shall include the same information for emergency placement services beds and enhanced emergency placement services beds.

(12) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementing the supportive visitation model that utilizes trained visit navigators to provide a structured and positive visitation experience for children and their parents.

(13) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for enhanced adoption placement services for legally free children in state custody, through a partnership with a national nonprofit organization with private matching funds. These funds must supplement, but not supplant, the work of the department to secure permanent adoptive homes for children with high needs.

(14) The department of children, youth, and families shall make foster care maintenance payments to programs where children are placed with a parent in a residential program for substance abuse treatment. These maintenance payments are considered foster care maintenance payments for purposes of forecasting and budgeting at maintenance level as required by RCW 43.88.058.

(15) \$511,000 of the general fund—state appropriation for fiscal year 2024, \$511,000 of the general fund—state appropriation for fiscal year 2025, and \$306,000 of the general fund—federal appropriation are provided solely for continued implementation of chapter 210, Laws of 2021 (2SHB 1219) (youth counsel/dependency).

(16) If the department receives an allocation of federal funding through an unanticipated receipt, the department shall not expend more than what was approved or for another purpose than what was approved by the governor through the unanticipated receipt process pursuant to RCW 43.79.280.

(17) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with one or more nonprofit, nongovernmental organizations to purchase and deliver concrete goods to low-income families.

(18) \$2,400,000 of the general fund—state appropriation for fiscal year 2024 and \$2,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(19) The department will only refer child welfare cases to the department of social and health services division of child support enforcement when the court has found a child to have been abandoned by their parent or guardian as defined in RCW 13.34.030.

(20) \$100,000 of the general fund—state appropriation for fiscal year 2024 and 100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the provision of SafeCare, an evidence-based parenting program, for families in Grays Harbor county.

(21) \$7,685,000 of the general fund—state appropriation for fiscal year 2024, (~~(\$8,354,000)~~) \$11,329,000 of the general fund—state appropriation for fiscal year 2025, and (~~(\$2,682,000)~~) \$3,326,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to the emerging adulthood housing program, professional therapeutic foster care, statewide hub home model, revised licensing standards, family group planning, referrals and transition, qualified residential treatment program, and monitoring and implementation. To comply with the settlement agreement, funding in this subsection is provided as follows:

(a) \$276,000 of the general fund—state appropriation for fiscal year 2024, \$264,000 of the general fund—state appropriation for fiscal year 2025, and \$104,000 of the general fund—federal appropriation are provided solely for implementation and monitoring of the state's implementation plan, which includes receiving recurring updates, requesting data on compliance, reporting on progress, and resolving disputes that may arise.

(b) \$2,022,000 of the general fund—state appropriation for fiscal year 2024, (~~(\$2,432,000)~~) \$2,682,000 of the general fund—state appropriation for fiscal year 2025, and \$42,000 of the general fund—federal appropriation are provided solely for the statewide hub home model. The department shall develop and adapt the existing hub home model to serve youth as described in the settlement agreement.

(c) \$452,000 of the general fund—state appropriation for fiscal year 2024, \$864,000 of the general fund—state appropriation for fiscal year 2025, and \$334,000 of the general fund—federal appropriation are provided solely for the department to establish a negotiated rule-making method to align and update foster care and group care licensing standards.

(d) \$2,195,000 of the general fund—state appropriation for fiscal year 2024, \$2,110,000 of the general fund—state appropriation for fiscal year 2025, and \$238,000 of the general fund—federal appropriation are provided solely for revised referral and transition procedures for youth entering foster care.

(e) \$1,868,000 of the general fund—state appropriation for fiscal year 2024, \$1,852,000 of the general fund—state appropriation for fiscal year 2025, and \$1,543,000 of the general fund—federal appropriation are provided solely for the department to develop and implement a professional therapeutic foster care contract and licensing category. Therapeutic foster care professionals are not required to have another source of income and must receive specialized training and support.

(f) \$872,000 of the general fund—state appropriation for fiscal

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

year 2024, \$832,000 of the general fund—state appropriation for fiscal year 2025, and \$421,000 of the general fund—federal appropriation are provided solely to update assessment and placement procedures prior to placing a youth in a qualified residential treatment program, as well as updating the assessment schedule to every 90 days.

(g) ~~\$2,725,000 of the general fund—state appropriation for fiscal year 2025 and \$644,000 of the general fund—federal appropriation are provided solely for family team decision making and shared planning meetings as informed by attachment a—stakeholder facilitator and process description.~~

(h) The department shall implement all provisions of the settlement agreement, including those described in (a) through (f) of this subsection; revisions to shared planning meeting and family team decision-making policies and practices; and any and all additional settlement agreement requirements and timelines established.

(22) ~~(\$8,919,000)~~ \$7,379,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$19,521,900)~~ \$26,325,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$6,595,000)~~ \$7,195,000 of the general fund—federal appropriation are provided solely for implementation of a seven-level foster care support system. Of the amounts provided in this subsection:

(a) \$5,527,000 of the general fund—state appropriation for fiscal year 2024, \$11,054,000 of the general fund—state appropriation for fiscal year 2025, and \$5,284,000 of the general fund—federal appropriation are provided ~~(solely)~~ to expand foster care maintenance payments from a four-level to a seven-level support system, beginning January 1, 2024.

(b) ~~(\$2,572,000)~~ \$1,032,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$7,717,000)~~ \$14,521,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$1,173,000)~~ \$1,773,000 of the general fund—federal appropriation are ~~(provided solely)~~ for expanded caregiver support services. Services include, but are not limited to, placement, case aide, and after-hours support, as well as training, coaching, child care, and respite coordination.

(c) \$573,000 of the general fund—state appropriation for fiscal year 2024 and \$566,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for project management to oversee the shift in systems and practices.

(d) \$247,000 of the general fund—state appropriation for fiscal year 2024, \$184,000 of the general fund—state appropriation for fiscal year 2025, and \$138,000 of the general fund—federal appropriation are provided solely for a contract with the department of social and health services research and data analysis division to track program outcomes through monitoring and analytics.

(23) \$732,000 of the general fund—state appropriation for fiscal year 2024, \$732,000 of the general fund—state appropriation for fiscal year 2025, and \$362,000 of the general fund—federal appropriation are provided solely to increase staff to support statewide implementation of the kinship caregiver engagement unit.

(24) ~~(\$7,332,000)~~ \$2,113,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$7,332,000)~~ \$4,119,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to issue foster care maintenance payments for up to 90 days to those kinship caregivers who obtain an initial license.

(25) \$6,696,000 of the general fund—state appropriation for fiscal year 2024, \$6,696,000 of the general fund—state appropriation for fiscal year 2025, and \$2,940,000 of the general fund—federal appropriation are provided solely for contracted

visitation services for children in temporary out-of-home care. Funding is provided to reimburse providers for certain uncompensated services, which may include work associated with missed or canceled visits.

(26) \$4,104,000 of the general fund—state appropriation for fiscal year 2024 and \$5,589,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to expand combined in-home services to serve more families. By December 1, 2023, and annually thereafter, the department shall provide a report to the legislature detailing combined in-home services expenditures and utilization, including the number of families served and a listing of services received by those families.

(27) \$892,000 of the general fund—state appropriation for fiscal year 2024, \$892,000 of the general fund—state appropriation for fiscal year 2025, and \$796,000 of the general fund—federal appropriation are provided solely for increased licensing staff. Licensing staff are increased in anticipation that more kinship placements will become licensed due to recent legislation and court decisions, including *In re Dependency of K.W.* and chapter 211, Laws of 2021 (E2SHB 1227) (child abuse or neglect).

(28) \$755,000 of the general fund—state appropriation for fiscal year 2024 and \$2,014,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5124 (nonrelative kin placement). ~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

(29) \$338,000 of the general fund—state appropriation for fiscal year 2024, \$317,000 of the general fund—state appropriation for fiscal year 2025, and \$54,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5515 (child abuse and neglect). ~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

(30) \$851,000 of the general fund—state appropriation for fiscal year 2024, \$2,412,000 of the general fund—state appropriation for fiscal year 2025, and \$108,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5683 (foster care/Indian children). ~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

(31) \$2,304,000 of the opioid abatement settlement account—state appropriation is for implementation of Engrossed Second Substitute Senate Bill No. 5536 (controlled substances).

(32) \$375,000 of the general fund—state appropriation for fiscal year 2024, \$375,000 of the general fund—state appropriation for fiscal year 2025, and \$112,000 of the general fund—federal appropriation are provided solely for the department to develop, implement, and expand strategies to improve the capacity, reliability, and effectiveness of contracted visitation services for children in temporary out-of-home care and their parents and siblings. Strategies may include, but are not limited to, increasing mileage reimbursement for providers, offering transportation-only contract options, and mechanisms to reduce the level of parent-child supervision when doing so is in the best interest of the child. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature regarding these strategies by September 1, 2023. The report shall include the number and percentage of parents requiring supervised visitation and the number and percentage of parents with unsupervised visitation, prior to reunification.

(33) \$499,000 of the general fund—state appropriation for fiscal year 2024, \$499,000 of the general fund—state appropriation for fiscal year 2025, and \$310,000 of the general

fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1204 (family connections program), which will support the family connections program in areas of the state in which the program is already established. To operate the program, the department must contract with a community-based organization that has experience working with the foster care population and administering the family connections program. ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(34) \$2,020,000 of the general fund—state appropriation for fiscal year 2024, \$1,894,000 of the general fund—state appropriation for fiscal year 2025, and \$1,247,000 of the general fund—federal appropriation are provided ~~((solely))~~ to increase the basic foster care maintenance rate for all age groups and the supervised independent living subsidy for youth in extended foster care each by \$50 per youth per month effective July 1, 2023.

(35) Within the amounts provided in this section, funding is sufficient to increase the basic foster care maintenance rate for all age groups and the supervised independent living subsidy for youth in extended foster care effective July 1, 2024.

(36) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a Washington state mentoring organization to provide oversight and training for a pilot program that mentors foster youth. The goal of the program is to improve outcomes for youth in foster care by surrounding them with ongoing support from a caring adult mentor. Under the program, mentors provide a positive role model and develop a trusted relationship that helps the young person build self-confidence, explore career opportunities, access their own resourcefulness, and work to realize their fullest potential. The organization shall serve as the program administrator to provide grants to nonprofit organizations based in Washington state that meet department approved criteria specific to mentoring foster youth. Eligible grantees must have programs that currently provide mentoring services within the state and can provide mentors who provide one-to-one services to foster youth, or a maximum ratio of one mentor to three youth.

~~((36))~~ (37) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 ~~((\*)~~ and \$1,400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization in Spokane that has experience administering a family-centered drug treatment and housing program for families experiencing substance use disorder. The amount provided in this subsection is intended to support the existing program while the department works to develop a sustainable model of the program and expand to new regions of the state.

~~((37))~~ (38) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to lead the development of a sustainable operating funding model for programs using the rising strong model that provides comprehensive, family-centered drug treatment and housing services to keep families together while receiving treatment and support. The department shall work in coordination with the health care authority, the department of commerce, other local agencies, and stakeholders on development of the model. The department shall submit the sustainable operating model to the appropriate committees of the legislature by July 1, 2024.

~~((38))~~ (39) \$107,000 of the general fund—state appropriation for fiscal year 2024, \$102,000 of the general fund—state appropriation for fiscal year 2025, and \$50,000 of the general fund—federal appropriation are provided solely for

implementation of Second Substitute House Bill No. 1580 (children in crisis). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~(39))~~ (40) \$269,000 of the general fund—state appropriation for fiscal year 2024 and \$269,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase the new foster home incentive payment for child-placing agencies to \$1,000 for each new foster home certified for licensure, effective July 1, 2023.

(41) \$1,484,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to fund a memorandum of understanding to be negotiated between the Washington federation of state employees and the department of children, youth, and families, which provides for group A assignment pay for reference 77B for SSS2s in-training on a one-time basis beginning July 1, 2024.

(42) Within the amounts provided in this section, funding is sufficient for the department to establish a pilot for safety plan participants, including contracts in up to four department offices to engage third-party safety plan participants and public health nurses to support child protective services workers in safety planning, including for cases involving fentanyl in families who do not have natural supports to aid in safety planning.

(43) Within the amounts provided in this section, funding is sufficient for the department to establish a pilot for public health nurses, including contracts for up to eight public health nurses distributed by case count across the regions to support caseworkers in engaging and communicating with families about the risks of fentanyl and child health and safety practices.

(44) The department shall collaborate with the department of social and health services to identify, place, and assist in the voluntary transition of adolescents aged 13 and older who have complex developmental, intellectual disabilities, or autism spectrum disorder, alongside potential mental health or substance use diagnoses, into a leased facility for specialized residential treatment at Lake Burien operated by the department of social and health. The partnership is dedicated to transitioning individuals to community-based settings in a seamless and voluntary manner that emphasizes care in less restrictive community-based environments.

(45) \$694,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract for two receiving centers as established in RCW 7.68.380, that serve youth who are, or are at risk of being, commercially or sexually exploited. One receiving center shall be located on the west side of the state, and one receiving center shall be located on the east side of the state.

(46) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to support families attending the annual caregivers conference in 2024. The conference must provide an opportunity for kinship families, foster parents, prelicensed foster parents, and adoptive families to gather for education, support, and family building experiences.

(47) \$18,000 of the general fund—state appropriation for fiscal year 2024, \$86,000 of the general fund—state appropriation for fiscal year 2025, and \$64,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1970 (DCYF-caregiver communication). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(48) \$485,000 of the general fund—state appropriation for fiscal year 2024, \$866,000 of the general fund—state appropriation for fiscal year 2025, and \$228,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1205 (publication of notice). If the bill is not enacted by June 30, 2024,



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

the amounts provided in this subsection shall lapse.

(49) \$1,750,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to increase the rates paid to family preservation services providers, effective July 1, 2024.

**Sec. 228.** 2023 c 475 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—JUVENILE REHABILITATION PROGRAM**

General Fund—State	Appropriation (FY 2024)	
		<del>(\$140,231,000)</del>
		<u>\$152,459,000</u>
General Fund—State	Appropriation (FY 2025)	
		<del>(\$143,975,000)</del>
		<u>\$154,008,000</u>
General Fund—Federal Appropriation		\$694,000
General Fund—Private/Local Appropriation		\$205,000
Washington Auto Theft Prevention Authority Account—State Appropriation		\$196,000
<b>TOTAL APPROPRIATION</b>		<del>(\$285,301,000)</del>
		<u>\$307,562,000</u>

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

(1) \$2,841,000 of the general fund—state appropriation for fiscal year 2024 and \$2,841,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to county juvenile courts for effective, community-based programs that are culturally relevant, research-informed, and focused on supporting positive youth development, not just reducing recidivism. Additional funding for this purpose is provided through an interagency agreement with the health care authority. County juvenile courts shall apply to the department of children, youth, and families for funding for program-specific participation and the department shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute. The block grant oversight committee, in consultation with the Washington state institute for public policy, shall identify effective, community-based programs that are culturally relevant, research-informed, and focused on supporting positive youth development to receive funding.

(2) \$1,537,000 of the general fund—state appropriation for fiscal year 2024 and \$1,537,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for expansion of the juvenile justice treatments and therapies in department of children, youth, and families programs identified by the Washington state institute for public policy in its report: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The department may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(3)(a) ~~(\$6,198,000)~~ \$6,698,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$6,198,000)~~ \$6,698,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement evidence- and research-based programs through community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants. In addition to funding provided in this subsection, funding to implement alcohol and substance abuse treatment programs for locally committed offenders is provided through an interagency agreement with the health care authority.

(b) The department of children, youth, and families shall administer a block grant to county juvenile courts for the purpose of serving youth as defined in RCW 13.40.510(4)(a) in the county

juvenile justice system. Funds dedicated to the block grant include: Consolidated juvenile service funds, community juvenile accountability act grants, chemical dependency/mental health disposition alternative, and suspended disposition alternative. The department of children, youth, and families shall follow the following formula and must prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for the assessment of low, moderate, and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency and mental health disposition alternative; and (vi) two percent for the suspended dispositional alternatives. Funding for the special sex offender disposition alternative shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the department of children, youth, and families and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(c) The department of children, youth, and families and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the department of children, youth, and families and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be co-chaired by the department of children, youth, and families and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. The committee may make changes to the formula categories in (b) of this subsection if it determines the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost/benefit savings to the state, including long-term cost/benefit savings. The committee must also consider these outcomes in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(d) The juvenile courts and administrative office of the courts must collect and distribute information and provide access to the data systems to the department of children, youth, and families and the Washington state institute for public policy related to program and outcome data. The department of children, youth, and families and the juvenile courts must work collaboratively to develop program outcomes that reinforce the greatest cost/benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(4) \$645,000 of the general fund—state appropriation for fiscal year 2024 and \$645,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for funding of the teamchild project.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant program focused on criminal street gang prevention and intervention. The department of children, youth, and families may award grants under this subsection. The department of children, youth, and families shall give priority to applicants who have demonstrated

the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the department of children, youth, and families on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(6) The juvenile rehabilitation institutions may use funding appropriated in this subsection to purchase goods, supplies, and services through hospital group purchasing organizations when it is cost-effective to do so.

(7) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to county juvenile courts to establish alternative detention facilities similar to the proctor house model in Jefferson county, Washington, that will provide less restrictive confinement alternatives to youth in their local communities. County juvenile courts shall apply to the department of children, youth, and families for funding and each entity receiving funds must report to the department on the number and types of youth serviced, the services provided, and the impact of those services on the youth and the community.

(8) \$432,000 of the general fund—state appropriation for fiscal year 2024 and \$432,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide housing services to clients releasing from incarceration into the community.

(9)(a) \$878,000 of the general fund—state appropriation for fiscal year 2024 and \$879,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 206, Laws of 2021 (concerning juvenile rehabilitation community transition services).

(b) Of the amounts provided in (a) of this subsection, \$105,000 of the general fund—state appropriation for fiscal year 2024 and \$105,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for housing vouchers.

(10) \$123,000 of the general fund—state appropriation for fiscal year 2024 and \$123,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 265, Laws of 2021 (supporting successful reentry).

(11) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a credible messenger mentorship organization located in Kitsap county to provide peer counseling, peer support services, and mentorship for at-risk youth and families.

(12) \$1,791,000 of the general fund—state appropriation for fiscal year 2024 and \$1,754,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for maintenance of the facility, property, and assets at the facility formerly known as the Naselle youth camp in Naselle. The department of children, youth, and families must enter into an interagency agreement with the department of social and health services for the management and warm closure maintenance of the Naselle youth camp facility and grounds during the 2023-2025 fiscal biennium.

(13)(a) \$140,000 of the general fund—state appropriation for fiscal year 2024 and \$140,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1394 (sexual offenses by youth). ~~(If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.)~~

(b) The department of children, youth, and families—juvenile rehabilitation shall develop and implement a grant program that allows defense attorneys and counties to apply for funding for sex offender evaluation and treatment programs. The department shall provide funding to counties for: (a) Process mapping, site assessment, and training for additional sex offender treatment modalities such as multisystemic therapy-problem sexual behavior or problematic sexual behavior-cognitive behavioral therapy; and (b) for any evaluation and preadjudication treatment costs which are not covered by the court.

(14) \$2,436,000 of the general fund—state appropriation for fiscal year 2024 and \$2,206,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a dedicated institutional educational oversight and accountability team and 12 staff to provide a transition team at both green hill and echo glen that will serve as an education engagement team at the facility and will also coordinate and engage with community enrichment programs and community organizations to afford more successful transitions.

(15) \$505,000 of the general fund—state appropriation for fiscal year 2024 and \$505,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracted services for housing for youth exiting juvenile rehabilitation facilities.

(16) ~~(\$3,306,000)~~ \$2,958,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$8,732,000)~~ \$11,436,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for caseload costs and staffing. Of the amount provided in this subsection: ~~(\$1,752,000)~~ \$690,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$2,428,000)~~ \$2,055,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staffing necessary to operate the baker cottage north living unit at green hill school that is anticipated to be operational by ~~(February)~~ May 1, 2024.

(17) \$967,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to purchase body scanners, one for echo glen, and two for green hill school, to comply with chapter 246-230 WAC (security screening systems).

(18) \$7,774,000 of the general fund—state appropriation for fiscal year 2024 and \$10,160,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for enhanced security services at the Echo Glen children's center.

**Sec. 229.** 2023 c 475 s 229 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—EARLY LEARNING PROGRAM**

General Fund—State	Appropriation (FY 2024)	<del>(\$576,454,000)</del>
		<u>\$586,814,000</u>
General Fund—State	Appropriation (FY 2025)	<del>(\$699,147,000)</del>
		<u>\$755,550,000</u>
General Fund—Federal	Appropriation	<del>(\$525,447,000)</del>
		<u>\$662,418,000</u>
General Fund—Private/Local	Appropriation	\$104,000
Education Legacy Trust Account—State	Appropriation	<del>(\$385,965,000)</del>
		<u>\$385,401,000</u>
Home Visiting Services Account—State	Appropriation	<del>(\$35,809,000)</del>
		<u>\$37,397,000</u>
Home Visiting Services Account—Federal	Appropriation	<del>(\$36,417,000)</del>
		<u>\$37,256,000</u>

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

Washington Opportunity Pathways Account—State	
Appropriation	\$80,000,000
Workforce Education Investment Account—State	\$22,764,000
Appropriation	
TOTAL APPROPRIATION	<del>(\$2,362,107,000)</del> <u>\$2,567,704,000</u>

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

(1)(a) ~~(\$123,623,000)~~ \$132,698,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$148,314,000)~~ \$156,585,000 of the general fund—state appropriation for fiscal year 2025, \$91,810,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account—state appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 16,778 slots in fiscal year 2024 and 17,278 slots in fiscal year 2025. Of the total slots in each fiscal year, 100 slots must be reserved for foster children to receive school-year-round enrollment.

(b) Of the amounts provided in (a) of this subsection:

(i) \$23,647,000 of the general fund—state appropriation for fiscal year 2024 and \$26,412,000 of the general fund—state appropriation for fiscal year 2025 are ~~(provided solely)~~ for a slot rate increase of 18 percent for full day slots, a 9 percent increase for extended day slots, and a 7 percent increase for part day slots, beginning July 1, 2023.

(ii) \$8,271,000 of the general fund—state appropriation for fiscal year 2025 is for a rate increase of 5 percent for full day slots and 9 percent for extended day slots, beginning July 1, 2024.

(iii) \$9,862,000 of the general fund—state appropriation for fiscal year 2024 and \$9,862,000 of the general fund—state appropriation for fiscal year 2025 are provided ~~(solely)~~ to convert 1,000 part day slots to full day slots, and to increase full day slots by 500, beginning in fiscal year 2024.

~~((iii))~~ (iv) \$9,862,000 of the general fund—state appropriation for fiscal year 2025 is provided ~~(solely)~~ to convert 1,000 part day slots to full day slots~~(s)~~ and to increase full day slots by 500, beginning in fiscal year 2025.

(c) Of the amounts provided in (a) of this subsection, \$2,509,000 of the general fund—state appropriation for fiscal year 2024 and \$3,278,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase complex needs grant funds for the early childhood education and assistance program.

(d) The department of children, youth, and families must develop a methodology to identify, at the school district 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 and the corresponding facility needs required to meet the entitlement in accordance with RCW 43.216.556. This methodology must be included as part of the budget submittal documentation required by RCW 43.88.030.

(2) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies.

(3) The department of children, youth, and families shall work in collaboration with the department of social and health services to determine the appropriate amount of state expenditures for the working connections child care program to claim towards the state's maintenance of effort for the temporary assistance for

needy families program. The departments will also collaborate to track the average monthly child care subsidy caseload and expenditures by fund type, including child care development fund, general fund—state appropriation, and temporary assistance for needy families for the purpose of estimating the annual temporary assistance for needy families reimbursement from the department of social and health services to the department of children, youth, and families. Effective December 1, 2023, and annually thereafter, the department of children, youth, and families must report to the governor and the appropriate fiscal and policy committees of the legislature the total state contribution for the working connections child care program claimed the previous fiscal year towards the state's maintenance of effort for the temporary assistance for needy families program and the total temporary assistance for needy families reimbursement from the department of social and health services for the previous fiscal year.

(4)(a) ~~(\$144,632,000)~~ \$145,852,000 of the general fund—state appropriation for fiscal year 2024, \$208,181,000 of the general fund—state appropriation for fiscal year 2025, \$56,400,000 of the general fund—federal appropriation, and ~~(\$51,500,000)~~ \$99,100,000 of the general fund—federal appropriation (ARPA) are provided solely for enhancements to the working connections child care program.

(b) Of the amounts provided in (a) of this subsection:

(i) \$47,637,000 of the general fund—state appropriation for fiscal year 2024, \$87,556,000 of the general fund—state appropriation for fiscal year 2025, \$36,249,000 of the general fund—federal appropriation, and \$33,085,000 of the general fund—federal appropriation (ARPA) are provided solely to increase subsidy base rates to the 85th percentile of market based on the 2021 market rate survey for child care centers.

(ii) ~~(\$96,995,000)~~ \$98,215,000 of the general fund—state appropriation for fiscal year 2024, \$120,625,000 of the general fund—state appropriation for fiscal year 2025, \$20,151,000 of the general fund—federal appropriation, and \$18,415,000 of the general fund—federal appropriation (ARPA) are provided solely to implement the 2023-2025 collective bargaining agreement covering family child care providers as provided in section 907 of this act. Of the amounts provided in this subsection:

(A) \$8,263,000 of the general fund—state appropriation for fiscal year 2024 and \$9,793,000 of the general fund—state appropriation for fiscal year 2025 are for an 85 cent per hour per child rate increase for family, friends, and neighbor providers (FFNs) beginning July 1, 2023, and a 15 cent per hour per child rate increase beginning July 1, 2024.

(B) \$26,515,000 of the general fund—state appropriation for fiscal year 2024, \$48,615,000 of the general fund—state appropriation for fiscal year 2025, \$20,151,000 of the general fund—federal appropriation, and \$18,415,000 of the general fund—federal appropriation (ARPA) are provided to increase subsidy base rates to the 85th percentile of market based on the 2021 market rate survey.

(C) \$370,000 of the general fund—state appropriation for fiscal year 2024 and \$370,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to pay the background check application and fingerprint processing fees.

(D) ~~(\$61,847,000)~~ \$63,067,000 of the general fund—state appropriation for fiscal year 2024 and \$61,847,000 of the general fund—state appropriation for fiscal year 2025 are for a cost of care rate enhancement.

(c) Funding in this subsection must be expended with internal controls that provide child-level detail for all transactions, beginning July 1, 2024.

(d) On July 1, 2023, and July 1, 2024, the department, in

collaboration with the department of social and health services, must report to the governor and the appropriate fiscal and policy committees of the legislature on the status of overpayments in the working connections child care program. The report must include the following information for the previous fiscal year:

- (i) A summary of the number of overpayments that occurred;
- (ii) The reason for each overpayment;
- (iii) The total cost of overpayments;
- (iv) A comparison to overpayments that occurred in the past two preceding fiscal years; and
- (v) Any planned modifications to internal processes that will take place in the coming fiscal year to further reduce the occurrence of overpayments.

(e) Within available amounts, the department in consultation with the office of financial management shall report enrollments and active caseload for the working connections child care program to the governor and the legislative fiscal committees and the legislative-executive WorkFirst poverty reduction oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(5) \$2,362,000 of the general fund—state appropriation for fiscal year 2024 (~~and~~), \$2,362,000 of the general fund—state appropriation for fiscal year 2025, and \$747,000 of the general fund—federal appropriation are provided (~~solely~~) to increase the nonstandard hours bonus to:

- (a) \$135 per child per month, beginning July 1, 2023; and
- (b) \$150 per child per month, beginning July 1, 2024.

(6) \$22,764,000 of the workforce education investment account—state appropriation is provided solely for the working connections child care program under RCW 43.216.135.

(7) \$353,402,000 of the general fund—federal appropriation is reimbursed by the department of social and health services to the department of children, youth, and families for qualifying expenditures of the working connections child care program under RCW 43.216.135.

(8) \$1,560,000 of the general fund—state appropriation for fiscal year 2024, \$1,560,000 of the general fund—state appropriation for fiscal year 2025, and \$6,701,000 of the general fund—federal appropriation are provided solely for the seasonal child care program.

(9) \$871,000 of the general fund—state appropriation for fiscal year 2024 and \$871,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department of children, youth, and families to contract with a countywide nonprofit organization with early childhood expertise in Pierce county for a project to prevent child abuse and neglect using nationally recognized models.

(a) The nonprofit organization must continue to implement a countywide resource and referral linkage system for families of children who are prenatal through age five.

(b) The nonprofit organization must offer a voluntary brief newborn home visiting program. The program must meet the diverse needs of Pierce county residents and, therefore, it must be flexible, culturally appropriate, and culturally responsive. The department, in collaboration with the nonprofit organization, must examine the feasibility of leveraging federal and other fund sources, including federal Title IV-E and medicaid funds, for home visiting provided through the pilot. The department must report its findings to the governor and appropriate legislative committees by September 1, 2023.

(10) \$3,577,000 of the general fund—state appropriation for fiscal year 2024, \$3,587,000 of the general fund—state appropriation for fiscal year 2025, and \$9,588,000 of the

education legacy trust account—state appropriation are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. The department shall pursue opportunities to leverage other funding to continue and expand ECLIPSE services. Priority for services shall be given to children referred from the department.

(11) The department shall place a ten percent administrative overhead cap on any contract entered into with the University of Washington. In a bi-annual report to the governor and the legislature, the department shall report the total amount of funds spent on the quality rating and improvements system and the total amount of funds spent on degree incentives, scholarships, and tuition reimbursements.

(12) \$1,728,000 of the general fund—state appropriation for fiscal year 2024 and \$1,728,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for reducing barriers for low-income providers to participate in the early achievers program.

(13) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a nonprofit entity experienced in the provision of promoting early literacy for children through pediatric office visits.

(14) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(15) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(16) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continued implementation of chapter 202, Laws of 2017 (children's mental health).

(17) Within existing resources, the department shall continue implementation of chapter 409, Laws of 2019 (early learning access).

(18) \$515,000 of the general fund—state appropriation for fiscal year 2024 and \$515,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a statewide family resource and referral linkage system, with coordinated access point of resource navigators who will connect families with children prenatal through age five with services, programs, and community resources through a facilitated referral and linkage process.

(19)(a) \$114,000 of the general fund—state appropriation for fiscal year 2024, \$173,000 of the general fund—state appropriation for fiscal year 2025, \$6,000 of the general fund—federal appropriation, and \$31,000 of the general fund—federal appropriation (ARPA) are provided solely for the department to complete its pilot project to determine the feasibility of a child care license category for multi-site programs operating under one owner or one entity and to complete one year of transition activities. The department shall adopt rules to implement the pilot project and may waive or adapt licensing requirements when necessary to allow for the operation of a new license category. Pilot participants must include, at least:

- (i) One governmental agency;
- (ii) One nonprofit organization; and

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(iii) One for-profit private business.

(b) New or existing license child care providers may participate in the pilot. When selecting and approving pilot project locations, the department shall aim to select a mix of rural, urban, and suburban locations. By July 1, 2024, the department shall submit to the governor and relevant committees of the legislature a plan for permanent implementation of this license category, including any necessary changes to law.

(20) (~~(\$3,020,000)~~) \$4,620,000 of the home visiting account—state appropriation and \$6,540,000 of the home visiting account—federal appropriation are provided solely for the home visiting program. Of the amounts in this subsection:

(a) \$2,020,000 of the home visiting account—state appropriation and \$6,540,000 of the home visiting account—federal appropriation are provided solely for a funding increase, including to increase funding for contracts to support wage and cost increases and create more equity in contracting among the home visiting workforce.

(b) \$1,000,000 of the home visiting account—state appropriation is provided solely for the expansion of visiting services.

(c) \$1,600,000 of the home visiting account—state appropriation is provided solely for the department to establish a pilot program that would fund 150 targeted contracted home visiting slots to meet capacity and demand for child welfare involved clients. Priority for home visiting slots shall go to families with child protective services, family assessment response, and family voluntary services open cases where parental substance use is a factor in the case and be provided in locales with the historically highest rates of child welfare screened-in intakes. At least two of the providers for this pilot program shall be located in a rural area. At least \$200,000 of the amount provided in this subsection (20)(c) shall be set aside to provide training for the selected home visiting providers specific to supporting families with substance use disorder.

(21) Within the amounts provided in this section, funding is provided for the department to make permanent the two language access coordinators with specialties in Spanish and Somali as funded in chapter 334, Laws of 2021.

(22)(a) The department must provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license-exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(b) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry starting in the 2015-16 school year, and every school year thereafter. By October 2017, and every October thereafter, the department must provide updated ECEAP early learning professional data to the education research data center.

(c) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(d) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data every March for the previous school year.

(e) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(23) \$260,000 of the general fund—state appropriation for fiscal year 2024 and \$260,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue implementation of an infant and early childhood mental health consultation initiative to support tribal child care and early learning programs. Funding may be used to provide culturally congruent infant and early childhood mental health supports for tribal child care, the tribal early childhood education and assistance program, and tribal head start providers. The department must consult with federally recognized tribes which may include round tables through the Indian policy early learning committee.

(24) \$860,000 of the general fund—state appropriation for fiscal year 2024 and \$860,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continued expansion and support of family, friend, or neighbor caregivers with a focus on the provision of play and learn groups. The amounts provided in this subsection may be used for the department to:

(a) Fund consistent staffing across the state's six geographic regions to support the needs of family, friend, or neighbor caregivers;

(b) Contract with a statewide child care resource and referral program to sustain and expand the number of facilitated play groups to meet the needs of communities statewide;

(c) Support existing infrastructure for organizations that have developed the three existing play and learn program models so they have capacity to provide training, technical assistance, evaluation, data collection, and other support needed for implementation; and

(d) Provide direct implementation support to community-based organizations that offer play and learn groups.

(25) (~~(\$3,750,000)~~) \$2,750,000 of the general fund—state appropriation for fiscal year 2024 and (~~(\$3,750,000)~~) \$4,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for tribal early learning grants to be distributed to providers with tribal children enrolled in early childhood education and assistance program, early ECEAP, childcare, head start, early head start and home visiting programs. Grants will be administered by the department of children, youth and families office of tribal relations and may be awarded for purposes including but not limited to culturally appropriate mental health supports for addressing historical trauma, incorporating indigenous foods, culturally-responsive books and materials, staff professional development, curriculum adaptations and supplements, tribal language education, elders and storytelling in classrooms, traditional music and arts instruction, and transportation to facilitate tribal child participation in early childhood education. Of the amounts in this subsection, the department may use \$143,000 in fiscal year 2024 and up to \$136,000 in fiscal year 2025 to cover associated administrative expenses.

(26) \$7,698,000 of the general fund—state appropriation for fiscal year 2024 and \$7,698,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase complex needs grant funds for child care providers.

(27) \$2,624,000 of the general fund—state appropriation for fiscal year 2024 and \$2,624,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for equity grants established under chapter 199, Laws of 2021 (E2SSB

5237).

(28) \$2,354,000 of the general fund—state appropriation for fiscal year 2024 and \$2,431,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue the birth-to-three early childhood education and assistance program. Funding is sufficient for a 20 percent rate increase beginning July 1, 2023, and a 1.8 percent rate increase beginning July 1, 2024.

(29) \$3,352,000 of the general fund—state appropriation for fiscal year 2024 and \$9,916,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement Second Substitute Senate Bill No. 5225 (working conn. child care). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(30) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to help close the gap in childcare access in the King county region by providing pandemic recovery support funding to the Launch learning organization.

(31) ~~((\$533,000))~~ \$169,000 of the general fund—state appropriation for fiscal year 2024 ~~((is))~~ and \$364,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to submit an implementation plan to expand access to Washington's mixed delivery child care system. The plan must assume that any financial contribution by families is capped at no more than seven percent of household income and that the child care workforce are provided living wages and benefits. The plan must be submitted to the appropriate committees of the legislature by June 30, 2025, and should:

- (a) Follow the intent of chapter 199, Laws of 2021;
- (b) Be aligned with the cost of quality care rate model;
- (c) Include timelines, costs, and statutory changes necessary for timely and effective implementation; and
- (d) Be developed through partnership with the statewide child care resource and referral organization and the largest union representing child care providers, with consultation from families.

(32) ~~((and)),~~ \$250,000 of the general fund—state appropriation for fiscal year 2024, \$250,000 of the general fund—state appropriation for fiscal year 2025, and \$1,750,000 of the general fund—federal appropriation are provided solely for infant and early childhood mental health consultation. Of the amounts provided in this subsection, \$150,000 of the general fund—federal appropriation is for infant and early childhood mental health consultation services to support rural schools and child care programs in rural communities.

(33) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with Washington communities for children to maintain a community-based early childhood network.

(34) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a Washington state based nonprofit digital child care marketing and matching service to deliver child care marketing and matching services in order to increase the number of licensed providers offering nonstandard hours care and to provide effective outreach to workforces in order to help them find and match with available nonstandard hours care providers.

(35) \$250,000 of the general fund—state appropriation for fiscal year 2024 ~~((and)),~~ \$250,000 of the general fund—state appropriation for fiscal year 2025, and \$4,000,000 of the general fund—federal appropriation are provided solely for the department to contract with an organization that provides

relationship-based professional development support to family, friend, and neighbor, child care center, and licensed family care providers to work with child care workers to establish new affordable, high quality child care and early learning programs. To be eligible to receive funding, the organization must:

(a) Provide professional development services for child care providers and early childhood educators, including training and mentorship programs;

(b) Provide mentorship and other services to assist with child care provider and facility licensing;

(c) Administer or host a system of shared services and consulting related to operating a child care business; and

(d) Administer a state sponsored substitute pool child care provider program.

(36) \$830,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 1447 (assistance programs). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(37) \$972,000 of the general fund—state appropriation for fiscal year 2024 and \$1,728,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1525 (apprenticeships/child care). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(38) \$2,438,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to provide a one-time rate enhancement in fiscal year 2024 for early support for infants and toddlers program providers.

(39) \$4,291,000 of the general—fund state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 1916 (infants and toddlers program). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(40) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and ~~((\$1,000,000))~~ \$2,200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the imagination library.

(41) \$2,647,000 of the general fund—federal appropriation is provided solely for the department to increase the infant rate enhancement to \$180 per month, beginning July 1, 2024.

(42) \$1,579,000 of the general fund—federal appropriation is provided solely for the department to establish a pilot for contracted child care slots for infants in child protective services, which may be used as part of a safety plan.

(43) \$200,000 of the general fund—federal appropriation is provided solely for the department to contract with an organization to increase language access and translate materials and videos that are used for training purposes. To be eligible to receive funding, the organization must: (a) Provide professional development services for child care providers and early childhood educators, including training and mentorship programs; (b) provide mentorship and other services to assist with child care provider and facility licensing; (c) administer or host a system of shared services and consulting related to operating a child care business; and (d) administer a state sponsored substitute pool child care provider program.

(44)(a) \$30,000 of the general fund—state appropriation for fiscal year 2024 and \$170,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with the Snohomish county early learning coalition to develop a leadership team to identify and report on ways to strengthen the early learning community in Snohomish county. The leadership team may include, but is not limited to, members from the following groups:

- (i) Business communities and industry representatives;

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

- (ii) Child care directors and owners;
- (iii) School district superintendents;
- (iv) The children's commission;
- (v) Early learning nonprofit executive directors;
- (vi) Tribes located in Snohomish county;
- (vii) Councilmembers from cities located in Snohomish county;
- (viii) Law enforcement;
- (ix) The communities of color coalition; and
- (x) Immigrant communities.

(b) The early learning coalition must submit an initial report to the governor and the appropriate committees of the legislature by June 30, 2025. The report must identify the following information:

- (i) Highest priority early learning needs and common challenges in the Snohomish county early learning sector;
- (ii) Best strategies to address the identified challenges;
- (iii) A list of potential partners to help implement the strategies identified in the report;
- (iv) A funding plan to implement the strategies; and
- (v) The goal of any strategies implemented.

(45) \$30,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a Bellevue-based nonprofit organization to support the continuation of its home visiting services for children ages three through five years old who are in the child welfare system. The nonprofit organization must provide educational and therapeutic services for children with developmental delays, disabilities, and behavioral needs.

(46) \$600,000 of the general fund—federal appropriation is provided solely for the department to contract with an organization to provide technical assistance and outreach in non-English languages to help child care providers access and apply for grants administered by the department. To be eligible to receive funding, the organization must: (a) Provide professional development services for child care providers and early childhood educators, including training and mentorship programs; (b) provide mentorship and other services to assist with child care provider and facility licensing; (c) administer or host a system of shared services and consulting related to operating a child care business; and (d) administer a state sponsored substitute pool child care provider program.

(47) \$1,275,000 of the general fund—federal appropriation is provided solely for the department to contract for in-depth training, mentoring, and consultative support through the existing shared services hub.

(48)(a) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to contract with a nonprofit organization located in Spokane for a pilot program to increase the child care workforce and child care capacity in the greater Spokane area. At a minimum, the pilot program must create a cohort of at least 10 child care facilities that will engage in culture index and blueprint assessments in order to increase the child care workforce.

(b) In administering the pilot program, the nonprofit organization must:

- (i) Conduct coordinated outreach efforts to establish capacity and utilization benchmarks for current licensed day care facilities;
  - (ii) Create a recruitment and branding strategy to increase the child care workforce; and
  - (iii) Establish data points for training, recruiting, and retaining child care employees.
- (c) The organization must submit a report on the results of the pilot program, including any outcomes affecting the child care

workforce and capacity, to the governor and the appropriate committees of the legislature by June 30, 2025.

(49) \$1,246,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2124 (child care prog. eligibility). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 230.** 2023 c 475 s 230 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—PROGRAM SUPPORT**

General Fund—State	Appropriation (FY 2024)	(\$269,989,000)
		\$372,607,000
General Fund—State	Appropriation (FY 2025)	(\$267,333,000)
		\$287,026,000
General Fund—Federal	Appropriation	(\$154,741,000)
		\$171,245,000
General Fund—Private/Local	Appropriation	(\$2,133,000)
		\$2,334,000
Education Legacy Trust Account—State	Appropriation	(\$180,000)
		\$744,000
Home Visiting Services Account—State	Appropriation	\$482,000
Home Visiting Services Account—Federal	Appropriation	\$380,000
<b>TOTAL APPROPRIATION</b>		<b>(\$695,238,000)</b>
		<b>\$834,818,000</b>

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

(1) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a Washington state mentoring organization to continue its public-private partnerships providing technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$2,000 of the general fund—state appropriation for fiscal year 2024, \$6,000 of the general fund—state appropriation for fiscal year 2025, and \$2,000 of the general fund—federal appropriation are provided solely for the implementation of an agreement reached between the governor and the Washington federation of state employees for the language access providers under the provisions of chapter 41.56 RCW for the 2023-2025 fiscal biennium, as provided in section 907 of this act.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a full-time employee to coordinate policies and programs to support pregnant and parenting individuals receiving chemical dependency or substance use disorder treatment.

(4) ~~(\$2,719,000)~~ \$3,525,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$2,632,000)~~ \$3,597,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$174,000)~~ \$181,000 of the general fund—federal appropriation are provided solely for the phase-in of the settlement agreement under *D.S. et al. v. Department of Children, Youth and Families et al.*, United States district court for the western district of Washington, cause no. 2:21-cv-00113-BJR. The department must implement the provisions of the settlement agreement pursuant to the timeline and implementation plan provided for under the settlement agreement. This includes implementing provisions related to the emerging adulthood housing program, professional therapeutic foster care, statewide hub home model, revised

licensing standards, family group planning, referrals and transition, qualified residential treatment program, and monitoring and implementation. To comply with the settlement agreement, funding in this subsection is provided as follows:

(a) \$2,406,000 of the general fund—state appropriation for fiscal year 2024, \$2,382,000 of the general fund—state appropriation for fiscal year 2025, and \$174,000 of the general fund—federal appropriation are provided solely for supported housing programs for hard-to-place foster youth age 16 and above. The department shall provide housing and case management supports that ensure youth placement stability, promote mental health and well-being, and prepare youth for independent living.

(b) \$313,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation and monitoring of the state's implementation plan, which includes receiving recurring updates, requesting data on compliance, reporting on progress, and resolving disputes that may arise.

(c) \$806,000 of the general fund—state appropriation for fiscal year 2024, \$965,000 of the general fund—state appropriation for fiscal year 2025, and \$7,000 of the general fund—federal appropriation are provided solely for plaintiff legal fees and fiduciary support to support rate modeling and payments for the emerging adult housing program, professional therapeutic foster parents, referrals and transitions, and hub homes.

(5) \$704,000 of the general fund—state appropriation for fiscal year 2024, \$1,022,000 of the general fund—state appropriation for fiscal year 2025, and \$222,000 of the general fund—federal appropriation are provided solely for the department to implement a language access plan, which will include but is not limited to:

(a) Translation of department materials;

(b) Hiring staff to form a centralized language access team to provide language access supports and coordination across all department divisions;

(c) Outreach to community organizations serving multilingual children and families regarding department programs;

(d) Webinars and other technical assistance provided in multiple languages for department programs;

(e) Training for department staff on language access resources; and

(f) Other means of increasing language access and equity for providers and caregivers in health and safety, licensing and regulations, and public funding opportunities for programs offered by the department.

(6) \$1,885,000 of the general fund—state appropriation for fiscal year 2024 and \$1,885,000 of the general fund—federal appropriation are provided solely for a feasibility study to develop an implementation plan and determine costs for a new child welfare information system.

(7) \$2,149,000 of the general fund—state appropriation for fiscal year 2024, \$7,851,000 of the general fund—state appropriation for fiscal year 2025, and \$10,000,000 of the general fund—federal appropriation are provided solely for a comprehensive child welfare information system. The funding in this section is sufficient to complete procurement and the initial stages of implementation and is subject to the conditions, limitations, and review requirements of section 701 of this act.

(8) \$1,187,000 of the general fund—state appropriation for fiscal year 2024 and \$1,187,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for housing support services for youth exiting foster care and juvenile rehabilitation.

~~((8))~~ (9) \$19,000 of the general fund—state appropriation for fiscal year 2024, \$19,000 of the general fund—state appropriation for fiscal year 2025, and \$6,000 of the general fund—federal

appropriation are provided solely for indirect costs associated with the implementation of a seven-level foster care support system.

~~((9))~~ (10) \$1,494,000 of the general fund—federal appropriation is provided solely for continued implementation of the family first prevention services act requirements, including technology enhancements to support the automated assessments, data quality, and reporting requirements. Funding provided in this subsection is subject to the conditions, limitations, and review provided in section 701 of this act.

~~((10))~~ (11) \$717,000 of the general fund—state appropriation for fiscal year 2024, \$717,000 of the general fund—state appropriation for fiscal year 2025, and \$324,000 of the general fund—federal appropriation are provided solely for continued implementation of chapter 210, Laws of 2021 (2SHB 1219).

~~((11))~~ (12) \$1,248,000 of the general fund—state appropriation for fiscal year 2024 and \$1,248,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of the emergency adolescent housing pilot program. The housing pilot will serve hard-to-place foster youth who are at least 16 years old with housing and intensive case management.

~~((12))~~ (13) \$319,000 of the general fund—state appropriation for fiscal year 2024, \$319,000 of the general fund—state appropriation for fiscal year 2025, and \$170,000 of the general fund—federal appropriation are provided solely to continue implementation of chapter 137, Laws of 2022 (2SHB 1905).

~~((13))~~ (14) \$26,000 of the general fund—state appropriation for fiscal year 2024 and \$26,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue implementation of chapter 39, Laws of 2022 (SHB 2068).

~~((14))~~ (15) \$23,000 of the general fund—state appropriation for fiscal year 2024, \$31,000 of the general fund—state appropriation for fiscal year 2025, and \$7,000 of the general fund—federal appropriation are provided solely to implement Second Substitute Senate Bill No. 5225 (working conn. child care). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((15))~~ (16) \$1,571,000 of the general fund—state appropriation for fiscal year 2024 and \$1,571,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to implement Senate Bill No. 5316 (DCYF background check fees). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((16))~~ (17) \$53,000 of the general fund—state appropriation for fiscal year 2024, \$53,000 of the general fund—state appropriation for fiscal year 2025, and \$16,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5515 (child abuse and neglect). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((17))~~ (18) \$43,000 of the general fund—state appropriation for fiscal year 2024, \$78,000 of the general fund—state appropriation for fiscal year 2025, and \$18,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5124 (nonrelative kin placement). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((18))~~ (19) \$2,627,000 of the general fund—state appropriation for fiscal year 2024 and \$2,628,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5256 (child welfare housing). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((19))~~ (20) \$33,000 of the general fund—state appropriation for fiscal year 2024, \$58,000 of the general fund—state appropriation



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

for fiscal year 2025, and \$14,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 5683 (foster care/Indian children). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~((20)))~~ (21) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the partnership council for juvenile justice to consider and provide recommendations regarding juvenile justice policy projects and for one additional staff for ongoing policy and program analysis. The partnership council is authorized to consult with experts to study and gather research on best practices regarding juvenile justice, and to consult with relevant stakeholders regarding its potential recommendations. Relevant stakeholders may include but are not limited to the superior court judges association; Washington association of juvenile court administrators; Washington association of county clerks; the association of Washington counties; community-based organizations with expertise in legal financial obligation reform, community compensation funds, supporting victims and survivors of crime, or supporting youth who have been convicted or adjudicated of criminal offenses; law enforcement, prosecutors; public defenders; incarcerated and formerly incarcerated youth and young adults; the administrative office of the courts; the crime victims compensation program; and the office of crime victims advocacy.

(a) The council shall:

(i) By October 31, 2024, report to the governor and appropriate committees of the legislature recommendations for establishing a state-funded community compensation program to address out of pocket expenses for those who have been harmed by juvenile criminal offenses. Recommendations shall consider restorative principles and best practices and shall be developed in consultation with those who have been adjudicated and charged restitution and those who have been owed restitution. The council shall provide recommendations for program implementation including, but not limited to, structure and placement within state government; scope and scale of funding including eligibility criteria; retroactivity; documentation requirements; and coordination with the existing crime victims compensation fund. The council shall provide estimates of startup costs and ongoing operational costs, including administration and direct compensation to victims.

(ii) By October 31, 2024, report to the governor and appropriate committees of the legislature recommendations regarding retention, dissemination, confidentiality, sealing, consequences, and general treatment of juvenile court records. In making recommendations, the council shall take into consideration developments in brain science regarding decision-making amongst youth; the impact the juvenile court records can have on future individual well-being; principles of racial equity; and impacts that the recommendations could have on recidivism.

(iii) By June 30, 2025, report to the governor and appropriate committees of the legislature recommendations regarding implementation of juvenile court jurisdiction expansion to encompass persons 18, 19, and 20 years old. Recommendations shall include an implementation plan for the expansion, including necessary funding, essential personnel and programmatic resources, measures necessary to avoid a negative impact on the state's child protection response, and specific milestones related to operations and policy. The implementation plan shall also include a timeline for structural and systemic changes within the juvenile justice system for the juvenile rehabilitation division; the department of children, youth, and families; the department of

corrections; and the juvenile court pursuant to chapter 13.04 RCW. The implementation plan shall also include an operations and business plan that defines benchmarks including possible changes to resource allocations; a review of the estimated costs avoided by local and state governments with the reduction of recidivism and an analysis of cost savings reinvestment options; and estimated new costs incurred to provide juvenile justice services to persons 18, 19, and 20 years old.

~~((21)))~~ (22) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a statewide nonprofit with demonstrated capability of partnering with agencies and community organizations to develop public-facing regionalized data dashboards and reports to measure change in equitable early learning access as a result of programs and grants administered by the department. The nonprofit must provide the data in a consumer-friendly format and include updates on program supply and demand for subsidized child care and preschool programs. The data must be disaggregated by program and facility type, geography, family demographics, copayments, and outcomes of grants and rate enhancements disaggregated by staff role, program and facility type, and geography.

~~((22) \$1,206,000))~~ (23) \$1,044,000 of the general fund—state appropriation for fiscal year 2024, ~~(((\$1,554,000))~~ \$1,885,000 of the general fund—state appropriation for fiscal year 2025, and ~~(((\$1,416,000))~~ \$1,619,000 of the general fund—private/local appropriation are provided solely for the department to contract with one or more community organizations with expertise in the LifeSet case management model to serve youth and adults currently being served in or exiting the foster care, juvenile justice, and mental health systems to successfully transition to adulthood.

~~((23)))~~ (24) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase rates for independent living service providers.

~~((24)))~~ (25) \$700,000 of the general fund—state appropriation for fiscal year 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for funding of the teamchild project.

~~((25)))~~ (26) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an entity for three separate studies. The department must submit the studies to the governor and the legislature by June 30, 2025. The studies must analyze:

(a) The feasibility of implementing a universal child allowance, universal child care, and universal baby boxes;

(b) The feasibility of a social wealth fund for Washington state; and

(c) The current cash and cash-equivalent benefits currently available for Washington state residents who are nonworkers.

~~((26)))~~ (27) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with an all-male, African American organization to mentor youth ages 12 through 19 in south King county.

~~((27)))~~ (28) \$37,000 of the general fund—state appropriation for fiscal year 2024, \$37,000 of the general fund—state appropriation for fiscal year 2025, and \$74,000 of the general fund—federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No.

1188 (child welfare services/DD). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~(28))) (29) \$18,000 of the general fund—state appropriation for fiscal year 2024, \$18,000 of the general fund—state appropriation for fiscal year 2025, and \$8,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1580 (children in crisis). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~~~

~~(29))) (30)(a) \$118,000 of the general fund—state appropriation for fiscal year 2024 and \$41,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to report on a plan to discontinue the practice of using any benefits, payments, funds, or accrual paid to or on behalf of a child or youth to reimburse itself for cost of care by the earliest date feasible. The report must include an implementation plan to conserve funds for the future needs of the child in a manner in which the funds will not count against eligibility for federal or state means tested programs. The report must include a strategy for developing the financial literacy and capability of youth and young adults exiting foster care and juvenile rehabilitation. The department will develop the report in consultation with stakeholders, including but not limited to:~~

(i) Individuals with disabilities and organizations representing the interests of or serving individuals with disabilities;

(ii) Youth in foster care and juvenile rehabilitation and their parents;

(iii) The social security administration; and

(iv) Other relevant state agencies.

(b) The department must provide periodic status updates and must submit the final report no later than October 1, 2024. The department must convene the first meeting of the work group no later than September 1, 2023.

(31) \$1,593,000 of the general fund—state appropriation for fiscal year 2024, \$1,827,000 of the general fund—state appropriation for fiscal year 2025, and \$176,000 of the general fund—federal appropriation are provided solely for:

(a) Compliance with the settlement agreement reached in *Ta'afulisia et al. v. Washington State Department of Children, Youth, and Families, et al.*, Thurston county superior court, cause no. 22-2-02974-34. The department must implement the provisions of the settlement agreement, which includes providing hearings to incarcerated youth under age 25 serving their sentence at a department of children, youth, and families facility prior to transfer to an adult corrections facility operated by the department of corrections; and

(b) Providing hearings for youth under age 25 transferred from a department of children, youth, and families community partial confinement facility to a department of children, youth, and families total confinement facility.

(32) \$94,615,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for legal costs that exceed the amount covered by the self-insurance liability account as follows:

(a) \$91,250,000 for the costs associated with a jury verdict resulting from *Cox et al. v. State of Washington et al.*, Pierce county superior court, cause no. 12-2-11389-6; and

(b) \$3,365,000 for the costs associated with a settlement agreement reached in *Aroni et al., v. State of Washington*, King county superior court, cause no. 21-2-16587-3.

(33) \$11,000 of the general fund—state appropriation for fiscal year 2024, \$651,000 of the general fund—state appropriation for fiscal year 2025, and \$662,000 of the general fund—federal appropriation are provided solely for a feasibility study for the social service payment system replacement project.

(34) \$7,000 of the general fund—state appropriation for fiscal

year 2024, \$10,000 of the general fund—state appropriation for fiscal year 2025, and \$2,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1205 (service by pub./dependency). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(35) \$3,000 of the general fund—state appropriation for fiscal year 2024, \$22,000 of the general fund—state appropriation for fiscal year 2025, and \$4,000 of the general fund—federal appropriation are provided solely for implementation of Substitute House Bill No. 1970 (DCYF-caregiver communication). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

### PART III NATURAL RESOURCES

**Sec. 301.** 2023 c 475 s 301 (uncodified) is amended to read as follows:

#### FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2024)	\$1,728,000
General Fund—State Appropriation (FY 2025) <del>(((\$1,273,000))</del>	<del>(\$1,273,000)</del>
	<u>\$1,289,000</u>
General Fund—Federal Appropriation	\$32,000
General Fund—Private/Local Appropriation <del>(((\$2,574,000))</del>	<del>(\$2,574,000)</del>
	<u>\$2,590,000</u>
Climate Commitment Account—State Appropriation	\$138,000
TOTAL APPROPRIATION <del>(((\$5,745,000))</del>	<del>(\$5,745,000)</del>
	<u>\$5,777,000</u>

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

(1) \$105,000 of the general fund—state appropriation for fiscal year 2024 and \$108,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a land use planner to provide land use planning services dedicated to Klickitat county. Because the activities of the land use planner are solely for the benefit of Washington state, Oregon is not required to provide matching funds for this activity.

(2) \$553,000 of the general fund—state appropriation for fiscal year 2024, \$352,000 of the general fund—state appropriation for fiscal year 2025, and \$905,000 of the general fund—private/local appropriation are provided solely for the access database replacement project. The commission must consult with the office of the chief information officer regarding the access database replacement project.

(3) \$138,000 of the climate commitment account—state appropriation is provided solely for staff to lead implementation of the agency's climate change action plan and to support implementation of the vital sign indicators monitoring program.

(4) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**Sec. 302.** 2023 c 475 s 302 (uncodified) is amended to read as follows:

#### FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2024)	<del>(((\$39,381,000))</del>
	<u>\$39,599,000</u>
General Fund—State Appropriation (FY 2025)	<del>(((\$37,256,000))</del>
	<u>\$38,799,000</u>
General Fund—Federal Appropriation <del>(((\$108,485,000))</del>	<del>(\$108,485,000)</del>
	<u>\$145,480,000</u>
General Fund—Private/Local Appropriation <del>(((\$29,544,000))</del>	<del>(\$29,544,000)</del>
	<u>\$29,550,000</u>

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

Climate Commitment Account—State Appropriation	(\$14,792,000)
	<u>\$23,966,000</u>
Emergency Drought Response Account—State Appropriation	\$6,000,000
Natural Climate Solutions Account—State Appropriation	(\$12,795,000)
	<u>\$16,408,000</u>
Reclamation Account—State Appropriation	(\$4,753,000)
	<u>\$4,765,000</u>
Flood Control Assistance Account—State Appropriation	(\$5,041,000)
	<u>\$5,045,000</u>
Aquatic Lands Enhancement Account—State Appropriation	\$150,000
Refrigerant Emission Management Account—State Appropriation	(\$2,795,000)
	<u>\$3,112,000</u>
State Emergency Water Projects Revolving Account—State Appropriation	\$40,000
Waste Reduction, Recycling, and Litter Control Account—State Appropriation	(\$33,866,000)
	<u>\$33,928,000</u>
State Drought Preparedness Account—State Appropriation	(\$2,204,000)
	<u>\$2,219,000</u>
State and Local Improvements Revolving Account—Water Supply Facilities—State Appropriation	\$186,000
Water Rights Tracking System Account—State Appropriation	\$48,000
Site Closure Account—State Appropriation	\$582,000
Wood Stove Education and Enforcement Account—State Appropriation	\$605,000
Worker and Community Right to Know Fund—State Appropriation	(\$2,212,000)
	<u>\$2,216,000</u>
Water Rights Processing Account—State Appropriation	\$39,000
Water Quality Permit Account—State Appropriation	(\$65,774,000)
	<u>\$66,941,000</u>
Underground Storage Tank Account—State Appropriation	(\$4,987,000)
	<u>\$5,005,000</u>
Biosolids Permit Account—State Appropriation	(\$3,054,000)
	<u>\$3,058,000</u>
Hazardous Waste Assistance Account—State Appropriation	(\$9,393,000)
	<u>\$9,435,000</u>
Radioactive Mixed Waste Account—State Appropriation	(\$23,955,000)
	<u>\$24,321,000</u>
Air Pollution Control Account—State Appropriation	(\$4,706,000)
	<u>\$4,762,000</u>
Oil Spill Prevention Account—State Appropriation	(\$8,485,000)
	<u>\$9,103,000</u>
Air Operating Permit Account—State Appropriation	(\$5,510,000)
	<u>\$5,568,000</u>
Wastewater Treatment Plant Operator Certification Account—State Appropriation	(\$801,000)
	<u>\$805,000</u>

Oil Spill Response Account—State Appropriation	\$7,076,000
Model Toxics Control Operating Account—State Appropriation	(\$342,888,000)
	<u>\$350,352,000</u>
Model Toxics Control Operating Account—Local Appropriation	(\$499,000)
	<u>\$1,000,000</u>
Model Toxics Control Stormwater Account—State Appropriation	\$16,991,000
Voluntary Cleanup Account—State Appropriation	\$344,000
Paint Product Stewardship Account—State Appropriation	\$151,000
Water Pollution Control Revolving Administration Account—State Appropriation	(\$8,506,000)
	<u>\$8,610,000</u>
Clean Fuels Program Account—State Appropriation	(\$4,801,000)
	<u>\$5,005,000</u>
Climate Investment Account—State Appropriation	(\$50,290,000)
	<u>\$60,802,000</u>
<b>TOTAL APPROPRIATION</b>	<b>(\$858,985,000)</b>
	<u><b>\$932,066,000</b></u>

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

- (1) \$455,000 of the general fund—state appropriation for fiscal year 2024 and \$455,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to grant to the northwest straits commission to provide funding, technical assistance, and/or coordination support equally to the seven Puget Sound marine resources committees.
- (2) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.
- (3) \$102,000 of the general fund—state appropriation for fiscal year 2024 and \$102,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Executive Order No. 12-07, Washington's response to ocean acidification.
- (4) \$24,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide grants to local governments for the purpose of supporting local solid waste and financial assistance programs.
- (5) \$150,000 of the aquatic lands enhancement account—state appropriation is provided solely for implementation of the state marine management plan and ongoing costs of the Washington coastal marine advisory council to serve as a forum and provide recommendations on coastal management issues.
- (6) \$2,000,000 of the model toxics control operating account—state appropriation is provided solely for the department to convene a stakeholder group, including representatives from overburdened communities, to assist with developing a water quality implementation plan for polychlorinated biphenyls and to address other emerging contaminants in the Spokane river. The department must also consult with the Spokane tribe of Indians and other interested tribes when developing and implementing actions to address water quality in the Spokane river.
- (7) \$4,002,000 of the natural climate solutions account—state appropriation is provided solely to address flood prevention in the Nooksack basin and Sumas prairie. Of this amount:
  - (a) \$2,000,000 is provided solely to expand and sustain Whatcom county's floodplain integrated planning (FLIP) team planning process, including supporting communication,

community participation, coordination, technical studies and analysis, and development of local solutions.

(b) \$900,000 is provided solely for the department to support transboundary coordination, including facilitation and technical support to develop and evaluate alternatives for managing transboundary flooding in Whatcom county and British Columbia.

(c) \$1,102,000 is provided solely to support dedicated local and department capacity for floodplain planning and technical support. Of the amount in this subsection (c), \$738,000 is solely for a grant to Whatcom county. The remaining amount is for the department to provide ongoing staff technical assistance and support to flood prevention efforts in this area.

(8) (~~(\$16,472,000)~~) \$21,504,000 of the climate investment account—state appropriation is provided solely for capacity grants to federally recognized tribes for: (a) Consultation on spending decisions on grants in accordance with RCW 70A.65.305; ~~((and))~~ (b) consultation on clean energy siting projects; (c) activities supporting climate resilience and adaptation; (d) developing tribal clean energy projects; (e) applying for state or federal grant funding; and (f) other related work. In order to meet the requirements of RCW 70A.65.230(1)(b), tribal applicants are encouraged to include a tribal resolution supporting their request with their grant application. \$5,032,000 of the climate investment account—state appropriation provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(9) \$1,363,000 of the general fund—state appropriation for fiscal year 2024 and \$1,375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for preparation and filing of adjudications of state water rights in water resource inventory area 1 (Nooksack).

(10) \$573,000 of the general fund—state appropriation for fiscal year 2024 and \$963,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for preparation and filing of adjudications of state water rights in lake Roosevelt and its immediate tributaries.

(11) \$2,479,000 of the climate investment account—state appropriation is provided solely for addressing air quality in overburdened communities highly impacted by air pollution under RCW 70A.65.020.

(12) \$177,000 of the general fund—state appropriation for fiscal year 2024 and \$177,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to validate a proposed standardized channel migration zone mapping methodology, develop a statewide channel migration zone mapping implementation plan, and provide technical assistance to local and tribal governments looking to use the new standard.

(13)(a) \$640,000 of the climate investment account—state appropriation is provided solely for the department, in consultation with the office of financial management and the environmental justice council, to develop and implement a process to track, summarize, and report on state agency expenditures from climate commitment act accounts that provide direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities as described in RCW 70A.65.030 and 70A.65.230, and expenditures that are formally supported by a resolution of an Indian tribe as described in RCW 70A.65.230. The department must incorporate the process under this subsection into existing efforts to track climate commitment act expenditures under RCW 70A.65.300. The department must incorporate the Washington state proequity antiracism (PEAR) plan and playbook and executive order 22-04 into the work of this subsection as appropriate.

(b) The information that agencies provide to the department, and that the department tracks and reports on under this subsection, must include, at a minimum:

(i) The amount of each expenditure that provides direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities;

(ii) An explanation of how the expenditure provides such benefits;

(iii) The methods by which overburdened communities and vulnerable populations were identified by the agency and an explanation of the outcomes of those identification processes, including the geographic location impacted by the expenditure where relevant, and the geographic boundaries of overburdened communities identified by the agency;

(iv) The amount of each expenditure used for programs, activities, or projects formally supported by a resolution of an Indian tribe; and

(v) For expenditures that do not meet, or it is unclear whether they meet, (b)(i) or (iv) of this subsection, an explanation of why.

(c) The department, in consultation with the environmental justice council and the office of financial management, and in coordination with reporting under RCW 70A.65.300, must report to the appropriate committees of the legislature by September 30, 2024, on the following:

(i) A summary of the information provided by agencies through the process in this subsection; and

(ii) Any recommendations for improvements to the process under this subsection or potential amendments to RCW 70A.65.030, 70A.65.230, or 70A.02.080, or other statutes relevant to this subsection. In making recommendations, the department must consider any statutory changes necessary to ensure consistent tracking of the uses of climate commitment account funds, including standardization or coordination of the process for identifying the overburdened communities used for purposes of tracking expenditures and the methods for determining whether an expenditure contributes a direct and meaningful benefit to a vulnerable population or overburdened community.

(d) "Climate commitment act accounts" means the carbon emissions reduction account created in RCW 70A.65.240, the climate commitment account created in RCW 70A.65.260, the natural climate solutions account created in RCW 70A.65.270, the climate investment account created in RCW 70A.65.250, the air quality and health disparities improvement account created in RCW 70A.65.280, the climate transit programs account created in RCW 46.68.500, and the climate active transportation account created in RCW 46.68.490.

(14) \$238,000 of the model toxics control operating account—state appropriation is provided solely for technical assistance and compliance assurance associated with the ban of certain hydrofluorocarbon-related products.

(15) \$2,500,000 of the model toxics control operating account—state appropriation is provided solely for the department to conduct a statewide compost emissions study, which will provide essential data needed to improve the quality of air permitting decisions, improve compost facility operations, and support state goals to reduce organic waste in landfills reducing climate change impacts.

(16) \$2,256,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide technical assistance to landowners and local governments to promote voluntary compliance, implement best management practices, and support implementation of water quality clean-up plans in shellfish growing areas, agricultural areas, forestlands, and other types of land uses, including technical assistance focused on protection and restoration of

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

critical riparian management areas important for salmon recovery.

(17) \$2,702,000 of the model toxics control operating account—state appropriation is provided solely for the department to develop a 6PPD action plan and complete a safer alternatives assessment of the 6PPD compound used in tires, including obtaining any data necessary to complete the alternatives assessment. The action plan should identify, characterize, and evaluate uses and releases of 6PPD and related chemicals, and recommend actions to protect human health and the environment. The department shall provide a progress report on the action plan and alternatives assessment to the governor's office, the office of financial management, and the appropriate committees of the legislature by December 31, 2024. The department may provide funding from this subsection to the University of Washington and Washington State University for the purposes of this subsection.

(18) \$5,195,000 of the model toxics control operating account—state appropriation is provided solely to establish a program to monitor 6PPD compounds in water and sediment, identify effective best management practices to treat 6PPD in stormwater runoff, produce guidance on how and when to use best management practices for toxicity reduction to protect salmon and other aquatic life, and incorporate the guidance into stormwater management manuals. The department may provide funding from this subsection to the University of Washington and Washington State University for the purposes of this subsection.

(19) \$2,296,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Senate Bill No. 5104 (marine shoreline habitat). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(20)(a) \$500,000 of the model toxics control operating account— state appropriation is provided solely for the department to carry out the following activities to inform the development of legislative proposals to increase recycling, reuse, and source reduction rates, which must include consideration of how to design and implement a producer responsibility model for consumer packaging, including paper, plastic, metal, and glass, and paper products:

- (i) Conduct a recycling, reuse, and source reduction targets study; and
- (ii) Carry out a community input process on the state's recycling system.

(b) The department must contract with an impartial third-party consultant with relevant technical expertise and capabilities in facilitation and gathering public input, including from overburdened communities, to carry out the activities specified in (a) of this subsection. In order to ensure that the state is receiving a variety of expert perspectives on the topic of packaging management, the contractor should include in their team individuals and/or subcontractors with a wide range of expertise and experience. The third party consultant must submit a report to the appropriate committees of the house of representatives and the senate by December 1, 2023.

(c) The recycling, reuse, and source reduction targets study must:

- (i) Document recycling rates, reuse rates, and the reduction of single-use plastics for consumer packaging and paper products that have been adopted in other jurisdictions, measure methods used, and the basis or justification for recommended target rates selected;
- (ii) Recommend highest achievable performance rates, including an overall recycling rate, a separate specific minimum reuse rate, a recycling rate for each material category, and a

source reduction rate to be achieved solely by eliminating plastic components, that could be achieved under up to four different scenarios, including a producer responsibility program and other policies; and

(iii) Make recommendations that consider the commercial viability and technological feasibility of achieving rates based on current rates achieved in the state, rates achieved based on real world performance data, and other data, with performance rates designed to be achieved statewide by 2032.

(d) For purposes of this subsection, "eliminate" or "elimination," with respect to source reduction, means the removal of a plastic component from a covered material without replacing that component with a nonplastic component.

(e) The community input process on the state's recycling system must include:

- (i) In-person and virtual workshops and community meetings held at locations in urban and rural areas and in ways that are accessible to stakeholders across the state, including overburdened communities;
- (ii) Public opinion surveys that are representative of Washington residents across the state, including overburdened communities and urban and rural areas; and
- (iii) A focus on eliciting an improved understanding of public values and opinions related to the state's recycling system, the current public experience with respect to the state's recycling systems, and ways the public believes that their recycling experience and system outcomes could be improved.

(21)(a) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department, in consultation with other agencies as necessary, to conduct an analysis of water use for irrigation under the potential scenario of lower Snake river dam removal. Analysis must include continued water use during drawdown and thereafter from the river postremoval. The analysis must include the following:

- (i) A plan identifying potential mitigation needs and interim approaches for delivery of water for irrigation pursuant to existing water rights for those using pumps, wells, or both, from Ice Harbor reservoir during a possible transition from the current reservoir-based irrigation to irrigation from the river;
- (ii) Identification of cost-effective options for continued irrigation at current amounts and with existing water rights from the lower Snake river at the area of the current Ice Harbor pool; and
- (iii) Cost estimates for any necessary irrigation system upgrades required to continue irrigation from the lower Snake river.

(b) The department may, as necessary and appropriate, consult for this analysis with irrigators and tribal governments.

(c) The department shall provide a status update to the environment and energy committees of the legislature and the office of the governor by December 31, 2024.

(22) \$3,914,000 of the natural climate solutions account—state appropriation is provided solely for activities related to coastal hazards, including expanding the coastal monitoring and analysis program, establishing a coastal hazard organizational resilience team, and establishing a coastal hazards grant program to help local communities design projects and apply for funding opportunities. At least 25 percent of the funding in this subsection must be used for the benefit of tribes.

(23) \$340,000 of the model toxics control operating account— state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1033 (compostable product usage). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(24) \$1,124,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(25) \$139,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(26) \$6,000,000 of the emergency drought response account—state appropriation and \$2,000,000 of the state drought preparedness account—state appropriation are provided solely for implementation of Substitute House Bill No. 1138 (drought preparedness). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(27) \$1,123,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(28) \$43,000 of the underground storage tank account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(29) \$1,174,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(30) \$13,248,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(31) \$140,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(32) Expenditures on upgrading or developing the turboplan system, Washington fuel reporting system, and EAGL system are subject to the conditions, limitations, and review requirements of section 701 of this act.

(33) \$1,263,000 of the clean fuels program account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5447 (alternative jet fuel). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(34) \$370,000 of the climate commitment account—state appropriation is provided solely as a grant to the Puget Sound clean air agency to identify emission reduction projects and to help community-based organizations, local governments, and ports in overburdened communities author grant applications and provide support for grant reporting for entities that receive grants. The department must prioritize projects located in overburdened communities so that those communities can reap the public health benefits from the climate commitment act, inflation reduction act, and other new funding opportunities.

(35) \$1,220,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5144 (batteries/environment). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(36) ~~(\$22,000)~~ \$77,000 of the model toxics control

operating account—state appropriation is provided solely for implementation of Senate Bill No. 5369 (polychlorinated biphenyls). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(37) \$330,000 of the model toxics control operating account—state appropriation is provided solely for the department to provide a grant to Clark county for the purpose of developing and implementing a lake management plan to restore and maintain the health of Vancouver lake, a category 5 303(d) status impaired body of water. The department must work with the county to include involvement by property owners around the lake and within the watersheds that drain to the lake, the department of natural resources, other state agencies and local governments with proprietary or regulatory jurisdiction, tribes, and nonprofit organizations advocating for the health of the lake. The plan should incorporate work already completed by the county and other entities involved in development of the lake management strategy.

(38) \$276,000 of the model toxics control operating account—state appropriation is provided solely for a grant to San Juan county for the enhancement of ongoing oil spill response preparedness staff hiring, spill response equipment acquisition, and spill response training and operational expenses.

(39) \$1,460,000 of the natural climate solutions account—state appropriation is provided solely for the department to provide grants to the following organizations in the amounts specified for the purpose of coordinating, monitoring, restoring, and conducting research for Puget Sound kelp conservation and recovery:

- (a) \$300,000 to the Squaxin Island Tribe;
- (b) \$200,000 to the Samish Indian Nation;
- (c) \$144,000 to the Lower Elwha Klallam Tribe;
- (d) \$200,000 to the Northwest straits commission;
- (e) \$366,000 to the Puget Sound restoration fund to subcontract with sound data systems and Vashon nature center; and
- (f) \$250,000 to the reef check foundation.

(40) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department's engagement with the federal government, Indian tribes, water users, and local governments on a process that could result in a federal Indian water rights settlement through the Nooksack adjudication. The department shall produce a monthly report during the claims filing period to monitor the progress of claims filed by water users. The department shall provide a report to the appropriate standing committees of the legislature regarding the status of the adjudication and any potential settlement structure by June 30, 2024, and by June 30, 2025.

(41) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to Whatcom county to provide technical assistance that must be made available to all water users in WRIA 1 in filing adjudication claims under RCW 90.03.140. This assistance must be administered by Whatcom county and no portion of this funding may be used to contest the claims of any other claimant in the adjudication.

(42) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to Whatcom county acting as fiscal agent for the WRIA 1 watershed management board, in support of collaborative water supply planning in WRIA 1. Funding may be used to collect or analyze technical information, to develop and assess the feasibility of water supply solutions in WRIA 1, and for facilitation and mediation among parties including, but not

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

limited to, the department, Whatcom county, the public utility district, the city of Bellingham, Lummi Nation, and the Nooksack Tribe. Specific funding allocations, including purpose and amount, will be determined by the WRIA 1 watershed management board. Funding under this subsection will be available only after the filing of the Nooksack adjudication, and no funding provided for the Nooksack adjudication will be used to support the activities funded by this subsection. It is anticipated that these activities will run in parallel with the Nooksack adjudication.

(43) \$200,000 of the model toxics control operating account—state appropriation is provided solely for the department to contract with a consultant to develop a report that conducts a full emissions life cycle assessment for solid waste processed at the Spokane Waste to Energy Facility (WTEF) compared to solid waste processed at three other landfills within the region that waste may be sent to if the WTEF were to cease operations. The report must be submitted to the appropriate committees of the legislature by December 31, 2023.

(44) \$1,416,000 of the climate investment account—state appropriation is provided solely for additional staff and resources to implement the climate commitment act. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(45) \$896,000 of the model toxics control operating account—state appropriation is provided solely for Washington conservation corps (WCC) cost-share requirements for qualifying organizations, as identified through a competitive application process that prioritizes communities that have not previously received WCC support, are in areas with a high cumulative impact on the department of health's environmental health disparities map, are identified by the office of financial management as distressed, and/or have a high percentile of people of color or low-income.

(46) \$3,307,000 of the natural climate solutions account—state appropriation is provided solely to update surface water maps across the state, develop geospatial integration tools, and support the use, accuracy, and adoption of the state's hydrography dataset. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(47) \$410,000 of the model toxics control operating account—state appropriation is provided solely to implement the recommendations from the agency's June 2023 report on Puget Sound nutrient credit trading, including conducting a market feasibility analysis and developing a stakeholder outreach plan, a tribal engagement plan, and trading resource materials.

(48) \$338,000 of the climate commitment account—state appropriation is provided solely for the department to increase planning, engagement, and evaluation tools for effective ocean management and offshore wind energy development. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(49) \$2,408,000 of the model toxics control operating account—state appropriation is provided solely for the department to meet the increased demand for administrative orders authorized under chapter 90.48 RCW (the water pollution control act) for projects impacting state waters to proceed and to conduct a rule making to develop a permit program to protect wetlands and other Washington waterways no longer subject to

federal jurisdiction. Through the rule making process the agency shall explore ways to fund the program, including through development of a fee schedule.

(50) Upon request, the department must provide technical assistance to representatives of emissions-intensive trade-exposed industries, as defined in RCW 70A.65.110, on the replacement of existing industrial facilities with facilities under the same North American industry classification system code with lower greenhouse gas emissions. The department must provide such assistance until November 1, 2024.

(51)(a) \$300,000 of the climate commitment account—state appropriation is provided solely for the department, in consultation with the department of commerce, to contract with a third-party entity to conduct a study of the extent to which carbon dioxide removal is needed to meet Washington's emissions reduction targets defined in RCW 70A.45.020. The study must include recommendations on policies to grow Washington's carbon dioxide removal capacity, including compliance market development and government procurement policies. The department must provide an interim progress report to the appropriate committees of the legislature by November 30, 2024. The department must provide a final report by June 30, 2025, that includes:

(i) A summary of feedback from relevant stakeholders;

(ii) An analysis of economic and climate opportunities for Washington;

(iii) Ways in which carbon dioxide removal might integrate with existing compliance programs;

(iv) Strategies to support industry sectors in integrating carbon dioxide removal and maximizing federal funding;

(v) Recommendations for monitoring, reporting, and verification standards to ensure carbon dioxide removal technologies may be compared; and

(vi) Consideration of carbon dioxide removal accounting mechanisms that account for varying durability of different approaches.

(b) If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(52) \$375,000 of the model toxics control operating account—state appropriation is provided solely to:

(a) Identify additional priority consumer products containing PFAS for potential regulatory action; and

(b) Issue orders to manufacturers under RCW 70A.350.040 and 70A.350.030 to obtain ingredient information, including for chemical ingredients used to replace priority chemicals.

(53) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to the Spirit Lake-Toutle/Cowlitz river collaborative for flood risk reduction, ecosystem recovery, scientific research, and other activities related to sediment management and flooding in the Spirit Lake-Toutle/Cowlitz river system.

(54) \$501,000 of the model toxics control operating account—private/local appropriation is provided solely for cleanup costs at the Stillwater holdings Chevron site in Walla Walla.

(55) \$300,000 of the model toxics control operating account—state appropriation is provided solely for an analysis of the contribution of waste tires, as defined in RCW 70A.205.440, to 6PPD-q pollution. The department may contract with a third party for the study. A final study report is due to the appropriate committees of the legislature by June 30, 2025, in accordance with RCW 43.01.036. The study must include:

(a) A review of the disposal, repurposing, reuse, recycling, handling, and management of waste tires in the state;

(b) A review of the markets for waste tires, including state policies and programs that impact these markets;

(c) A description of the sectoral and geographic origins and destinations of waste tires; and

(d) Alternatives to using tire derived rubber in waste tire markets.

(56)(a) \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to contract with a statewide association of local public health officials to conduct an analysis of:

(i) Current wastewater treatment capacity to treat and dispose of septage in Washington; and

(ii) Future wastewater treatment infrastructure needs to accommodate development growth using on-site septage systems.

(b) The department must report to the appropriate committees of the legislature by June 30, 2025, with the results of the analysis.

(57)(a) \$206,000 of the natural climate solutions account—state appropriation is provided solely to initiate the development of a statewide web map tool to integrate the department's water resources management databases. Data elements to integrate include water rights records and geospatial information, mitigation and water banks, and metering data. The web map must provide the public with an interactive online mapping system focused on water resource data that enables users to access, visualize, and use improved water data.

(b) The department must consult with local and tribal governments to identify the most useful data elements and analytics to incorporate into an enhanced water resource management tool and must use this information to prioritize future tool enhancements.

(c) The department must provide a status update on the data integration project to the appropriate committees of the legislature and to the office of financial management by June 30, 2025, including work completed to date, recommendations for priority tool enhancements to support decision-making, planned work for fiscal year 2026, and future budget needs required to complete the development of an enhanced water resource management tool and maintain it on an ongoing basis.

(d) Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(58)(a) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to contract with the Washington state academy of sciences to conduct a systematic literature review of the natural and human causes and impacts of low dissolved oxygen conditions on organisms present in the Salish Sea. The Washington state academy of sciences shall consult regional scientific experts, including the University of Washington Puget Sound institute. The Washington state academy of sciences must report to the appropriate committees of the legislature on the findings of the literature review by June 30, 2025. The Washington state academy of sciences shall convene an advisory committee to help guide the focus and development of the literature review. The committee must include, at a minimum:

(i) Members with technical expertise in managing wastewater treatment facilities that represent the breadth of size of facilities discharging into Puget Sound;

(ii) Fishers and shellfish growers;

(iii) Environmental advocacy organizations;

(iv) Tribal representatives;

(v) Representatives from impacted communities;

(vi) Growth management experts; and

(vii) Members of the department.

(b) The department shall incorporate the literature review into their continued work on addressing nutrient loading issues in Puget Sound. Ecology shall consider the approach used by the environmental protection agency in updating marine dissolved oxygen criteria for Chesapeake bay.

(59) \$1,787,000 of the climate investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6058 (carbon market linkage). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(60) \$8,223,000 of the climate commitment account—state appropriation and \$1,335,000 of the model toxics control operating account—state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2301 (waste material management). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(61) \$462,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2401 (refrigerant gases). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(62) \$175,000 of the model toxics control operating account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2207 (solid waste dumping). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(63) \$2,000,000 of the climate investment account—state appropriation is provided solely to communicate with the public in multiple languages on the use and benefits of climate commitment act funding, as well as the ways in which communities can access climate commitment act grant funding. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

**Sec. 303.** 2023 c 475 s 303 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON POLLUTION LIABILITY INSURANCE PROGRAM**

General Fund—Federal Appropriation	(((\$868,000)) \$1,238,000
Pollution Liability Insurance Agency Underground Storage Tank Revolving Account—State Appropriation	\$957,000
Pollution Liability Insurance Program Trust Account—State Appropriation	(((\$10,190,000)) \$10,204,000
<b>TOTAL APPROPRIATION</b>	<b>(((\$12,015,000)) \$12,399,000</b>

The appropriations in this section are subject to the following conditions and limitations: \$8,340,000 of the pollution liability insurance program trust account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1175 (petroleum storage tanks). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

**Sec. 304.** 2023 c 475 s 304 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2024)



				(\$39,617,000)
				<u>\$41,188,000</u>
General	Fund—State	Appropriation	(FY 2025)	(\$39,564,000)
				<u>\$43,601,000</u>
General	Fund—Federal	Appropriation		(\$7,231,000)
				<u>\$7,233,000</u>
Climate	Commitment	Account—State	Appropriation	(\$1,083,000)
				<u>\$2,883,000</u>
Natural	Climate	Solutions	Account—State	Appropriation
				(\$350,000)
				<u>\$650,000</u>
Winter	Recreation	Program	Account—State	Appropriation
				\$4,928,000
ORV	and	Nonhighway	Vehicle	Account—State
				Appropriation
				\$396,000
Snowmobile	Account—State	Appropriation		(\$5,715,000)
				<u>\$5,716,000</u>
Aquatic	Lands	Enhancement	Account—State	Appropriation
				\$367,000
Parks	Renewal	and	Stewardship	Account—State
Appropriation				(\$148,388,000)
				<u>\$153,587,000</u>
Parks	Renewal	and	Stewardship	Account—Private/Local
Appropriation				(\$420,000)
				<u>\$720,000</u>
TOTAL APPROPRIATION				(\$248,059,000)
				<u>\$261,269,000</u>

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

(1) \$5,000 of the general fund—state appropriation for fiscal year 2024, \$5,000 of the general fund—state appropriation for fiscal year 2025, and \$142,000 of the parks renewal and stewardship account—state appropriation are provided solely for operating budget impacts from capital budget projects completed in the 2021-2023 fiscal biennium.

(2) \$127,000 of the general fund—state appropriation for fiscal year 2024, \$128,000 of the general fund—state appropriation for fiscal year 2025, and \$750,000 of the parks renewal and stewardship account—state appropriation are provided solely to monitor known cultural resource sites, perform needed evaluations for historic properties, manage historic preservation capital projects, and support native American grave protection and repatriation act compliance.

(3) \$299,000 of the general fund—state appropriation for fiscal year 2024, \$299,000 of the general fund—state appropriation for fiscal year 2025, and \$1,797,000 of the parks renewal and stewardship account—state appropriation are provided solely for additional staff and technical support for scoping and scheduling to proactively address tribal and community concerns and increase the quality of capital project requests.

(4) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to complete a park master plan and an environmental impact statement for Miller peninsula park.

(5) \$3,750,000 of the general fund—state appropriation for fiscal year 2024 and \$3,750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the maintenance of state parks, including maintaining grounds and facilities, trails, restrooms, water access areas, and similar activities.

(6) \$1,083,000 of the climate commitment account—state appropriation and \$350,000 of the natural climate solutions

account—state appropriation are provided solely to identify and reduce the state park system's carbon emissions and assess areas of vulnerability for climate change.

(7) \$336,000 of the general fund—state appropriation for fiscal year 2024 and \$336,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to create a statewide data management system with the department of natural resources and the department of fish and wildlife to make informed management decisions that meet conservation goals for public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(8) \$129,000 of the general fund—state appropriation for fiscal year 2024 and \$129,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(9) The commission must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(10)(a) \$170,000 of the general fund—state appropriation for fiscal year 2024 and \$170,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a statewide trail maintenance and hiking nonprofit organization to provide the emerging leaders program: expanding equity in the outdoors. The goal of the program is expanding both the number and diversity of trained, qualified individuals available for employment in the outdoor recreation and natural resource management sectors.

(b) The program must demonstrate a commitment to diversity, equity, and inclusion by providing a safe and supportive environment for individuals of diverse backgrounds, including those who have been historically underrepresented in the outdoor recreation and natural resource sectors, such as indigenous people and people of color.

(c) The program must provide both technical outdoor skills training and professional development opportunities that include, but are not limited to, outdoor leadership, representation in the outdoors, and team building.

(11) \$21,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5371 (orca vessel protection). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(12) \$450,000 of the parks renewal and stewardship account—state appropriation is provided solely for grounds and facilities maintenance costs at the Fort Worden state park campus. The state parks and recreation commission shall work with the Fort Worden lifelong learning center public development authority to develop a report that reviews the historic public development authority financial records, identifies a cost-recovery model to pay for campus maintenance, and proposes any changes to the current lease structure necessary to maintain the public development authority. The commission must submit the report to the office of financial management and the fiscal committees of the legislature no later than June 1, 2024.

(13) \$50,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to a park and recreation district in Blaine to provide youth day camp mental health counselor services.

(14) \$1,800,000 of the climate commitment account—state appropriation and \$300,000 of the natural climate solutions account—state appropriation are provided solely to purchase electric lawn mowers, conduct energy use metering and audits in historic buildings, and analyze coastal erosion and flooding risks.

If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

**Sec. 305.** 2023 c 475 s 305 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION OFFICE**

General Fund—State Appropriation (FY 2024)	<del>(\$10,190,000)</del>
	<u>\$10,448,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$6,501,000)</del>
	<u>\$7,606,000</u>
General Fund—Federal Appropriation	<del>(\$6,196,000)</del>
	<u>\$6,199,000</u>
General Fund—Private/Local Appropriation	\$24,000
Aquatic Lands Enhancement Account—State Appropriation	\$464,000
Climate Investment Account—State Appropriation	\$200,000
Firearms Range Account—State Appropriation	\$37,000
Natural Climate Solutions Account—State Appropriation	\$398,000
Recreation Resources Account—State Appropriation	<del>(\$5,040,000)</del>
	<u>\$5,065,000</u>
NOVA Program Account—State Appropriation	<del>(\$1,564,000)</del>
	<u>\$1,565,000</u>
<b>TOTAL APPROPRIATION</b>	<del><b>(\$30,614,000)</b></del>
	<u><b>\$32,006,000</b></u>

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

(1) \$37,000 of the firearms range account—state appropriation is provided solely to the recreation and conservation funding board for administration of the firearms range grant program as described in RCW 79A.25.210.

(2) \$5,040,000 of the recreation resources account—state appropriation is provided solely to the recreation and conservation funding board for administrative and coordinating costs of the recreation and conservation office and the board as described in RCW 79A.25.080(1).

(3) ~~(\$1,564,000)~~ \$1,565,000 of the NOVA program account—state appropriation is provided solely to the recreation and conservation funding board for administration of the nonhighway and off-road vehicle activities program as described in chapter 46.09 RCW.

(4) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the governor's salmon recovery office to implement the governor's salmon recovery strategy update by convening the natural resources subcommittee on a regular basis and developing biennial statewide work priorities with a recommended budget for salmon recovery pursuant to RCW 77.85.030(4)(e) that align with tribal priorities and regional salmon recovery plans. The office shall submit the biennial implementation plan to the governor's office and the office of financial management no later than October 31, 2024.

(5) \$1,714,000 of the general fund—state appropriation for fiscal year 2024 and \$1,714,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operational and administrative support of lead entities and salmon recovery regions.

(6) \$200,000 of the climate investment account—state appropriation is provided solely for the agency to complete the required community engagement plan as outlined in RCW 70A.65.030, the climate commitment act.

(7) \$1,464,000 of the general fund—federal appropriation and

\$50,000 of the aquatic lands enhancement account—state appropriation are provided solely to support removal efforts for flowering rush in the Columbia river basin and Whatcom county.

(8) \$398,000 of the natural climate solutions account—state appropriation is provided solely to establish a riparian coordinator position within the governor's salmon recovery office to work with state agencies to improve project coordination, develop common metrics across programs, and consolidate data platforms.

(9) \$3,500,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$100,000)~~ \$298,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a nonprofit organization with a mission for salmon and steelhead restoration to install near-term solutions to prevent steelhead mortality at the Hood canal bridge.

(10) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the connections and snow to sea programs, which provide youth outdoor learning experiences in the Blaine, Mount Baker, and Nooksack Valley school districts.

(12) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to local parks to address any maintenance backlog of existing facilities, trails, and capital improvements. The funds should be dispersed on a needs-based set of criteria and on a one-time basis. Grants are limited to \$100,000 per organization. Allowable uses of grant funding include, but are not limited to, maintenance, repair, or replacement of trails, restroom facilities, picnic sites, playgrounds, signage, and kiosks, as well as necessary Americans with disabilities act upgrades delayed due to the pandemic. Local parks agencies may partner with nonprofit organizations in deploying this maintenance and Americans with disabilities act funding.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for updating the economic analysis of outdoor recreation in Washington state and adding an analysis of the impacts of the outdoor recreation economy in underserved communities.

(14) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to match federal funds to identify the offsets to the loss of recreation opportunities associated with the draw down of reservoirs if the lower Snake river dams are removed.

**Sec. 306.** 2023 c 475 s 306 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2024)	\$3,484,000
General Fund—State Appropriation (FY 2025)	<del>(\$3,792,000)</del>
	<u>\$4,184,000</u>
Climate Investment Account—State Appropriation	\$898,000
<b>TOTAL APPROPRIATION</b>	<del><b>(\$8,174,000)</b></del>
	<u><b>\$8,566,000</b></u>

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

(1) \$164,000 of the general fund—state appropriation for fiscal year 2024, \$379,000 of the general fund—state appropriation for fiscal year 2025, and \$898,000 of the climate investment account—state appropriation are provided solely for the agency

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

to hire staff to respond to increased caseloads, including appeals as a result of the climate commitment act, chapter 316, Laws of 2021.

(2) \$52,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 1047 (cosmetic product chemicals). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(3) \$20,000 of the general fund—state appropriation for fiscal year 2024 and \$20,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1110 (middle housing). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(4) The office must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

**Sec. 307.** 2023 c 475 s 307 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation	(FY 2024)	<del>(\$16,461,000)</del>
		<u>\$16,463,000</u>
General Fund—State Appropriation	(FY 2025)	<del>(\$16,453,000)</del>
		<u>\$20,461,000</u>
General Fund—Federal Appropriation		\$2,482,000
Climate Commitment Account—State Appropriation		<del>(\$30,200,000)</del>
		<u>\$5,300,000</u>
Climate Investment Account—State Appropriation	\$250,000	
Natural Climate Solutions Account—State Appropriation	\$20,023,000	
Public Works Assistance Account—State Appropriation	<del>(\$10,332,000)</del>	
	<u>\$10,433,000</u>	
Model Toxics Control Operating Account—State Appropriation	\$1,110,000	
<b>TOTAL APPROPRIATION</b>		<del>(\$97,311,000)</del>
		<u>\$76,522,000</u>

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

(1) \$250,000 of the climate investment account—state appropriation is provided solely for the agency to complete the required community engagement plan as outlined in RCW 70A.65.030, the climate commitment act.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$500,000)~~ \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase technical assistance and operational capacity of conservation districts.

(3) \$3,000,000 of the natural climate solutions account—state appropriation is provided solely to support the outreach, identification, and implementation of salmon riparian habitat restoration projects.

(4) \$5,000,000 of the natural climate solutions account—state appropriation is provided solely to the commission to work with conservation districts to address unhealthy forests and build greater community resiliency to wildfire.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to connect scientists, practitioners, and researchers and coordinate efforts to monitor and quantify benefits of best management practices on

agricultural lands, and better understand values and motivations of landowners to implement voluntary incentive programs.

(6) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the continued development of the disaster assistance program established in RCW 89.08.645, to provide short-term financial support for farmers and ranchers during disasters. Funding must be prioritized for farmers and ranchers who are the most economically vulnerable.

(7) \$1,420,000 of the public works assistance account—state appropriation is provided solely to support monitoring and reporting efforts necessary to evaluate the implementation and effectiveness of voluntary stewardship program work plans.

(8) \$8,533,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(9) ~~(\$30,000,000)~~ \$5,100,000 of the climate commitment account—state appropriation is provided solely for grants through the sustainable farms and fields program for organic agricultural waste and greenhouse gas emissions reduction through climate-smart livestock management. Of the amounts provided in this subsection:

~~(a)((i) The commission may grant up to \$22,000,000 toward cost share agreements for anaerobic digester development to dairy farm owners. Grants awarded for anaerobic digester development must have at least a 50 percent nonstate match and be awarded through a competitive process that considers:~~

~~(A) The amount of greenhouse gas reduction that will be achieved by the proposal; and~~

~~(B) The amount of untreated effluent that will be decreased.~~

~~(ii) Recipients of grants under (a)(i) of this subsection must provide a report to the commission within one year of receipt of the grant, detailing the success of the project in meeting the stated criteria for the competitive process.~~

~~(b))~~ The commission may grant up to ~~(\$6,000,000)~~ \$3,000,000 for technical and financial assistance to increase implementation of climate-smart livestock management, alternative manure management, and other best management practices to reduce greenhouse gas emissions and increase carbon sequestration.

~~((e))~~ (b) The commission may grant up to \$2,000,000 for research on, or demonstration of, projects with greenhouse gas reduction benefits.

~~((d))~~ (c) When funding for specific technologies, including anaerobic digesters, the commission must enter into appropriate agreements to support the state's interest in advancing innovation solution to decarbonize while ensuring compliance with Article VIII, section 5 and Article XII, section 9 of the state Constitution.

~~((e))~~ (d) The commission must submit a report summarizing the grants awarded and the likely annual greenhouse gas emission reductions achieved as a result to the appropriate committees of the legislature by December 1, 2024.

(10) \$23,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(11) \$379,000 of the public works assistance account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5353 (voluntary stewardship program). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(12) The commission must report to and coordinate with the

department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(13) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the King county conservation district to reduce the impacts of artificial lighting on or near the water on the behavior of salmon and other aquatic life in Lake Sammamish and Lake Washington. The grant funding may be used for:

(a) Research, including quantifying light intensities and conducting field studies of fish behavior;

(b) Community education, engagement, and technical assistance; and

(c) Development of model lighting ordinances.

(14) \$2,000,000 of the natural climate solutions account—state appropriation is provided solely to develop and implement an educational communication plan to the general public and landowners in urban, suburban, rural, agricultural, and forested areas regarding the importance of riparian buffers and the actions they can take to protect and enhance these critical areas.

(15) \$200,000 of the climate commitment account—state appropriation is provided solely for the commission to conduct an evaluation of the current contribution that organic and climate smart agriculture makes toward Washington's climate response goals, what potential there is for increasing this contribution, and how additional investments will help realize this potential, while supporting resiliency. The commission must include the departments of agriculture and ecology and other relevant state agencies, Washington state university, conservation districts, tribal governments, nongovernmental organizations, and other relevant stakeholders who will participate in the evaluation. The commission must submit a report of its findings and recommendation to the appropriate committees of the legislature by May 1, (~~2024~~) 2025.

(16) \$10,000,000 of the natural climate solutions account—state appropriation is provided solely for the commission to provide grants to local government and private landowners for fire wise projects to reduce forest fuel loading in areas deemed a high hazard for potential wildfire.

(17) \$500,000 of the general fund—state appropriation for fiscal year 2025 and \$100,000 of the public works assistance account—state appropriation are provided solely for staffing to support administrative operations of the commission. The commission will adopt an administrative rate policy for funding indirect support costs for future programmatic operating budget requests.

**Sec. 308.** 2023 c 475 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2024)	( <del>\$159,066,000</del> )
	<u>\$162,047,000</u>
General Fund—State Appropriation (FY 2025)	( <del>\$163,912,000</del> )
	<u>\$178,995,000</u>
General Fund—Federal Appropriation	( <del>\$144,941,000</del> )
	<u>\$160,091,000</u>
General Fund—Private/Local Appropriation	( <del>\$69,907,000</del> )
	<u>\$70,066,000</u>
Climate Commitment Account—State Appropriation	\$3,398,000
Natural Climate Solutions Account—State Appropriation	( <del>\$3,748,000</del> )
	<u>\$5,748,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation	

	\$696,000
Aquatic Lands Enhancement Account—State Appropriation	( <del>\$14,104,000</del> )
	<u>\$14,132,000</u>
Recreational Fisheries Enhancement Account—State Appropriation	( <del>\$3,721,000</del> )
	<u>\$3,759,000</u>
Salmon Recovery Account—State Appropriation	\$3,000,000
Warm Water Game Fish Account—State Appropriation	( <del>\$3,088,000</del> )
	<u>\$3,091,000</u>
Eastern Washington Pheasant Enhancement Account—State Appropriation	( <del>\$673,000</del> )
	<u>\$675,000</u>
Limited Fish and Wildlife Account—State Appropriation	( <del>\$36,826,000</del> )
	<u>\$36,975,000</u>
Special Wildlife Account—State Appropriation	( <del>\$2,924,000</del> )
	<u>\$2,926,000</u>
Special Wildlife Account—Federal Appropriation	\$531,000
Special Wildlife Account—Private/Local Appropriation	( <del>\$3,819,000</del> )
	<u>\$3,845,000</u>
Wildlife Rehabilitation Account—State Appropriation	\$661,000
Ballast Water and Biofouling Management Account—State Appropriation	\$10,000
Regional Fisheries Enhancement Salmonid Recovery Account—Federal Appropriation	\$5,001,000
Oil Spill Prevention Account—State Appropriation	( <del>\$1,284,000</del> )
	<u>\$1,285,000</u>
Aquatic Invasive Species Management Account—State Appropriation	( <del>\$1,154,000</del> )
	<u>\$1,158,000</u>
Model Toxics Control Operating Account—State Appropriation	\$7,724,000
Fish, Wildlife, and Conservation Account—State Appropriation	( <del>\$83,640,000</del> )
	<u>\$83,927,000</u>
Forest Resiliency Account—State Appropriation	\$4,000,000
Oyster Reserve Land Account—State Appropriation	\$524,000
TOTAL APPROPRIATION	( <del>\$718,352,000</del> )
	<u>\$754,265,000</u>

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

(1) \$1,777,000 of the general fund—state appropriation for fiscal year 2024 and \$1,777,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to grant to the northwest Indian fisheries commission for hatchery operations that are prioritized to increase prey abundance for southern resident orcas, including \$200,000 per fiscal year for tagging and marking costs, and the remainder to grant to tribes in the following amounts per fiscal year: \$150,000 for the Quinalt Indian Nation, \$199,000 for the Tulalip Tribes, \$268,000 for the Quileute Tribe, \$186,000 for the Puyallup Tribe, \$122,000 for the Port Gamble S'Klallam Tribe, \$25,000 for the Muckleshoot Indian Tribe, (~~\$207,000~~) \$296,000 for the Squaxin Island Tribe, \$142,000 for the Skokomish Indian Tribe, and \$278,000 for the Lummi Nation.

(2) \$330,000 of the general fund—state appropriation for fiscal year 2024 and \$330,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide to the Yakama Nation for hatchery operations that are prioritized to increase prey abundance for southern resident orcas.

(3) \$175,000 of the general fund—state appropriation for fiscal

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to grant to public utility districts for additional hatchery production that is prioritized to increase prey abundance for southern resident orcas.

(4) (~~(\$467,000)~~) \$217,000 of the general fund—state appropriation for fiscal year 2024 and \$467,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to pay for emergency fire suppression costs. These amounts may not be used to fund agency indirect and administrative expenses.

(5) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers.

(6)(a) \$6,082,000 of the general fund—state appropriation for fiscal year 2024 and \$6,082,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement eradication and control measures on European green crabs through coordination and grants with partner organizations. The department must provide quarterly progress reports on the success and challenges of the measures to the appropriate committees of the legislature.

(b) The department must develop a comprehensive long-term plan for Washington's response to European green crab. The plan must identify where permanent trapping efforts should occur, where efficiencies over current operations may be achieved, which agencies, tribes, or organizations require ongoing funding to support the state's eradication and control measures, and the potential for federal funding for control efforts, and include a recommended funding level to implement the plan in the 2025-2027 fiscal biennium. The plan shall be submitted to the governor and legislature by October 1, 2024.

(7) \$403,000 of the general fund—state appropriation for fiscal year 2024 and \$377,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to develop conflict mitigation strategies for wolf recovery and staff resources in northeast Washington for response to wolf-livestock conflicts. The department shall not hire contract range riders in northeast Washington unless there is a gap in coverage from entities funded through the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020. No contract riders shall be deployed in areas already sufficiently covered by other riders. The department must focus on facilitating coordination with other entities providing conflict deterrence, including range riding, and technical assistance to livestock producers in order to minimize wolf-livestock issues in the Kettle Range and other areas of northeast Washington with existing or emerging chronic conflict. The department is discouraged from the use of firearms from helicopters for removing wolves.

(8) \$852,000 of the general fund—state appropriation for fiscal year 2024 and \$852,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide additional capacity to the attorney general's office to prosecute environmental crimes. The department must provide an annual report by December 1st of each year, to the appropriate committees of the legislature, on the progress made in prosecuting environmental crimes.

(9) \$753,000 of the general fund—state appropriation for fiscal year 2024 and \$753,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for expanded management of pinniped populations on the lower Columbia river and its tributaries with the goal of increasing chinook salmon abundance and prey availability for southern resident orcas.

(10) \$470,000 of the general fund—state appropriation for fiscal year 2024 and \$470,000 of the general fund—state

appropriation for fiscal year 2025 are provided solely for the department to expand efforts to survey the diets of seals and sea lions in the Salish sea and identify nonlethal management actions to deter them from preying on salmon and steelhead.

(11) \$518,000 of the general fund—state appropriation for fiscal year 2024 and \$519,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue to provide policy and scientific support to the department of ecology regarding surface and groundwater management issues as part of implementing chapter 90.94 RCW streamflow restoration.

(12) \$4,096,000 of the model toxics control operating account—state appropriation is provided solely to analyze salmon contaminants of emerging concern (CEC), including substances such as 6PPD-quinone and polychlorinated biphenyls (PCB) in already collected tissue samples. This research will accelerate recovery and protection by identifying the location and sources of CEC exposure.

(13) \$130,000 of the general fund—state appropriation for fiscal year 2024 and \$130,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an external facilitator to seek solutions through a collaborative process using the department's wolf advisory group.

(14) \$194,000 of the general fund—state appropriation for fiscal year 2024 and \$194,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to update and maintain rule making related to chapter 77.57 RCW, fishways, flow, and screening.

(15) \$822,000 of the general fund—state appropriation for fiscal year 2024 and \$822,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to monitor recreational steelhead spawning and harvest in freshwater streams and rivers in Puget Sound.

(16) \$2,714,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for additional law enforcement officers for marine and freshwater fisheries compliance and a patrol vessel dedicated to coastal operations.

(17) \$509,000 of the general fund—state appropriation for fiscal year 2024 and \$305,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to monitor recreational shellfish harvests, monitor intertidal and crustacean fisheries, address emerging environmental issues, maintain a new data management infrastructure, and develop a disease and pest management program to protect shellfish fisheries in the Puget Sound.

(18) \$360,000 of the general fund—state appropriation for fiscal year 2024 and \$224,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to complete and maintain a statewide prioritization of fish passage barriers in collaboration with regional salmon recovery organizations.

(19) \$997,000 of the general fund—state appropriation for fiscal year 2024 and \$997,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the assessment of riparian ecosystems. The assessment must include identifying common statewide definitions of terms for riparian usage, recommendations to improve data sharing, and identifying any gaps in vegetated cover relative to a science-based standard for a fully functioning riparian ecosystem and comparing the status and gaps to water temperature impairments, known fish passage barriers, and status of salmonid stocks.

(20) (~~(\$900,000)~~) \$419,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Lummi Nation to make infrastructure updates at the Skookum hatchery.

(21) \$285,000 of the general fund—state appropriation for fiscal year 2024 and \$285,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to manage electronic tracked crab fishery gear to avoid whale entanglements during their migration as the agency develops a conservation plan to submit for an endangered species act incidental take permit.

(22) \$480,000 of the general fund—state appropriation for fiscal year 2024 and \$435,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to equip officers with body worn cameras to advance public safety.

(23) \$158,000 of the general fund—state appropriation for fiscal year 2024 and \$163,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5371 (orca vessel protection). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(24) \$3,000,000 of the salmon recovery account—state appropriation is provided solely for pass-through to tribes of the upper Columbia river to support reintroduction of Chinook salmon above Grand Coulee and Chief Joseph dams.

(25) \$741,000 of the general fund—state appropriation for fiscal year 2024 and \$741,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operation and maintenance capacity and technical assistance for state fish passage facilities.

(26) \$948,000 of the general fund—state appropriation for fiscal year 2024 and \$948,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue operations of the Toutle and Skamania hatcheries.

(27) \$283,000 of the general fund—state appropriation for fiscal year 2024 and \$283,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to create a statewide data management system with the department of natural resources and the state parks and recreation commission to make informed management decisions that meet conservation goals for public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(28) \$385,000 of the general fund—state appropriation for fiscal year 2024 and \$385,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to increase wildlife conflict specialists to address crop damage, dangerous wildlife interactions, and conflict preventative education and outreach.

(29) \$430,000 of the general fund—state appropriation for fiscal year 2024, \$430,000 of the general fund—state appropriation for fiscal year 2025, and \$3,564,000 of the natural climate solutions account—state appropriation are provided solely to increase capacity in three aspects of the department's mission most vulnerable to climate change including species recovery planning, providing technical assistance, permitting, and planning support, and managing agency lands and infrastructure.

(30) \$1,752,000 of the climate commitment account—state appropriation is provided solely for the first phase of the department's sustainability plan, including advancing energy efficiency and renewable energy projects, creating a commute trip reduction program, and supporting foundational research and capacity-building.

(31) \$4,000,000 of the forest resiliency account—state appropriation ~~((#))~~ and \$2,000,000 of the natural climate solutions account—state appropriation are provided solely to reduce severe wildfire risk and increase forest resiliency through fuels reduction, thinning, fuel break creation, and prescribed burning on agency lands. The amounts provided in this subsection may not be used to fund agency indirect and administrative expenses. If Initiative Measure No. 2117 is approved in the 2024

general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(32)(a) \$8,000,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the protection, recovery, and restoration of biodiversity, the recovery of threatened and endangered species, and a review of the department of fish and wildlife. Examples include habitat protection and restoration, technical assistance for growth management act planning, fish passage improvements, conservation education, scientific research for species and ecosystem protection, and similar activities. Funding in this subsection may include pass-throughs to public, nonprofit, academic, or tribal entities for the purposes of this subsection.

(b) Of the amounts provided in this subsection, ~~((300,000))~~ \$205,000 of the general fund—state appropriation for fiscal year 2024 ~~((#))~~ and \$95,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the Ruckelshaus center for a review of the department of fish and wildlife, as referenced in (a) of this subsection. The review must focus on the department's efforts to fulfill its obligations as the trustee of state fish and wildlife on behalf of all current and future Washingtonians, to meet the mixed goals of the mandate set forth in RCW 77.04.012, and to respond to the equity principles articulated in RCW 43.06D.020. The review must explore the following areas and recommend changes as appropriate:

(i) The department's ability to meet threats created by climate change and biodiversity loss;

(ii) An alignment of mandate with the department's responsibility as a public trustee;

(iii) The department's governance structure;

(iv) The department's funding model; and

(v) Accountability and transparency in department decision making at both the commission and management levels.

(c) Within this scope, the Ruckelshaus center must also examine the following areas and provide recommendations as appropriate:

(i) Fish and wildlife commission structure, composition, duties, and compensation;

(ii) Influence on the department by special interest groups;

(iii) The process by which the department uses science and social values in its decision making;

(iv) Outreach and involvement of Washington citizens who have historically been excluded from fish and wildlife decisions, including nonconsumptive users and marginalized communities;

(v) The department's adherence to state laws, including the state environmental policy act and the public records act; and

(vi) Any other related issues that arise during the review.

(d) Based on the results of the review, the Ruckelshaus center must provide options for making changes to the department's mandate and governance structure as deemed necessary to improve the department's ability to function as a trustee for state fish and wildlife.

(e) The Ruckelshaus center must submit a report to the appropriate committees of the legislature by June 30, 2024.

(33) ~~((125,000))~~ \$101,000 of the general fund—state appropriation for fiscal year 2024 ~~((#))~~ and \$24,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a nonprofit organization that operates a zoological garden in King county and that has developed an educators' toolkit for nature play programming for youth in communities historically excluded from nature experiences to provide inclusive nature-based programming statewide to children from racially, ethnically, and culturally diverse backgrounds.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(34) \$310,000 of the general fund—state appropriation for fiscal year 2024 and \$160,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to perform the following tasks related to net ecological gain:

(a) Of the amount provided in this subsection, \$160,000 in fiscal year 2024 and \$160,000 in fiscal year 2025 are provided solely for the department to facilitate a work group focused on developing a net ecological gain implementation framework.

(i) Participation in the work group is as follows:

(A) The work group must include representatives from the department, the department of commerce, the department of ecology, and the department of transportation; and

(B) The work group may include representatives from, and consultation with, as appropriate, other state agencies, federally recognized Indian tribes, local governments, and other relevant stakeholders.

(ii) The work group is responsible for accomplishing the following tasks:

(A) Define net ecological gain criteria;

(B) Create monitoring and assessment criteria related to net ecological gain;

(C) Develop an assessment model to evaluate and quantify contributions to overall net ecological gain;

(D) Consider the geographic scale at which net ecological gain criteria may be effectively applied;

(E) Provide budget and policy recommendations for net ecological gain to the legislature and to the office of financial management;

(F) Identify existing state-administered or state-funded programs and projects that:

(I) Already contribute to net ecological gain;

(II) Can or should give funding priority to funding applicants that commit to incorporating net ecological gain principles; and

(III) Programs and projects that can or should have a net ecological gain requirement in the future; and

(G) Generate interim recommendations for a project to serve as a net ecological gain proof of concept within a county that chooses to adopt a net ecological gain standard.

(iii) The department may contract with an independent entity to facilitate the work group, including the tasks identified in (b) of this subsection.

(iv) The work group must submit an interim and final report of its work, including any budget and policy recommendations, to the office of financial management and the appropriate committees of the legislature no later than June 30, 2024, and June 30, 2025.

(b) Of the amount provided in this subsection, \$150,000 in fiscal year 2024 is provided solely for the department to contract with an independent entity to perform the following tasks:

(i) Review existing grant programs; and

(ii) Make recommendations on the potential addition of net ecological gain into grant prioritization criteria.

(35)(a) ~~(\$400,000)~~ \$700,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$300,000)~~ \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to initiate a demonstration project to contribute to rebuilding of salmon runs in the Lake Washington basin through suppression of predatory fish species. The project shall include:

(i) Removal of nonnative species and northern pike minnow using trap, nets, or other means;

(ii) Assessment of the benefits of reduced predator abundance on juvenile salmon survival; and

(iii) Assessment of the recreational fishing rules that were implemented in 2020 in the Lake Washington basin.

(b) An interim report on the demonstration project must be provided to the appropriate committees of the legislature by December 1, 2024.

~~((37))~~ (36) \$270,000 of the general fund—state appropriation for fiscal year 2024 and \$57,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~

~~(38))~~ (37) \$184,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~(39))~~ (38) \$1,026,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~(40))~~ (39) \$620,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~

~~(41))~~ (40) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

~~((42))~~ (41) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the department to enter into individual damage prevention contract agreements for the use of hiring range riders for proactive wolf-livestock conflict deterrence outside of the service area of the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020.

~~((43))~~ (42) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a conflict resolution process mediated by the federal mediation and conciliation service. This funding must be used by the department to facilitate meetings between Skagit tribes, drainage and irrigation districts, and state and federal resource agencies and support the technical work necessary to resolve conflict. Invited parties must include the national marine fisheries service, Washington state department of agriculture, Washington state department of fish and wildlife, Swinomish Indian tribal community, Upper Skagit Indian Tribe, Sauk-Suiattle Indian Tribe, and Skagit drainage and irrigation districts consortium LLC. A report documenting meeting notes, points of resolution, and recommendations must be provided to the legislature no later than June 30, 2025.

~~((44))~~ (43) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to evaluate the abundance and distribution of white and green sturgeon on the Washington coast and Puget Sound tributaries and to evaluate genetic relatedness with Columbia and Fraser river sturgeon populations. The funding is also provided to increase monitoring of the abundance and distribution of eulachon to use the information as a baseline for sturgeon and eulachon management plans.

~~((45))~~ (44) \$235,000 of the general fund—state appropriation for fiscal year 2024 and \$409,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the department of fish and wildlife to proactively survey for wildlife

disease risks and provide action plans and management for healthy wildlife in Washington.

~~((46))~~ (45) \$325,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a contract with a nonprofit organization that operates a zoological garden in King county for the purpose of an outreach campaign on pollinator health issues. The pollinator outreach campaign is intended to further the mission of the department's pollinator conservation efforts and the department of agriculture's pollinator health task force goals.

~~((47))~~ (46) Within amounts provided in this section, but not to exceed \$20,000, the department must prioritize derelict and abandoned crab pot removal in north Hood Canal.

~~((48))~~ (47) \$1,175,000 of the general fund—state appropriation for fiscal year 2024 and \$1,175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue to restore shrubsteppe habitat and associated wildlife on public lands as well as private lands by landowners who are willing to participate. The restoration effort must be coordinated with other natural resource agencies and interested stakeholders.

~~((49))~~ (48) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, parking lots, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

~~((50))~~ (49) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to increase the work of regional fisheries enhancement groups.

~~((51))~~ (50) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to commercial fishers to modify fishing gear in order to facilitate participation in the emerging commercial fishery in the lower Columbia river, and to fund staffing and supplies needed to monitor the emerging commercial fishery on the lower Columbia river. The purpose of the grants to modify fishing gear is to support the state's efforts to develop fishing tools that allow for increased harvest of hatchery fish while minimizing impacts to salmonid species listed as threatened or endangered under the federal endangered species act. The department must provide a report of goods and services purchased with grant funds to the appropriate committees of the legislature by June 30, 2025.

(51) \$1,657,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for habitat recovery and restoration work on agency owned and managed lands damaged from wildfires.

(52) \$2,139,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for expanded monitoring, evaluation, and management of coastal-river salmonid fisheries to inform decisions focused on the conservation and management of these resources.

(53) \$443,000 of the general fund—state appropriation for fiscal year 2024, \$3,154,000 of the general fund—state appropriation for fiscal year 2025, \$86,000 of the limited fish and wildlife account—state appropriation, and \$196,000 of the fish, wildlife, and conservation account—state appropriation are provided solely for additional safety capacity in each region, development of a technology solution for training requirements,

increased support to remote employees, and a third-party review of the agency safety program.

(54) \$403,000 of the general fund—state appropriation for fiscal year 2025 and \$42,000 of the general fund—private/local appropriation are provided solely for two new positions to support statewide fish health through veterinary services and maintenance support for the fish marking trailer fleet.

(55) \$224,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to conduct up to four community bear hazard assessments in communities with historical high levels of human-bear conflict. The department must submit a report to the appropriate committees of the legislature with initial funding recommendations to prioritize and implement the bear hazard assessments by December 31, 2024.

(56) \$1,810,000 of the general fund—state appropriation for fiscal year 2025 and \$1,810,000 of the general fund—federal appropriation are provided solely for monitoring and response efforts for invasive quagga mussels, which were discovered on the Snake river in Idaho in July 2023. Possible activities include coordination with tribal, federal, regional, state, and local entities, watercraft inspections and decontamination, equipment and training, monitoring of potential residential and commercial pathways, and public outreach. Matching federal funds are anticipated from a United States army corps of engineers invasive mussel cost-share program.

(57) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to an organization based in Friday harbor that is focused on orcas and proposes to fill knowledge gaps through conservation research, arm policymakers with the latest available science, and engage the public with accessible information to:

(a) Monitor and track the health of southern resident killer whales, including reproductive health, nutrition, and impacts from pollutants; and

(b) Coordinate with the department on relevant research, as appropriate.

(58) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for elk management in the Skagit valley in cooperation with affected tribes and landowners. Authorized expenditures include, but are not limited to, mitigation of the impacts of elk on agricultural crop production through elk fencing and related equipment, replacement seed and fertilizer to offset losses caused by elk, and elk deterrent equipment.

(59) \$222,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2293 (avian predation/salmon). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(60) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a grant to the Confederated Tribes of the Colville Reservation to collaboratively manage grey wolves, including staffing and related costs, on the portion of land north of the current Colville Reservation that the Confederated Tribes of the Colville Reservation ceded to the United States in 1892, often referred to as "the north half."

**Sec. 309.** 2023 c 475 s 309 (uncodified) is amended to read as follows:

**FOR THE PUGET SOUND PARTNERSHIP**

General Fund—State Appropriation (FY 2024)	<del>((9,218,000))</del> \$9,222,000
General Fund—State Appropriation (FY 2025)	<del>((9,213,000))</del> \$9,228,000
General Fund—Federal Appropriation	<del>((32,036,000))</del> \$32,043,000
Aquatic Lands Enhancement Account—State Appropriation	



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

	\$1,503,000
Model Toxics Control Operating Account—State Appropriation	\$1,350,000
<b>TOTAL APPROPRIATION</b>	<b><u>(\$53,320,000)</u></b>
	<b><u>\$53,346,000</u></b>

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

(1) By October 15, 2024, the Puget Sound partnership shall provide the governor and appropriate legislative fiscal committees a single, prioritized list of state agency 2025-2027 capital and operating budget requests related to Puget Sound recovery and restoration.

(2) \$14,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(3) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the partnership to implement shipping noise reduction initiatives and monitoring programs in the Puget Sound, in coordination with Canadian and United States authorities. The partnership must contract with Washington maritime blue in order to establish and administer the quiet sound program to better understand and reduce the cumulative effects of acoustic and physical disturbance from large commercial vessels on southern resident orcas throughout their range in Washington state. Washington maritime blue will support a quiet sound leadership committee and work groups that include relevant federal and state agencies, ports, industry, research institutions, and nongovernmental organizations and consult early and often with relevant federally recognized tribes.

**Sec. 310.** 2023 c 475 s 310 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2024)	(( <u>\$152,490,000</u> ))
	<u>\$180,639,000</u>
General Fund—State Appropriation (FY 2025)	(( <u>\$154,017,000</u> ))
	<u>\$158,792,000</u>
General Fund—Federal Appropriation	(( <u>\$49,985,000</u> ))
	<u>\$98,108,000</u>
General Fund—Private/Local Appropriation	(( <u>\$3,500,000</u> ))
	<u>\$6,055,000</u>
Access Road Revolving Nonappropriated Account—State Appropriation	\$108,000
Climate Commitment Account—State Appropriation	\$11,820,000
<u>Derelict Structure Removal Account—State Appropriation</u>	<u>\$325,000</u>
<del>((Contract Harvesting Revolving Nonappropriated Account—State Appropriation</del>	<del>(\$78,000))</del>
Forest Development Account—State Appropriation	(( <u>\$58,594,000</u> ))
	<u>\$58,374,000</u>
Forest Fire Protection Assessment Nonappropriated Account—State Appropriation	\$88,000
Forest Health Revolving Nonappropriated Account—State Appropriation	\$106,000
Natural Climate Solutions Account—State Appropriation	(( <u>\$29,571,000</u> ))
	<u>\$40,164,000</u>
Natural Resources Federal Lands Revolving Nonappropriated Account—State Appropriation	\$6,000

ORV and Nonhighway Vehicle Account—State Appropriation	(( <u>\$7,928,000</u> ))
	<u>\$7,964,000</u>
State Forest Nursery Revolving Nonappropriated Account—State Appropriation	\$34,000
Surveys and Maps Account—State Appropriation	(( <u>\$2,376,000</u> ))
	<u>\$2,379,000</u>
Aquatic Lands Enhancement Account—State Appropriation	(( <u>\$20,003,000</u> ))
	<u>\$21,863,000</u>
Resource Management Cost Account—State Appropriation	(( <u>\$121,583,000</u> ))
	<u>\$122,610,000</u>
Surface Mining Reclamation Account—State Appropriation	(( <u>\$4,628,000</u> ))
	<u>\$4,634,000</u>
Disaster Response Account—State Appropriation	(( <u>\$23,594,000</u> ))
	<u>\$23,626,000</u>
Forest and Fish Support Account—State Appropriation	(( <u>\$12,667,000</u> ))
	<u>\$12,671,000</u>
Aquatic Land Dredged Material Disposal Site Account—State Appropriation	\$405,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation	\$211,000
Forest Practices Application Account—State Appropriation	(( <u>\$2,181,000</u> ))
	<u>\$2,185,000</u>
Air Pollution Control Account—State Appropriation	\$920,000
Model Toxics Control Operating Account—State Appropriation	(( <u>\$2,000,000</u> ))
	<u>\$2,481,000</u>
Wildfire Response, Forest Restoration, and Community Resilience Account—State Appropriation	(( <u>\$118,115,000</u> ))
	<u>\$120,078,000</u>
Derelict Vessel Removal Account—State Appropriation	\$10,643,000
Community Forest Trust Account—State Appropriation	\$52,000
Agricultural College Trust Management Account—State Appropriation	(( <u>\$4,414,000</u> ))
	<u>\$4,422,000</u>
<b>TOTAL APPROPRIATION</b>	<b><u>(\$792,117,000)</u></b>
	<b><u>\$891,763,000</u></b>

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

(1) \$1,857,000 of the general fund—state appropriation for fiscal year 2024 and \$1,857,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board.

(2) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the small forest landowner office, in order to restore staffing capacity reduced during the great recession and to support small forest landowners, including assistance related to forest and fish act regulations.

(3) \$1,583,000 of the general fund—state appropriation for fiscal year 2024 and \$1,515,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(4) (~~(\$60,883,000)~~) \$88,617,000 of the general fund—state appropriation for fiscal year 2024, \$60,883,000 of the general fund—state appropriation for fiscal year 2025, and \$16,050,000 of the disaster response account—state appropriation are provided solely for emergency response, including fire suppression. The department shall provide a monthly report to the office of financial management and the appropriate fiscal and policy committees of the legislature with an update of fire suppression costs incurred and the number and type of wildfires suppressed.

(5) \$5,647,000 of the general fund—state appropriation for fiscal year 2024, \$8,470,000 of the general fund—state appropriation for fiscal year 2025, and \$330,000 of the disaster response account—state appropriation are provided solely for indirect and administrative expenses related to fire suppression.

(6) \$5,500,000 of the forest and fish support account—state appropriation is provided solely for outcome-based performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. Of the amount provided in this subsection, \$500,000 is contingent upon receipts under RCW 82.04.261 exceeding \$8,000,000 per biennium. If receipts under RCW 82.04.261 are more than \$8,000,000 but less than \$8,500,000 for the biennium, an amount equivalent to the difference between actual receipts and \$8,500,000 shall lapse.

(7) Consistent with the recommendations of the *Wildfire Suppression Funding and Costs (18-02)* report of the joint legislative audit and review committee, the department shall submit a report to the governor and legislature by December 1, 2023, and December 1, 2024, describing the previous fire season. At a minimum, the report shall provide information for each wildfire in the state, including its location, impact by type of land ownership, the extent it involved timber or range lands, cause, size, costs, and cost-share with federal agencies and nonstate partners. The report must also be posted on the agency's website.

(8) \$4,206,000 of the aquatic land enhancement account—state appropriation is provided solely for the removal of creosote pilings and debris from the marine environment and to continue monitoring zooplankton and eelgrass beds on state-owned aquatic lands managed by the department. Actions will address recommendations to recover the southern resident orca population and to monitor ocean acidification as well as help implement the Puget Sound action agenda.

(9) \$279,000 of the general fund—state appropriation for fiscal year 2024 and \$286,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation to the trust beneficiaries and department for lost revenue from leases to amateur radio operators who use space on the department managed radio towers for their equipment. The department is authorized to lease sites at the rate of up to \$100 per year, per site, per lessee. The legislature makes this appropriation to fulfill the remaining costs of the leases at market rate per RCW 79.13.510.

(10) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and (~~(\$2,500,000)~~) \$3,280,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to collect and refresh statewide lidar data.

(11) \$1,200,000 of the resource management cost account—state appropriation is provided solely for the agency to pursue

opportunities to provide workforce housing on state trust lands.

(12)(a) \$1,500,000 of the natural climate solutions account—state appropriation is provided solely for the department, in close collaboration with the department of ecology, to convene a group composed of a balanced representation of experts and stakeholders to conduct a state ecosystem services inventory and develop a state lands ecosystem services asset plan. The plan must outline how state lands under the department's jurisdiction can be monetized, including ecosystem services credits, and utilized to reduce the overall greenhouse emissions, or increase greenhouse gas sequestration and storage, in the state, including both public and private emissions.

(b) In developing the plan, the department must:

(i) Conduct a resource and asset inventory to identify all state-owned or controlled lands under its jurisdiction that could be eligible or utilized in ecosystem services credits, including carbon offset markets;

(ii) Explore opportunities for the department to utilize its inventoried proprietary assets in offering ecosystem services credits, including carbon offset credits, both under the regulatory offset programs, such as the one established under RCW 70A.65.170, and existing or future voluntary, private ecosystem service markets, including carbon offset programs;

(iii) Develop a marginal cost abatement model to inform highest and best use of state assets in ecosystem services markets, including carbon markets;

(iv) Conduct a needs assessment in relation to marketing state-owned carbon assets on state lands under the department's jurisdiction to third party developers, including a proposed implementation plan and recommendations for plan execution;

(v) Identify any known or suspected policy or regulatory limitations to the formation and full execution of the ecosystem services inventory and asset plan identified above;

(vi) Create an implementation plan for a virtual dashboard where public and private sector participants in regulatory or voluntary carbon markets can locate the inventory created under this subsection, understand the marginal cost abatement model, and locate any requests for proposals from state asset-involved carbon projects on lands under the department's jurisdiction; and

(vii) Make recommendations for the creation of an ecosystems services equity and innovation account that includes:

(A) New modes of ecosystem services; and

(B) Identification of new or different beneficiaries of carbon investments that increase the participation of historically marginalized groups in ecosystem service opportunities.

(c) The department must report its progress and findings under this subsection to the legislature no later than December 31, 2024.

(13) \$3,166,000 of the natural climate solutions account—state appropriation is provided solely for silvicultural treatments on forested trust lands in western Washington to support maintenance of healthy, resilient forests as a critical component of climate adaptation and mitigation efforts.

(14) \$2,185,000 of the general fund—state appropriation for fiscal year 2024 and \$1,705,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increased law enforcement capacity on agency managed lands, to develop a statewide recreation plan, and to jointly create a statewide data management system with the Washington department of fish and wildlife and the state parks and recreation commission to make informed management decisions that meet conservation goals for public lands. The agencies will also collaborate with tribal governments to ensure cultural resources and cultural practices are considered and incorporated into management plans.

(15) \$2,066,000 of the natural climate solutions account—state appropriation is provided solely for the agency to develop a

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

comprehensive strategy to tackle barriers to reforestation, including through expanding seed collection, increasing the capacity of the state's public nursery, and addressing workforce needs.

(16) \$2,864,000 of the natural climate solutions account—state appropriation is provided solely for the agency to implement aspects of their watershed resilience action plan for the Snohomish watershed, including activities to support kelp and eelgrass stewardship, a large woody debris program, aquatic restoration grants, and culvert removal.

(17) \$5,991,000 of the natural climate solutions account—state appropriation is provided solely for investment in urban forestry to support reduction of negative environmental conditions such as heat, flooding, and pollution and helping communities become greener, cleaner, healthier, and more resilient.

(18) \$7,791,000 of the climate commitment account—state appropriation is provided solely for the agency to analyze current infrastructure and build a plan for the department to achieve its greenhouse gas emission reduction targets.

(19) \$2,365,000 of the climate commitment account—state appropriation is provided solely for the department to make investments in education and training to bolster a statewide natural resources workforce to support the health and resilience of Washington's forests. Of this amount, \$800,000 is provided solely to provide wildland fire management training to tribal communities and members.

(20) \$3,356,000 of the natural climate solutions account—state appropriation is provided solely to increase the agency's capacity to provide active management of department of natural resources natural areas.

(21) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 (~~and~~), \$1,500,000 of the general fund—state appropriation for fiscal year 2025, and \$1,817,000 of the aquatic lands enhancement account—state appropriation are provided solely for full-time and seasonal crews from the Washington conservation corps and other corps programs to conduct work benefiting the management of state managed lands, including aquatic reserves management, natural areas restoration and conservation, trail work, and forest resiliency activities as well as other recreation and habitat projects with agency partners.

(22)(a) \$475,000 of the general fund—state appropriation for fiscal year 2024, \$253,000 of the general fund—state appropriation for fiscal year 2025, and \$62,000 of the model toxics control operating account—state appropriation are provided solely for a geoduck task force. Of the amounts provided in this subsection, \$411,000 of the general fund—state appropriation for fiscal year 2024 and \$208,000 of the general fund—state appropriation for fiscal year 2025 are for the department's costs for the task force, and the remaining amounts are for the department to provide to the department of ecology, the department of fish and wildlife, and the Puget Sound partnership for their projected costs for the task force.

(b) The task force must investigate opportunities to reduce negative impacts to tribal treaty and state geoduck harvest and promote long-term opportunities to expand or sustain geoduck harvest. The task force must provide a report to the commissioner of public lands and the legislature, in compliance with RCW 43.01.036, by December 1, 2024, that includes analysis and recommendations related to the following elements:

(i) The feasibility of intervention to enhance the wildstock of geoduck, including reseeded projects;

(ii) Factors that are preventing areas from being classified for commercial harvest of wildstock geoduck or factors that are leading to existing wildstock geoduck commercial tract classification downgrade, and recommendations to sustainably

and cost-effectively increase the number and area of harvestable tracts, including:

(A) Consideration of opportunities and recommendations presented in previous studies and reports;

(B) An inventory of wastewater treatment plant and surface water runoff point sources impacting state and tribal geoduck harvesting opportunities within the classified commercial shellfish growing areas in Puget Sound;

(C) A ranking of outfalls and point sources identified in (b)(ii)(B) of this subsection prioritized for future correction to mitigate downgraded classification of areas with commercial geoduck harvest opportunity;

(D) An inventory of wildstock geoduck tracts that are most impacted by poor water quality or other factors impacting classification;

(E) Consideration of the role of sediment load and urban runoff, and pathways to mitigate these impacts; and

(F) Recommendations for future actions to improve the harvest quantity of wildstock geoduck and to prioritize areas that can attain improved classification most readily, while considering the influence of outfalls ranked pursuant to (b)(ii)(C) of this subsection.

(c) The commissioner of public lands must invite the following representatives to participate in the task force:

(i) A representative of the department of natural resources, who shall serve as the chair of the task force;

(ii) Representatives of tribes with treaty or reserved rights to geoduck harvest in Washington state;

(iii) A representative of the department of ecology;

(iv) A representative of the department of health;

(v) A representative of the department of fish and wildlife;

(vi) A representative of the Puget Sound partnership; and

(vii) A representative of the academic community.

(d) The commissioner of public lands must appoint each representative. The commissioner may invite and appoint other individuals to the task force, not to exceed the number of seats of tribal entities.

(e) Members of the task force may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(23) \$636,000 of the general fund—state appropriation for fiscal year 2024 and \$353,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1032 (wildfires/electric utilities). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(24) \$65,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1085 (plastic pollution). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(25) \$350,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(26) \$250,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(27) \$164,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). ~~((If the bill is not enacted by June 30, 2023, the amount provided in~~

~~this subsection shall lapse.))~~

(28) \$591,000 of the general fund—state appropriation for fiscal year 2024 and \$552,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5433 (derelict aquatic structures). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(29) \$431,000 of the general fund—state appropriation for fiscal year 2024 and \$331,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1498 (aviation assurance funding). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(30) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$2,500,000)~~ \$3,465,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1578 (wildland fire safety). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection, \$1,318,800 of the general fund—state appropriation for fiscal year 2025 is provided solely for the agency to operate the post-fire debris flow program.

(31) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(32) \$1,000,000 of the model toxics control operating account—state appropriation is provided solely for tire removal projects in Puget Sound, with specific priority to remove tire reefs.

(33) \$321,000 of the general fund—state appropriation for fiscal year 2024 and \$427,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Senate Bill No. 5390 (forestlands/safeharbor). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(34) \$70,000 of the general fund—state appropriation for fiscal year 2024 and \$30,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to advance research and cooperation with governmental agencies of Finland and Finnish organizations to implement sustainable forestry practices. The department must report to the appropriate committees of the legislature by June 30, 2024, on the use of the funds and the research conducted and cooperation accomplished, and make recommendations for further opportunities for collaboration.

(35) \$278,000 of the natural climate solutions account—state appropriation is provided solely for the department to perform coordination and monitoring related to Puget Sound kelp conservation and recovery.

(36) \$312,000 of the general fund—state appropriation for fiscal year 2024 and \$313,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to coordinate with the Olympic natural resources center to study emerging ecosystem threats such as Swiss needlecast disease, fully implement the T3 watershed experiments on state trust lands, continue field trials for long-term ecosystem productivity, and engage stakeholders through learning-based collaboration. The department may expend up to \$30,000 in one fiscal year to conduct Swiss needlecast surveys.

(37) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to continue the work specified in section 3291, chapter 413, Laws of 2019 to assess public school seismic safety for school buildings not yet assessed, focused on highest risk

areas of the state as a priority.

~~((39))~~ (38) \$10,000,000 of the natural climate solutions account—state appropriation is provided solely for the department to prepare commercial thinning timber sales for the purposes of restoring spotted owl and riparian habitat as specified in the 1997 state lands habitat conservation plan, facilitating access to more timber volume than is possible under normal operating funding and increasing carbon sequestration. Thinning operations in designated spotted owl management areas must be conducted in stands that do not yet meet spotted owl habitat conditions. Thinning in riparian areas must comply with department procedures for restoring riparian habitat under the 1997 state lands habitat conservation plan.

~~((40))~~ (39) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue to address the maintenance backlog associated with providing recreation on lands managed by the department. Allowable uses include, but are not limited to, maintenance, repair, or replacement of trails, toilet facilities, roads, parking lots, campgrounds, picnic sites, water access areas, signs, kiosks, and gates. The department is encouraged to partner with nonprofit organizations in the maintenance of public lands.

~~((41))~~ (40) \$175,000 of the general fund—state appropriation for fiscal year 2024 and \$175,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement a pilot project to evaluate the costs and benefits of marketing and selling specialty forest products including cedar salvage, alder, and other hardwood products. The pilot project must include: Identifying suitable areas for hardwood or cedar sales within the administrative areas of the Olympic and Pacific Cascade regions, preparing and conducting sales, and evaluating the costs and benefits from conducting the sales.

(a) The pilot project must include an evaluation that:

- (i) Determines if revenues from the sales are sufficient to cover the costs of preparing and conducting the sales;
- (ii) Identifies and evaluates factors impacting the sales, including regulatory constraints, staffing levels, or other limitations;
- (iii) Compares the specialty sales to other timber sales that combine the sale of cedar and hardwoods with other species;
- (iv) Evaluates the bidder pool for the pilot sales and other factors that impact the costs and revenues received from the sales; and
- (v) Evaluates the current and future prices and market trends for cedar salvage and hardwood species.

(b) The department must work with affected stakeholders and report to the appropriate committees of the legislature with the results of the pilot project and make recommendations for any changes to statute by June 30, 2025.

(41) \$857,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the department to implement eradication and control measures on European green crabs on state-owned aquatic lands and adjacent lands as appropriate. The department must report to and coordinate with the department of fish and wildlife to support the department of fish and wildlife's quarterly progress reports to the legislature.

(42) \$847,000 of the general fund—state appropriation for fiscal year 2025 and \$473,000 of the model toxics control operating account—state appropriation are provided solely for the department to develop an authorized target shooting range as an alternative to dispersed shooting, lead a stakeholder-driven process to identify potential additional locations for target shooting ranges, and address lead pollution in known dispersed shooting sites.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(43) \$524,000 of the resource management cost account—state appropriation is provided solely for the agency to supplement the cost of the contract with the department of fish and wildlife for biological geoduck survey work. Within existing appropriations, the department must develop a proposal with the department of fish and wildlife for the equitable and sustainable ongoing funding of this work.

(44) \$593,000 of the natural climate solutions account—state appropriation is provided solely for the department to conduct remote sensing, stressor studies, and imagery and survey work of kelp forests and eelgrass meadows pursuant to RCW 79.135.440 and manage the native kelp forest and eelgrass meadow health and conservation plan. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(45) \$90,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Substitute House Bill No. 2330 (wildfire protection). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(46) \$10,000,000 of the natural climate solutions account—state appropriation is provided solely for forest treatments in areas where they have the greatest potential to prevent wildfires and protect air quality.

**Sec. 311.** 2023 c 475 s 311 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation	(FY 2024)	<del>(\$52,938,000)</del>
		<u>\$64,834,000</u>
General Fund—State Appropriation	(FY 2025)	<del>(\$69,710,000)</del>
		<u>\$78,570,000</u>
General Fund—Federal Appropriation		<del>(\$38,414,000)</del>
		<u>\$48,266,000</u>
General Fund—Private/Local Appropriation		\$193,000
<u>Agricultural Pest and Disease Response Account—State Appropriation</u>		<u>\$250,000</u>
Aquatic Lands Enhancement Account—State Appropriation		<del>(\$2,839,000)</del>
		<u>\$2,841,000</u>
Climate Commitment Account—State Appropriation		<del>(\$3,819,000)</del>
		<u>\$7,376,000</u>
Natural Climate Solutions Account—State Appropriation		\$261,000
Water Quality Permit Account—State Appropriation		\$73,000
Model Toxics Control Operating Account—State Appropriation		<del>(\$13,589,000)</del>
		<u>\$13,479,000</u>
Northeast Washington Wolf-Livestock Management Nonappropriated Account—State Appropriation		\$1,600,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation		<del>(\$36,875,000)</del>
		<u>\$37,578,000</u>
<b>TOTAL APPROPRIATION</b>		<del>(\$220,311,000)</del>
		<u>\$255,321,000</u>

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

(1) \$18,000,000 of the general fund—state appropriation for fiscal year 2024 and \$17,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the we feed Washington program, a state alternative to the United States department of agriculture farmers to families food box

program, and provide resources for hunger relief organizations.

(2) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for local food system infrastructure and market access grants.

(3) ~~(\$3,655,000)~~ \$4,992,000 of the general fund—state appropriation for fiscal year 2024 and \$3,655,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementing a *Popillia japonica* monitoring and eradication program in central Washington.

(4) ~~(\$15,000,000)~~ \$9,297,000 of the general fund—state appropriation for fiscal year 2024, \$20,000,000 of the general fund—state appropriation for fiscal year 2025, and ~~(\$15,000,000)~~ \$15,703,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely for implementing the emergency food assistance program as defined in RCW 43.23.290.

(5) \$246,000 of the general fund—state appropriation for fiscal year 2024, \$246,000 of the general fund—state appropriation for fiscal year 2025, and \$1,550,000 of the general fund—federal appropriation are provided solely for implementing a Vespa mandarinia eradication program.

(6) \$1,600,000 of the northeast Washington wolf-livestock management nonappropriated account—state appropriation is provided solely for the department to conduct the following:

(a) Offer grants for the northeast Washington wolf-livestock management program as provided in RCW 16.76.020, in the amount of \$1,400,000 for the biennium.

(i) Funds from the grant program must be used only for the deployment of nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a high probability of producing effective results. Grant proposals will be assessed partially on this intent. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other grantees of the program and other entities providing prevention efforts resulting in coordinated wolf-livestock conflict deterrence efforts, both temporally and spatially, therefore providing well timed and placed preventative coverage on the landscape. Additionally, range riders must document their activities with GPS track logs and provide written description of their efforts to the department of fish and wildlife on a monthly basis. The department shall incorporate the requirements of this subsection into contract language with the grantees.

(ii) In order to provide continuity of services to meet the long-term intent of the program, no less than \$1,100,000 of the funding allocated in this subsection (a) shall be awarded to entities who have proven ability to meet program intent as described in (a)(i) of this subsection and who have been awarded funds through this grant program or pass-through funds from the northeast Washington wolf-livestock management nonappropriated account in the past. The remaining \$300,000 may be awarded to new applicants whose applications meet program intent and all of other requirements of the program. If no applications from new entities are deemed qualified, the unused funds shall be awarded in equal amounts to successful grantees. The department retains the final decision making authority over disbursement of funds. Annual reports from grantees will be assessed for how well grant objectives were met and used to decide whether future grant funds will be awarded to past grantees.

(b) Within the amounts provided in this subsection, the department must provide \$100,000 each fiscal year to the sheriffs offices of Ferry and Stevens counties for providing a local

wildlife specialist to aid the department of fish and wildlife in the management of wolves in northeast Washington.

(7) \$1,000,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for grants and technical assistance to producers and processors for meat and poultry processing.

(8) \$842,000 of the general fund—state appropriation for fiscal year 2024 and \$822,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 135, Laws of 2022, which requires the department to establish cannabis testing lab quality standards by rule.

(9) \$3,038,000 of the climate commitment account—state appropriation is provided solely to implement organic materials legislation passed in the 2022 legislative session.

(10) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to contract with Washington State University's IMPACT Center to conduct an analysis of the threats, barriers, and challenges facing the state's agricultural producers.

(11) \$581,000 of the climate commitment account—state appropriation is provided solely to implement a science-based, voluntary software program called saving tomorrow's agricultural resources (STAR) which provide producers tools to track soil health improvements and the ability to generate market-based incentives.

(12) \$1,492,000 of the model toxics control operating account—state appropriation is provided solely to increase capacity and support work to reduce nitrate pollution in groundwater from irrigated agriculture in the lower Yakima valley.

(13) (~~(\$88,000)~~) \$502,000 of the general fund—state appropriation for fiscal year 2024, \$88,000 of the general fund—state appropriation for fiscal year 2025, and (~~(\$702,000)~~) \$1,053,000 of the general fund—federal appropriation are provided solely to match federal funding for eradication treatments and follow-up monitoring of invasive moths.

(14) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$120,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue the early detection program for the spotted lanternfly and the associated invasive *Ailanthus altissima*, known colloquially as tree-of-heaven, survey and control programs.

(15) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to implement changes that advance equity for underrepresented farmers and ranchers in the department's programs and services. In carrying out this duty, the department may focus on implementation of:

(a) Proequity and inclusion strategies within the activities and services of the regional markets program;

(b) Recommendations from the department's 2022 report to the legislature on equity for underrepresented farmers and ranchers; and

(c) Community-generated suggestions resulting from stakeholder engagement activities. In carrying out this duty, the department may engage with underrepresented farmers and ranchers to advise and provide guidance as the department works to implement changes to improve equity and inclusion in the department's services and programs, and where possible in the agricultural industry more broadly.

(16) \$261,000 of the natural climate solutions account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1170 (climate response strategy). (~~If the bill is not enacted by June 30, 2023, the amount~~

~~provided in this subsection shall lapse.))~~

(17) \$200,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). (~~If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(18) \$116,000 of the general fund—state appropriation for fiscal year 2024 and \$110,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1500 (cottage food sales cap). (~~If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(19) The department must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(20) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to a community-based organization in Whatcom county for the food and farm finder program, which connects local food producers with retail and wholesale consumers throughout the state.

(21) \$10,600,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for local food system infrastructure and market access grants, the emergency food assistance program, and a state farmers to families food box program. The total expenditures from the coronavirus state fiscal recovery fund—federal for these purposes in fiscal year 2023 and fiscal year 2024 may not exceed the total amounts provided in section 311(1), (3), and (7), chapter 334, Laws of 2021, from the coronavirus state fiscal recovery fund—federal for these purposes.

(22) \$47,000 of the general fund—state appropriation for fiscal year 2024 and \$47,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin). (~~If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(23) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the department to provide a grant to a food bank in Pierce county for the continued provision of food bank services to low-income individuals, including costs related to the potential relocation of the food bank.

(24) \$128,000 of the general fund—state appropriation for fiscal year 2024 and \$127,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the Tri-Cities food bank for operations including food storage.

(25) \$170,000 of the general fund—state appropriation for fiscal year 2024 and \$170,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue a shellfish coordinator position.

(26) \$635,000 of the general fund—state appropriation for fiscal year 2024 and \$635,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compliance-based laboratory analysis of pesticides in cannabis.

(27) \$220,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the agency to partner with the department of commerce to conduct a study to better understand the opportunities and challenges of using hemp as a building material.

(28) \$112,000 of the general fund—state appropriation for fiscal year 2024 and \$683,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

agency to partner with organizations to promote diversity and develop agricultural leadership and educational opportunities.

(29) \$250,000 of the climate commitment account—state appropriation is provided solely for the department to facilitate a work group and prepare a comprehensive report with recommendations regarding the establishment of a grant program to support farmers in the purchase of green fertilizer produced within the state of Washington.

(a) The work group convened by the department shall include representatives from the department of ecology, the department of commerce, Washington state agricultural organizations, manufacturers of green fertilizer products, and other relevant stakeholders as determined by the department.

(b) The work group shall review, analyze, and propose the structure of a grant program designed to encourage farmers to purchase green fertilizer produced within the state of Washington. The review shall include considerations of:

- (i) The environmental benefits of green fertilizer;
- (ii) Economic impacts on farmers;
- (iii) The development and capacity of local green fertilizer manufacturers; and
- (iv) Ensuring equitable access to the grant program among different agricultural sectors.

(c) The department shall submit a comprehensive report of its findings and recommendations to the governor and appropriate committees of the legislature no later than November 1, 2024, including a detailed plan for the administration of the proposed grant program and a recommended funding level. The report shall include legislative and regulatory changes, if necessary, to establish and manage the program effectively.

(d) If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(30) \$131,000 of the climate commitment account—state appropriation is provided solely for a climate lead position. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general election, this subsection is null and void upon the effective date of the measure.

(31) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided to the department to complete an assessment of current animal welfare issues, such as animal abandonment, rescue organization operations, and veterinary services shortages and costs. The assessment may include an estimated fiscal investment and recommendations needed to improve the animal health and welfare system in Washington. The department must report on the assessment to the appropriate committees of the legislature by June 30, 2025.

(32)(a) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a review of the department of health's commercial shellfish industry regulatory fees, including licensing, testing, and certification. In conducting this review, the department must seek input from the department of health, representatives of the commercial shellfish industry, and tribes. The study must include:

- (i) Data sources and methods used by the department of health in setting or proposing fee increases for the commercial shellfish industry;
- (ii) Costs associated with exercising the department of health's regulatory authority over the commercial shellfish industry;
- (iii) Fees charged for comparable services in other states that regulate the commercial shellfish industry under the Model Ordinance of the Interstate Shellfish Sanitation Conference;
- (iv) Regulatory fees paid by other agricultural industries in

Washington, where relevant;

(v) The public benefits of the department of health's regulation of the commercial shellfish industry; and

(vi) Program efficiencies that could be achieved to reduce fees to the shellfish industry imposed by the department of health.

(b) The department must report to the appropriate committees of the legislature by June 30, 2025, with recommendations on shellfish fee amounts imposed by the department of health and any process improvements related to those fees.

(33) \$3,176,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2301 (waste material management). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

(34) \$250,000 of the agricultural pest and disease response account—state appropriation is provided solely for implementation of Substitute House Bill No. 2147 (agriculture pests & diseases). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(35) \$250,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to convene and staff a work group to provide recommendations on mental health and suicide prevention for agricultural producers, farm workers, and their families, including whether an agricultural mental health hotline should be established. The work group must be cochaired by one member from the department and one other member selected from the work group. The department must provide a draft report to the appropriate committees of the legislature summarizing the work group's recommendations by December 31, 2024, and a final report by June 30, 2025. The work group must include:

- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;
- (c) One mental health care provider from an agricultural area in western Washington, appointed by the department;
- (d) One mental health care provider from a rural area in eastern Washington, appointed by the department;
- (e) Two members from an agricultural organization, appointed by the department; and
- (f) Two members from the department, appointed by the department.

**Sec. 312.** 2023 c 475 s 312 (uncodified) is amended to read as follows:

**FOR THE ENERGY FACILITY SITE EVALUATION COUNCIL**

General Fund—State Appropriation (FY 2024)	(( <del>\$924,000</del> ))
	\$893,000
General Fund—State Appropriation (FY 2025)	(( <del>\$919,000</del> ))
	\$887,000
Climate Commitment Account—State Appropriation	\$7,369,000
Energy Facility Site Evaluation Council Account—Private/Local Appropriation	(( <del>\$26,896,000</del> ))
	\$26,900,000
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$36,108,000</del>))</b>
	<b>\$36,049,000</b>

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

- (1) \$2,352,000 of the climate commitment account—state

appropriation is provided solely to support agency operations and to hire additional environmental siting and compliance positions needed to support an anticipated workload increase from new clean energy projects.

(2) \$757,000 of the climate commitment account—state appropriation is provided solely for ~~((grants to tribes to review green energy project applications))~~ preapplication development and clean energy manufacturing review, reimbursement to tribes for costs associated with clean energy project application reviews, and contracted services for green hydrogen and clean energy manufacturing programs.

(3) \$358,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(4) The council must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(5) \$3,902,000 of the climate commitment account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5165 (electric transm. planning). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

#### PART IV TRANSPORTATION

**Sec. 401.** 2023 c 475 s 401 (uncodified) is amended to read as follows:

##### FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2024)	<del>(\$4,041,000)</del> <u>\$4,043,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$3,640,000)</del> <u>\$3,652,000</u>
Architects' License Account—State Appropriation	<del>(\$1,759,000)</del> <u>\$1,778,000</u>
<u>Climate Investment Account—State Appropriation</u>	<u>\$30,000,000</u>
Real Estate Commission Account—State Appropriation	<del>(\$15,753,000)</del> <u>\$15,729,000</u>
Uniform Commercial Code Account—State Appropriation	<del>(\$3,481,000)</del> <u>\$3,496,000</u>
Real Estate Education Program Account—State Appropriation	<del>(\$316,000)</del> <u>\$308,000</u>
Real Estate Appraiser Commission Account—State Appropriation	<del>(\$2,067,000)</del> <u>\$2,396,000</u>
Business and Professions Account—State Appropriation	<del>(\$30,924,000)</del> <u>\$31,240,000</u>
Real Estate Research Account—State Appropriation	\$461,000
Firearms Range Account—State Appropriation	\$74,000
Funeral and Cemetery Account—State Appropriation	<del>(\$118,000)</del> <u>\$125,000</u>
Landscape Architects' License Account—State Appropriation	<del>(\$86,000)</del> <u>\$95,000</u>
Appraisal Management Company Account—State Appropriation	<del>(\$250,000)</del>

Concealed Pistol License Renewal Notification Account—State Appropriation	<u>\$258,000</u> \$142,000
Geologists' Account—State Appropriation	<del>(\$48,000)</del> <u>\$55,000</u>
Derelict Vessel Removal Account—State Appropriation	\$37,000
TOTAL APPROPRIATION	<del>(\$63,197,000)</del> <u>\$93,889,000</u>

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

(1) \$142,000 of the concealed pistol license renewal notification account—state appropriation and \$74,000 of the firearms range account—state appropriation are provided solely to implement chapter 74, Laws of 2017 (concealed pistol license).

(2) \$6,000 of the general fund—state appropriation for fiscal year 2024, \$9,000 of the general fund—state appropriation for fiscal year 2025, \$8,000 of the architects' license account—state appropriation, \$74,000 of the real estate commission account—state appropriation, \$14,000 of the uniform commercial code account—state appropriation, \$10,000 of the real estate appraiser commission account—state appropriation, and \$139,000 of the business and professions account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements of section 701 of this act.

(3) \$7,000 of the general fund—state appropriation for fiscal year 2024, \$9,000 of the general fund—state appropriation for fiscal year 2025, \$5,000 of the architects' license account—state appropriation, \$43,000 of the real estate commission account—state appropriation, \$8,000 of the uniform commercial code account—state appropriation, \$8,000 of the real estate ~~((education program))~~ appraiser commission account—state appropriation, \$166,000 of the business and professions account—state appropriation, \$9,000 of the funeral and cemetery account—state appropriation, \$3,000 of the landscape architects' license account—state appropriation, \$2,000 of the appraisal management company account—state appropriation, and \$5,000 of the geologists' account—state appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(4) \$20,000 of the business and professions account—state appropriation is provided solely for implementation of House Bill No. 1017 (cosmetologists, licenses, etc.). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(5) \$320,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1143 (firearms purchase and transfer). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(6) \$5,000 of the architects' license account—state appropriation, \$31,000 of the real estate commission account—state appropriation, \$5,000 of the real estate appraiser commission account—state appropriation, \$64,000 of the business and professions account—state appropriation, \$5,000 of the funeral and cemetery account—state appropriation, \$5,000 of the landscape architects' license account—state appropriation, \$5,000 of the appraisal management company account—state appropriation, and \$5,000 of the geologists' account—state appropriation are provided solely for implementation of House Bill No. 1301 (license review and requirements). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(7) \$25,000 of the real estate (~~appraiser~~) commission account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5191 (real estate agency). (~~If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~)

(8) \$19,000 of the funeral and cemetery account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5261 (cemetery authority deadlines). (~~If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~)

(9) \$308,000 of the real estate appraiser commission account—state appropriation is provided solely for implementation of Engrossed House Bill No. 1797 (real estate appraisers). (~~If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~)

(10)(a) \$30,000,000 of the climate investment account—state appropriation is provided solely for payments to support farm fuel users and transporters who have purchased fuel for agricultural purposes that is exempt from the requirements of the climate commitment act, as described in RCW 70A.65.080(7)(e). In providing such payments, the department must prioritize:

(i) Farming and transportation operations, prioritizing noncorporate farms first;

(ii) Ease of use and accessibility for recipients; and

(iii) Speed and efficiency in administering the payments.

(b) The department must use a tiered system of payments based on the annual number of gallons of agricultural fuel consumed, as determined by the farm fuel user or transporter in a signed attestation. The department shall use the following payment tiers:

(i) \$600 to recipients with annual agricultural fuel use of less than 1,000 gallons;

(ii) \$2,300 to recipients with annual agricultural fuel use greater than or equal to 1,000 gallons and less than 4,000 gallons; and

(iii) \$3,400 to recipients with annual agricultural fuel use greater than or equal to 4,000 gallons.

(c) Recipients of payments under this subsection may submit receipts and other documentation as part of their attestation showing that they were overcharged for fuel costs due to the impact of chapter 70A.65 RCW.

(d) The department may use no more than five percent of the amounts appropriated for this specific purpose on administration. The department must begin providing payments by September 1, 2024. If Initiative Measure No. 2117 is approved in the 2024 general election, upon the effective date of the measure, funds from the consolidated climate account may not be used for the purposes in this subsection.

**Sec. 402.** 2023 c 475 s 402 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

General Fund—State Appropriation	(FY 2024)	<del>(\$77,651,000)</del>
		<u>\$77,965,000</u>
General Fund—State Appropriation	(FY 2025)	<del>(\$78,281,000)</del>
		<u>\$85,255,000</u>
General Fund—Federal Appropriation		<del>(\$16,972,000)</del>
		<u>\$16,973,000</u>
General Fund—Private/Local Appropriation		\$3,091,000
Death Investigations Account—State Appropriation		<del>(\$9,145,000)</del>
		<u>\$9,597,000</u>
County Criminal Justice Assistance Account—State Appropriation		<del>(\$4,893,000)</del>
		<u>\$4,895,000</u>

Municipal Criminal Justice Assistance Account—State Appropriation ~~(\$1,800,000)~~  
\$1,801,000

Fire Service Trust Account—State Appropriation \$131,000  
Vehicle License Fraud Account—State Appropriation \$119,000

Disaster Response Account—State Appropriation ~~(\$8,000,000)~~  
\$31,500,000

Fire Service Training Account—State Appropriation ~~(\$13,456,000)~~  
\$13,461,000

Model Toxics Control Operating Account—State Appropriation \$596,000

Fingerprint Identification Account—State Appropriation ~~(\$15,200,000)~~  
\$15,211,000

TOTAL APPROPRIATION ~~(\$229,335,000)~~  
\$260,595,000

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

(1) ~~(\$8,000,000)~~ \$31,500,000 of the disaster response account—state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(2) \$79,000 of the general fund—state appropriation for fiscal year 2024 and \$146,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation adjustments for commissioned staff as provided for in the omnibus transportation appropriations act.

(3) \$20,000 of the fingerprint identification account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1452 (medical reserve corps). (~~If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~)

(4) \$16,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1179 (nonconviction data/auditor). (~~If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~)

(5) \$26,000 of the fingerprint identification account—state appropriation is provided solely for implementation of Substitute House Bill No. 1069 (mental health counselor compensation). (~~If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~)

(6) \$500,000 of the disaster response account—state appropriation, is provided solely to continue a pilot project for the early deployment or repositioning of Washington state fire service resources in advance of an expected mobilization event. Any authorization for the deployment of resources under this section must be authorized in accordance with section 6 of the Washington state fire services resource mobilization plan.

(7) \$320,000 of the general fund—state appropriation for fiscal year 2024 and \$68,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5367 (products containing THC). (~~If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~)

(8) \$1,133,000 of the fingerprint identification account—state

appropriation is provided solely for implementation of Substitute Senate Bill No. 5499 (multistate nurse licensure). ~~(If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.)~~

(9) \$1,000,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(10) \$12,000 of the general fund—state appropriation for fiscal year 2024 and \$12,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support the Washington state missing and murdered indigenous women and people task force in section 912 of this act.

(11) \$44,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a second Cessna aircraft to be ordered for delivery in the 2025-2027 fiscal biennium.

(12) In fiscal year 2025, the Washington state patrol may initiate procurement of a Pilatus PC-12 aircraft and a forward-looking infrared camera. It is the intent of the legislature to provide an appropriation for the purchase of the aircraft in future fiscal biennia.

(13) \$970,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the Washington state patrol to create and staff a task force to oversee the coordination of drug trafficking investigations between the Washington state patrol, the Washington association of sheriffs and police chiefs, the attorney general, the federal bureau of investigation, and the federal drug enforcement administration. The task force shall coordinate federal, state, and local interjurisdictional drug trafficking investigations, with special attention given to the following:

(i) Coordination and cooperation with federal, state, tribal, and local law enforcement officials on mutual drug enforcement efforts and enhancement of such efforts through exploitation of potential intrastate, interstate, and international investigations beyond local or state jurisdictions and resources;

(ii) Coordination and cooperation with federal, state, tribal, and local agencies, and with foreign governments, in programs designed to reduce the availability of opioids, synthetic opioids, and other emerging drugs on the state and national market through nonenforcement methods;

(iii) Criminal investigations and preparation for the prosecution of violators of controlled substance laws operating at intrastate, interstate, and international levels;

(iv) Investigation and preparation for the criminal prosecution of drug trafficking organizations who perpetrate violence and harm; and

(v) Enforcement of the provisions of the controlled substances act, federal and state, as they pertain to the manufacture, distribution, and dispensing of controlled substances, with a priority focus on opioid trafficking, particularly fentanyl and other emerging synthetic opioids or street drugs.

(14) \$136,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2009 (missing persons/dental recs.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(15) \$13,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2357 (state patrol longevity bonus). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

## PART V EDUCATION

**Sec. 501.** 2023 c 475 s 501 (uncodified) is amended to read

as follows:

### FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—State	Appropriation	(FY 2024)	(( <del>\$46,191,000</del> ))
			\$46,758,000
General Fund—State	Appropriation	(FY 2025)	(( <del>\$45,208,000</del> ))
			\$52,731,000
General Fund—Federal	Federal Appropriation		(( <del>\$108,354,000</del> ))
			\$148,590,000
General Fund—Private/Local	Private/Local Appropriation		\$8,079,000
Dedicated Cannabis Account—State	State Appropriation	(FY 2024)	\$593,000
Dedicated Cannabis Account—State	State Appropriation	(FY 2025)	\$618,000
Washington Opportunity Pathways	Account—State	Appropriation	(( <del>\$8,429,000</del> ))
			\$11,351,000
Performance Audits of Government	Account—State	Appropriation	\$213,000
Workforce Education Investment	Account—State	Appropriation	(( <del>\$9,479,000</del> ))
			\$12,480,000
Elementary and Secondary School Emergency Relief III	Account—Federal	Federal Appropriation	\$3,524,000
<b>TOTAL APPROPRIATION</b>			<b>((<del>\$230,688,000</del>))</b>
			<b>\$284,937,000</b>

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

#### (1) BASE OPERATIONS AND EXPENSES OF THE OFFICE

(a) ~~((~~\$21,778,000~~))~~ \$22,392,000 of the general fund—state appropriation for fiscal year 2024 and ~~((~~\$21,778,000~~))~~ \$22,120,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) By October 31st of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in section 501, chapter 415, Laws of 2019 and sections 515 and 522, chapter 334, Laws of 2021. The status report of each proviso shall include, but not be limited to, the following information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(iii) Districts shall annually report to the office of the superintendent of public instruction on: (A) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (B) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(iv) The office of the superintendent of public instruction shall perform ongoing program reviews of alternative learning experience programs, dropout reengagement programs, and other high risk programs. Findings from the program reviews will be

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(v) The superintendent of public instruction shall integrate climate change content into the Washington state learning standards across subject areas and grade levels. The office shall develop materials and resources that accompany the updated learning standards that encourage school districts to develop interdisciplinary units focused on climate change that include authentic learning experiences, that integrate a range of perspectives, and that are action oriented.

(vi) Funding provided in this subsection (1)(a) is sufficient for maintenance of the apportionment system, including technical staff and the data governance working group.

(b) \$494,000 of the general fund—state appropriation for fiscal year 2024 and \$494,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(c) \$61,000 of the general fund—state appropriation for fiscal year 2024 and \$61,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(d) \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(e) \$285,000 of the Washington opportunity pathways account—state appropriation is provided solely for activities related to public schools other than common schools authorized under chapter 28A.710 RCW.

(f) \$123,000 of the general fund—state appropriation for fiscal year 2024 and \$123,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(g) ~~(\$1,060,000)~~ \$880,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$1,060,000)~~ \$1,240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of native education to increase services to tribes, including but not limited to, providing assistance to tribes and school districts to implement Since Time Immemorial, applying to become tribal compact schools, convening the Washington state native American education advisory committee, and extending professional learning opportunities to provide instruction in tribal history, culture, and government. The professional development must be done in collaboration with school district administrators and school directors. Funding in this subsection is sufficient for the office, the Washington state school directors' association government-to-government task force, and the association of educational service districts to collaborate with the tribal leaders congress on education to develop a tribal consultation training and schedule. Of the amounts provided in this subsection: ~~(\$525,000)~~ \$345,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$525,000)~~ \$705,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the

office of native education to convene a work group to develop the supports necessary to serve American Indian and Alaska Native students identified as needing additional literacy supports. The work group must include representation from Washington's federally recognized tribes and federally recognized tribes with reserved treaty rights in Washington. The work group must conduct tribal consultations, develop best practices, engage in professional learning, and develop curricula and resources that may be provided to school districts and state-tribal education compact schools to serve American Indian and Alaska Native students with appropriate, culturally affirming literacy supports.

(h) \$481,000 of the general fund—state appropriation for fiscal year 2024 and \$481,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(i) Districts shall report to the office the results of each collective bargaining agreement for certificated staff within their district using a uniform template as required by the superintendent, within thirty days of finalizing contracts. The data must include but is not limited to: Minimum and maximum base salaries, supplemental salary information, and average percent increase for all certificated instructional staff. Within existing resources by December 1st of each year, the office shall produce a report for the legislative evaluation and accountability program committee summarizing the district level collective bargaining agreement data.

(j) \$3,524,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for administrative costs related to the management of federal funds provided for COVID-19 response and other emergency needs.

(k) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office of the superintendent of public instruction to plan for the development and implementation of a common substitute teacher application platform.

(l) \$465,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for office of the attorney general legal services related to special education related litigation.

(m) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the superintendent of public instruction to hire a mental health instruction implementation coordinator to facilitate the addition of mental health education curriculum in schools, including but not limited to the following activities:

(i) Working with the educational service districts to build awareness of learning benefits and resource availability;

(ii) Providing training and support to school staff in the implementation of mental health education and integration into existing health curriculum;

(iii) Facilitating office website updates to reflect available mental health instruction resources and supporting data; and

(iv) Facilitating the addition of mental health literacy components to state learning standards and updating social emotional learning standards to reflect differentiation between the two programs and the grade-appropriate nature of each program.

(n) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office to hire staff to support school districts applying for grants funded by the state of Washington and grants from other public or private sources for which the school district may be eligible. The office must prioritize supporting school districts with smaller student

enrollments, tax bases, and operating budgets, and other factors that may preclude or otherwise limit the ability of a school district to apply for grants for which it may be eligible.

(2) DATA SYSTEMS

(a) \$1,802,000 of the general fund—state appropriation for fiscal year 2024 and \$1,802,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementing a comprehensive data system to include financial, student, and educator data, including development and maintenance of the comprehensive education data and research system (CEDARS).

(b) \$281,000 of the general fund—state appropriation for fiscal year 2024 and \$281,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) \$450,000 of the general fund—state appropriation for fiscal year 2024 and \$450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the superintendent of public instruction to develop and implement a statewide accountability system to address absenteeism and to improve student graduation rates. The system must use data to engage schools and districts in identifying successful strategies and systems that are based on federal and state accountability measures. Funding may also support the effort to provide assistance about successful strategies and systems to districts and schools that are underperforming in the targeted student subgroups.

(d) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the superintendent of public instruction to conduct a feasibility study for an online, statewide individualized education program system. A contract with a third party may be used to conduct all or any portion of the study. The results of the feasibility study must be reported to the appropriate fiscal and education committees of the legislature by June 30, 2025.

(e) \$56,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2038 (public school data transfer). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(3) WORK GROUPS

(a) \$68,000 of the general fund—state appropriation for fiscal year 2024 and \$68,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(b) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to meet statutory obligations related to the provision of medically and scientifically accurate, age-appropriate, and inclusive sexual health education as authorized by chapter 206, Laws of 1988 (AIDS omnibus act) and chapter 265, Laws of 2007 (healthy youth act).

(c) \$118,000 of the general fund—state appropriation for fiscal year 2024 and \$118,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 75, Laws of 2018 (dyslexia).

(d) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of

chapter 386, Laws of 2019 (social emotional learning).

(e) \$107,000 of the general fund—state appropriation for fiscal year 2024 and \$107,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to support the children and youth behavioral health work group created in chapter 130, Laws of 2020 (child. mental health wk. grp).

(4) STATEWIDE PROGRAMS

(a) \$2,590,000 of the general fund—state appropriation for fiscal year 2024 and \$2,590,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support statewide administration and district implementation of the inventory under RCW 28A.655.080.

(b) \$703,000 of the general fund—state appropriation for fiscal year 2024 and \$703,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 72, Laws of 2016 (educational opportunity gap).

(c) \$950,000 of the general fund—state appropriation for fiscal year 2024 and \$950,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to schools identified for comprehensive or targeted support and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(d) \$457,000 of the general fund—state appropriation for fiscal year 2024 and \$260,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for chapter 102, Laws of 2014 (biliteracy seal). Of the amounts provided in this subsection:

(i) \$197,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to develop and establish criteria for school districts to award the seal of biliteracy to graduating high school students.

(ii) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to provide students with access to methods for students to demonstrate proficiency in less commonly taught or assessed languages.

(e)(i) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for school bullying and harassment prevention activities.

(ii) \$15,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 240, Laws of 2016 (school safety).

(iii) \$570,000 of the general fund—state appropriation for fiscal year 2024 and \$570,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide statewide support and coordination for the regional network of behavioral health, school safety, and threat assessment established in chapter 333, Laws of 2019 (school safety and well-being).

(iv) \$196,000 of the general fund—state appropriation for fiscal year 2024 and \$196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the school safety center within the office of the superintendent of public instruction.

(A) Within the amounts provided in this subsection (4)(e)(iv), \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a school safety program to provide school safety training for all school administrators and school safety personnel. The school safety center advisory

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

committee shall develop and revise the training program, using the best practices in school safety.

(B) Within the amounts provided in this subsection (4)(e)(iv), \$96,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for administration of the school safety center. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, review and approve manuals and curricula used for school safety models and training, and maintain a school safety information web site.

(f)(i) \$162,000 of the general fund—state appropriation for fiscal year 2024 and \$162,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for youth suicide prevention activities.

(ii) \$76,000 of the general fund—state appropriation for fiscal year 2024 and \$76,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 64, Laws of 2018 (sexual abuse of students).

(g)(i) \$280,000 of the general fund—state appropriation for fiscal year 2024, \$280,000 of the general fund—state appropriation for fiscal year 2025, \$593,000 of the dedicated cannabis account—state appropriation for fiscal year 2024, and \$618,000 of the dedicated cannabis account—state appropriation for fiscal year 2025 are provided solely for dropout prevention, intervention, and reengagement programs (~~(including the jobs for America's graduates (JAG) program)~~), dropout prevention programs that provide student mentoring, and the building bridges statewide program. Students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, the entire dedicated cannabis account—state appropriation is provided solely for the building bridges statewide program.

(ii) \$293,000 of the general fund—state appropriation for fiscal year 2024 and \$293,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs in support of high-quality high school and beyond plans consistent with RCW 28A.230.090.

(iii) \$178,000 of the general fund—state appropriation for fiscal year 2024 and \$178,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 291, Laws of 2017 (truancy reduction efforts).

(h) Sufficient amounts are appropriated in this section for the office of the superintendent of public instruction to create a process and provide assistance to school districts in planning for future implementation of the summer knowledge improvement program grants.

(i) \$358,000 of the general fund—state appropriation for fiscal year 2024 and \$358,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 221, Laws of 2019 (CTE course equivalencies).

(j) \$196,000 of the general fund—state appropriation for fiscal year 2024 and \$196,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 252, Laws of 2019 (high school graduation reqs.).

(k) \$60,000 of the general fund—state appropriation for fiscal year 2024, \$60,000 of the general fund—state appropriation for fiscal year 2025, and \$680,000 of the general fund—federal

appropriation are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply). Of the amounts provided in this subsection, \$680,000 of the general fund—federal appropriation is provided solely for title II SEA state-level activities to implement section 103, chapter 295, Laws of 2019 relating to the regional recruiters program.

(l) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a tribal liaison at the office of the superintendent of public instruction to facilitate access to and support enrollment in career connected learning opportunities for tribal students, including career awareness and exploration, career preparation, and career launch programs, as defined in RCW 28C.30.020, so that tribal students may receive high school or college credit to the maximum extent possible.

(m) \$57,000 of the general fund—state appropriation for fiscal year 2024 and \$57,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 288, Laws of 2020 (school meals at no cost).

(n) \$269,000 of the general fund—state appropriation for fiscal year 2024 and \$142,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 353, Laws of 2020 (innovative learning pilot).

(o) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide statewide coordination towards multicultural, culturally responsive, and anti-racist education to support academically, socially, and culturally literate learners. The office must engage community members and key interested parties to:

(i) Develop a clear definition and framework for African American studies to guide instruction in grades seven through twelve;

(ii) Develop a plan for aligning African American studies across all content areas; and

(iii) Identify professional development opportunities for educators and administrators to build capacity in creating high-quality learning environments centered in belonging and racial equity, anti-racist approaches, and asset-based methodologies that pull from all students' cultural funds of knowledge.

(p) \$49,000 of the general fund—state appropriation for fiscal year 2024 and \$49,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 38, Laws of 2021 (K-12 safety & security serv.).

(q) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 111, Laws of 2021 (learning assistance program).

(r) \$1,152,000 of the general fund—state appropriation for fiscal year 2024 and \$1,157,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 164, Laws of 2021 (institutional ed./release).

(s) \$553,000 of the general fund—state appropriation for fiscal year 2024 and \$553,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to develop and implement a mathematics pathways pilot to modernize algebra II. The office should use research and engage stakeholders to develop a revised and expanded course.

(t) \$3,348,000 of the general fund—state appropriation for fiscal year 2024 and \$3,348,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 107, Laws of 2022 (language access in

schools).

(u) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the superintendent to establish a media literacy and digital citizenship ambassador program to promote the integration of media literacy and digital citizenship instruction.

(v) \$294,000 of the general fund—state appropriation for fiscal year 2024 and \$294,000 of the general fund—state appropriation for fiscal year 2025 provided solely for implementation of chapter 9, Laws of 2022 (school consultation/tribes).

(w)(i) \$8,144,000 of the Washington state opportunity pathways account—state appropriation is provided solely for support to small school districts and public schools receiving allocations under chapters 28A.710 and 28A.715 RCW in the 2022-23 school year that have less than 800 enrolled students, are located in urban or suburban areas, and budgeted for less than \$20,000 per pupil in general fund expenditures in the 2022-23 school year. For eligible school districts and schools, the superintendent of public instruction must allocate an amount equal to the lesser of amount 1 or amount 2, as provided in (w)(i) ~~(and (ii))~~ (A) and (B) of this subsection, multiplied by the school district or school's budgeted enrollment in the 2022-23 school year.

~~((ii))~~ (A) Amount 1 is \$1,550.

~~((iii))~~ (B) Amount 2 is \$20,000 minus the school district or school's budgeted general fund expenditures per pupil in the 2022-23 school year.

(ii) \$2,922,000 of the Washington state opportunity pathways account—state appropriation is provided solely for support to small school districts and public schools receiving allocations under chapter 28A.715 RCW in the 2023-24 school year that have less than 800 enrolled students, are located in urban or suburban areas, and expended less than \$20,000 per pupil in general fund expenditures in the 2022-23 school year. For eligible school districts and schools, the superintendent of public instruction must allocate an amount equal to the lesser of amount 1 or amount 2, as provided in (w)(ii)(A) and (B) of this subsection, multiplied by the school district or school's actual enrollment in the 2022-23 school year.

(A) Amount 1 is \$1,550.

(B) Amount 2 is \$20,000 minus the school district or school's general fund expenditures per pupil in the 2022-23 school year.

(x) \$76,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5072 (highly capable students). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(y) \$72,000 of the general fund—state appropriation for fiscal year 2024 and \$96,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5243 (high school and beyond plan). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(z) \$17,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5257 (elementary school recess). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(aa) \$169,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$76,000)~~ \$487,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5315 (special education/nonpublic). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall~~

~~lapse.))~~

(bb) \$39,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Senate Bill No. 5403 (school depreciation subfunds). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(cc) \$532,000 of the general fund—state appropriation for fiscal year 2024 and \$436,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute Senate Bill No. 5593 (student data transfer). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(dd) \$51,000 of the general fund—state appropriation for fiscal year 2024 and \$36,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5617 (career and technical education courses). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(ee) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a community-based youth development nonprofit organization for a pilot program to provide behavioral health support for youth and trauma-informed, culturally responsive staff training.

(ff) \$50,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to consult with one or two public high schools that offer established courses in the early childhood development and services career pathway and develop model materials that may be employed by other school districts with an interest in establishing or expanding similar instructional offerings to students. The model materials must be developed by January 1, 2024.

(gg) \$62,000 of the general fund—state appropriation for fiscal year 2024 and \$62,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of a deliberative democratic climate change education program in public high schools based on the Washington student climate assembly pilot program. The office must use the funding to develop and promote a full curriculum for student climate assemblies that can be replicated in public high schools across the state and to fund a part-time statewide coordinator position to oversee program outreach and implementation. By January 1, 2025, the office must collect and evaluate feedback from teachers, students, local government employees, and elected officials participating in the pilot program and report to the legislature on options to improve, expand, and extend the program.

(hh) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with a nongovernmental agency to coordinate and serve as a fiscal agent and to cover direct costs of the project education impact workgroup to achieve educational parity for students experiencing foster care and/or homelessness, consistent with chapter 233, Laws of 2020. The office must contract with a nongovernmental agency with experience coordinating administrative and fiscal support for project education impact.

(ii) \$150,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract for a feasibility study for the creation of a maritime academy on the Olympic peninsula. The study must include the scope, location, design, and budget for the construction of the maritime academy. The study must include plans to address systems, policies, and practices that address disparities of historically marginalized communities in the maritime industry. A preliminary report is due to the legislature by December 1, 2023, with the final feasibility

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

study due to the legislature by June 3, 2024. Funding provided in this subsection may be matched by a nonprofit organization that provides high school students with accredited career and technical postsecondary education for maritime vessel operations and maritime curriculum to high schools in Jefferson, Clallam, Kitsap, King, Mason, Pierce, Island, and Snohomish counties.

(jj) \$74,000 of the general fund—state appropriation for fiscal year 2024 and \$69,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1701 (institutional ed. programs). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(kk) \$141,000 of the general fund—state appropriation for fiscal year 2024 and \$130,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of House Bill No. 1308 (graduation pathway options). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(ll) \$73,000 of the general fund—state appropriation for fiscal year 2024 and \$72,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute House Bill No. 1346 (purple star award). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(mm)(i) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to provide statewide professional development and technical assistance to school districts and to provide a limited number of grants for demonstration projects. The demonstration projects must build school-level and district-level systems that eliminate student isolation, track and reduce restraint use, and build schoolwide systems to support students in distress and prevent crisis escalation cycles that may result in restraint or isolation. The schoolwide systems must include trauma-informed positive behavior and intervention supports, de-escalation, and problem-solving skills. Of the amounts provided in this subsection:

(A) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are for grants for 10 district demonstration sites;

(B) \$1,334,000 of the general fund—state appropriation for fiscal year 2024 and \$1,334,000 of the general fund—state appropriation for fiscal year 2025 are for professional development and training; and

(C) \$166,000 of the general fund—state appropriation for fiscal year 2024 and \$166,000 of the general fund—state appropriation for fiscal year 2025 are for staff and administration support for the demonstration sites and the professional development and training.

(ii) The office must create a technical assistance manual to support the elimination of isolation and reduction of restraint and room clears based on the results of the demonstration projects, and must provide a report to the education committees of the legislature by September 1, 2024. The report must include:

(A) A status update on demonstration projects that occurred during the 2023-24 school year, the technical assistance manual, and professional development offered statewide;

(B) Key implementation challenges and findings; and

(C) Recommendations for statewide policy changes or funding.

(iii) In developing the manual, the office must consult with, at minimum:

(A) Representatives from state associations representing both certificated and classified staff;

- (B) An association representing principals;
- (C) An association representing school administrators;
- (D) The Washington state school directors' association;
- (E) An association representing parents;
- (F) An individual with lived experience of restraint and isolation; and
- (G) A representative of the protection and advocacy agency of Washington.

(iv) The office must prioritize the provision of professional development and selection of the demonstration sites to local education agencies, educational programs, and staff who provide educational services to students in prekindergarten through grade five and who have high incidents of isolation, restraint, or injury related to use of restraint or isolation. Grant recipients must commit to isolation phaseout and must report on restraint reduction and progress to the office by June 30, 2025.

(nn) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the superintendent of public instruction to examine how free and reduced-price school meal data is used as a funding driver for programs such as the learning assistance program and provide recommendations for an alternative metric or metrics to the legislature by June 30, 2025. The office may collaborate with other state agencies that maintain income and poverty data to develop alternative metrics, including but not limited to the department of social and health services, the student achievement council, and the health care authority. In creating recommendations, the office shall work with educational stakeholders including organizations representing of principals, school board directors, certificated teachers, and classified staff. The office may contract with a third party to conduct all or any portion of the work.

(oo) \$183,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the superintendent of public instruction to collaborate with the department of agriculture and the department of labor and industries on a study that, at a minimum, examines factors that impact children of seasonal farmworkers in comparison to migrant students in the following areas: School and program access, school readiness, attendance, grade promotion and retention, performance on state assessments, academic growth, graduation rates, discipline rates, and teacher qualifications and years of experience. The study must also investigate student access to postsecondary education and career opportunities in formerly rural or agricultural communities.

(pp) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Third Substitute House Bill No. 1228 (dual & tribal language edu.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(qq) \$21,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1239 (educator ethics & complaints). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(rr) \$133,000 of the general fund—state appropriation for fiscal year 2024 and \$713,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1332 (tribes/K-12 instruction). Of the amounts provided in this subsection, \$250,000 of the general fund—state appropriation for fiscal year 2025 is for grants. If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(ss) \$2,166,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of

Engrossed Fourth Substitute House Bill No. 1479 (student restraint, isolation). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(t) \$717,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1692 (student advisory groups). Of the amount provided in this subsection, \$475,000 of the general fund—state appropriation for fiscal year 2025 is for green schools program grants. If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(uu) \$334,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1956 (substance use prevention ed.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(vv) \$1,300,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2239 (social-emotional instruction). Of the amount provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2025 is for grants. If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**(5) CAREER CONNECTED LEARNING**

(a) \$919,000 of the workforce education investment account—state appropriation is provided solely for expanding career connected learning as provided in RCW 28C.30.020.

(b) \$960,000 of the workforce education investment account—state appropriation is provided solely for increasing the funding per full-time equivalent for career launch programs as described in RCW 28A.700.130. In the 2023-2025 fiscal biennium, for career launch enrollment exceeding the funding provided in this subsection, funding is provided in section 504 of this act.

(c) \$3,600,000 of the workforce education investment account—state appropriation is provided solely for the office of the superintendent of public instruction to administer grants to skill centers for nursing programs to purchase or upgrade simulation laboratory equipment.

(d) \$4,000,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1013 (regional apprenticeship prgs.). ~~(If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.)~~ Of the amount provided in this subsection, \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the Marysville school district to collaborate with Arlington school district, Everett Community College, other local school districts, local labor unions, local Washington state apprenticeship and training council registered apprenticeship programs, and local industry groups to continue the regional apprenticeship pathways program.

(e) \$3,000,000 of the workforce education investment account—state appropriation is provided solely for the office to contract with a community-based organization to prepare students to enroll in and enter college through one-on-one advising, workshops and help sessions, guest speakers and panel presentations, community building activities, campus visits, workplace field trips, and college/career resources and to fund the oversight of the grantee or grantees.

**Sec. 502.** 2023 c 475 s 502 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD OF EDUCATION**

General Fund—State Appropriation (FY 2024)	<del>(\$2,155,000)</del>
	\$2,162,000
General Fund—State Appropriation (FY 2025)	<del>(\$6,695,000)</del>
	\$6,801,000
Elementary and Secondary School Emergency Relief III	

Account—Federal Appropriation	\$1,779,000
Washington Opportunity Pathways Account—State Appropriation	\$353,000
TOTAL APPROPRIATION	<del>(\$10,982,000)</del>
	\$11,095,000

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

(1) \$1,852,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$1,864,000)~~ \$1,956,000 of the general fund—state appropriation for fiscal year 2025 are for the operation and expenses of the state board of education.

(2) \$1,779,000 of the elementary and secondary school emergency relief III account—federal appropriation, \$280,000 of the general fund—state appropriation for fiscal year 2024, and \$4,808,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the state board of education for implementation of mastery-based learning in school district demonstration sites. The state board of education shall require grant recipients to report on impacts and participate in a collaborative to share best practices. The funds must be used for grants to school districts, charter schools, or state tribal education compact schools established under chapter 28A.715 RCW; professional development of educators; development of a resource suite for school districts statewide; evaluation of the demonstration project; implementation and policy support provided by the state board of education and other partners; and a report outlining findings and recommendations to the governor and education committees of the legislature by December 31, 2025. Grants for mastery-based learning may be made in partnership with private matching funds.

(3) \$23,000 of the general fund—state appropriation for fiscal year 2024 and \$23,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the state board of education to be a member in the education commission of the states.

(4) \$7,000 of the general fund—state appropriation for fiscal year 2024 and \$14,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1332 (tribes/K-12 instruction). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

**Sec. 503.** 2023 c 475 s 503 (uncodified) is amended to read as follows:

**FOR THE PROFESSIONAL EDUCATOR STANDARDS BOARD**

General Fund—State Appropriation (FY 2024)	<del>(\$22,535,000)</del>
	\$17,187,000
General Fund—State Appropriation (FY 2025)	<del>(\$21,417,000)</del>
	\$21,752,000
TOTAL APPROPRIATION	<del>(\$43,952,000)</del>
	\$38,939,000

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

(1) \$1,930,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$1,945,000)~~ \$2,037,000 of the general fund—state appropriation for fiscal year 2025 are for the operation and expenses of the Washington professional educator standards board including implementation of chapter 172, Laws of 2017 (educator prep. data/PESB).

(2)(a) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to improve preservice teacher training and funding of alternate routes to certification programs administered by the professional



educator standards board.

(b) Within the amounts provided in this subsection (2), up to \$500,000 of the general fund—state appropriation for fiscal year 2024 and up to \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs.

(3) \$1,005,000 of the general fund—state appropriation for fiscal year 2024 and \$1,001,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the recruiting Washington teachers program with priority given to programs that support bilingual teachers, teachers from populations that are underrepresented, and English language learners. Of the amounts provided in this subsection (3), \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation and expansion of the bilingual educator initiative pilot project established under RCW 28A.180.120.

(4) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of chapter 295, Laws of 2019 (educator workforce supply).

(5) ~~(\$17,535,000)~~ \$12,335,000 of the general fund—state appropriation for fiscal year 2024 and \$17,535,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 237, Laws of 2017 (paraeducators). Of the amounts provided in this subsection: ~~(\$16,873,000)~~ \$11,550,000 of the general fund—state appropriation for fiscal year 2024 and \$16,873,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to districts to provide two days of training per school year in the paraeducator certificate program to all paraeducators. Funds in this subsection are provided solely for reimbursement to school districts that provide paraeducators with two days of training in the paraeducator certificate program in each of the 2022-23 and 2023-24 school years. Funding provided in this subsection is sufficient for new paraeducators to receive four days of training in the paraeducator certificate program during their first year.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$28,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the board to review national certification opportunities for educational staff associates through the relevant national associations for their profession and through the national board for professional teaching standards. The board must compare the standards and processes for achieving these certifications, including an analysis of how educational staff associate positions' national certification aligns with school roles and the professional expertise of school-based education staff associates. The board must submit the comparison report to the education committees of the legislature by October 1, 2024.

(7) \$147,000 of the general fund—state appropriation for fiscal year 2024 and \$158,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1009 (military spouse employment). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(8) ~~(\$71,000)~~ \$35,000 of the general fund—state appropriation for fiscal year 2024 ~~((is))~~ and \$71,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the professional educator standards board and the paraeducator board to collaborate with the office of the superintendent of public instruction to ~~((report on a plan to))~~ align

bilingual education and English language learner endorsement standards and to determine language assessment requirements for multilingual teachers and paraeducators as required in Third Substitute House Bill No. 1228 (dual & tribal language edu.). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse. ~~((The report is due to the legislature by September 1, 2023.))~~

(9) ~~(\$1,012,000)~~ \$877,000 of the general fund—state appropriation for fiscal year 2024 ~~((is))~~ and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the professional educator standards board, in coordination with the office of the superintendent of public instruction, to develop a teacher residency program through Western Washington University focused on special education instruction beginning in the 2024-25 school year.

(10) \$23,000 of the general fund—state appropriation for fiscal year 2024 and \$23,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1239 (educator ethics & complaints). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

(11) \$14,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1479 (student restraint, isolation). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 504.** 2023 c 475 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State	Appropriation (FY 2024)	<del>(\$9,765,637,000)</del>
		<u>\$9,758,912,000</u>
General Fund—State	Appropriation (FY 2025)	<del>(\$10,027,638,000)</del>
		<u>\$9,781,529,000</u>
Education Legacy Trust Account—State	Appropriation	<del>(\$1,538,730,000)</del>
		<u>\$1,773,730,000</u>
<b>TOTAL APPROPRIATION</b>		<del>(\$21,332,005,000)</del>
		<u>\$21,314,171,000</u>

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

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2023-24 and 2024-25 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary allocations in sections 504 and 505 of this act, excluding (c) of this subsection.

(c) From July 1, 2023, to August 31, 2023, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 504 and 505, chapter 297, Laws of 2022, as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210.

(g) For the 2023-24 and 2024-25 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

**(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS**

Allocations for certificated instructional staff salaries for the 2023-24 and 2024-25 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i) The superintendent shall base allocations for each level of prototypical school, including those at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General education class size:

Grade	2023-24	2024-25
RCW 28A.150.260	School Year	School Year
Grade K	17.00	17.00
Grade 1	17.00	17.00
Grade 2	17.00	17.00
Grade 3	17.00	17.00
Grade 4	27.00	27.00
Grades 5-6	27.00	27.00
Grades 7-8	28.53	28.53
Grades 9-12	28.74	28.74

The superintendent shall base allocations for: Laboratory science average class size as provided in RCW 28A.150.260; career and technical education (CTE) class size of 23.0; and skill center program class size of 19. Certificated instructional staff units provided for skills centers that exceed the minimum requirements of RCW 28A.150.260 achieve class size reductions under RCW 28A.400.007 and are part of the state's program of basic education.

(ii) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(iii) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260, as amended by chapter 109, Laws of 2022, and is considered certificated instructional staff.

(ii) For qualifying high-poverty schools in the 2023-24 school year, at which more than 50 percent of the students were eligible for free and reduced-price meals in the prior school year, in addition to the allocation under (d)(i) of this subsection, the superintendent shall allocate additional funding for guidance counselors for each level of prototypical school as follows:

	Elementary	Middle	High
Guidance counselors	0.166	0.166	0.157

(iii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2023-24	2024-25
	School Year	School Year
Career and Technical Education	3.65	3.91
Skill Center	3.98	4.25

**(3) ADMINISTRATIVE STAFF ALLOCATIONS**

(a) Allocations for school building-level certificated administrative staff salaries for the 2023-24 and 2024-25 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistant principals, and other certificated building level administrators:

Prototypical School Building:

Elementary School	1.253
Middle School	1.353
High School	1.880

(b) Students in approved career and technical education and skill center programs generate certificated school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors:

Career and Technical Education students.....	1.025
Skill Center students .....	1.198

**(4) CLASSIFIED STAFF ALLOCATIONS**

Allocations for classified staff units providing school building-level and district-wide support services for the 2023-24 and 2024-25 school years are determined using the formula-generated staff units provided in RCW 28A.150.260 and pursuant to this subsection, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade.

**(5) CENTRAL OFFICE ALLOCATIONS**

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2023-24 and 2024-25 school years for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b) and the increased allocations provided pursuant to subsections (2) and (4) of this section, by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.48 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by ~~((12.30))~~ 12.31 percent in the 2023-24 school year and ~~((12.46))~~ 12.48 percent in the 2024-25 school year for career and technical education students, and ~~((17.62))~~ 17.64 percent in the 2023-24 school year and ~~((17.79))~~ 17.81 percent in the 2024-25 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 17.97 percent in the 2023-24 school year and ~~((17.97))~~ 18.15 percent in the 2024-25 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.06 percent in the 2023-24 school year and ~~((21.56))~~ 21.66 percent in the 2024-25 school year for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the rates specified in section 506 of this act, based on the number of benefit units determined as follows: Except for nonrepresented employees of educational service districts, the number of calculated benefit units determined below. Calculated benefit units are staff units multiplied by the benefit allocation factors established in the collective bargaining agreement referenced in section 909 of this act. These factors are intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent employees may be calculated on the basis of 630 hours of work per year, with no individual employee counted as more than one full-time equivalent. The number of benefit units is determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section multiplied by 1.02; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.43.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC Component	MSOC RATES/STUDENT FTE	
	2023-24 School Year	2024-25 School Year

Technology	\$178.98	<del>((182.72))</del> <u>\$182.37</u>
Utilities and Insurance	<del>((416.26))</del> <u>\$430.26</u>	<del>((425.01))</del> <u>\$438.43</u>
Curriculum and Textbooks	\$164.48	<del>((167.94))</del> <u>\$167.61</u>
Other Supplies	\$326.54	<del>((333.40))</del> <u>\$332.74</u>
Library Materials	\$22.65	<del>((23.13))</del> <u>\$23.09</u>
Instructional Professional Development for Certificated and Classified Staff	<del>((25.44))</del> <u>\$28.94</u>	<del>((25.97))</del> <u>\$29.50</u>
Facilities Maintenance	\$206.22	<del>((210.55))</del> <u>\$210.13</u>
Security and Central Office	<del>((142.87))</del> <u>\$146.37</u>	<del>((145.87))</del> <u>\$149.15</u>
TOTAL MSOC/STUDENT FTE	<del>((1,483.44))</del> <u>\$1,504.44</u>	<del>((1,514.59))</del> <u>\$1,533.02</u>

(ii) For the 2023-24 school year and 2024-25 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between these two amounts; and (D) if (a)(ii)(A) of this subsection (8) exceeds (a)(ii)(B) of this subsection (8), any proposed use of this difference and how this use will improve student achievement.

~~((iii) Within the amount provided in (a)(i) of this subsection (8), allocations for MSOC technology in excess of RCW 28A.150.260 are not part of the state's basic education.)~~

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,724.62 for the 2023-24 school year and ~~((1,760.84))~~ \$1,757.39 for the 2024-25 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate per student FTE MSOC allocations of \$1,724.62 for the 2023-24 school year and ~~((1,760.84))~~ \$1,757.39 for the 2024-25 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocations provided in (a) through (c) of this subsection at the following rate:

MSOC Component	2023-24 School Year	2024-25 School Year
Technology	\$44.04	<del>((44.97))</del> <u>\$44.48</u>
Curriculum and Textbooks	\$48.06	<del>((49.06))</del> <u>\$48.97</u>
Other Supplies	\$94.07	<del>((96.04))</del> <u>\$95.86</u>
Library Materials	\$6.05	<del>((6.18))</del> <u>\$6.16</u>
Instructional Professional Development for Certified and Classified Staff	\$8.01	<del>((8.18))</del> <u>\$8.16</u>
TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE	\$200.23	<del>((204.43))</del> <u>\$204.03</u>

(9) SUBSTITUTE TEACHER ALLOCATIONS

For the 2023-24 and 2024-25 school years, funding for

substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

**(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING**

(a) Amounts provided in this section from July 1, 2023, to August 31, 2023, are adjusted to reflect provisions of chapter 297, Laws of 2022, as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

**(11) DROPOUT REENGAGEMENT PROGRAM**

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

**(12) ALL DAY KINDERGARTEN PROGRAMS**

\$670,803,000 of the general fund—state appropriation for fiscal year 2024 and \$869,125,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to fund all day kindergarten programs in all schools in the 2023-24 school year and 2024-25 school year, pursuant to RCW 28A.150.220 and 28A.150.315. Beginning in the 2023-24 school year, funding for students admitted early to kindergarten under exceptions to the uniform entry qualifications under RCW 28A.225.160 must be limited to children deemed to be likely to be "successful in kindergarten."

**(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS**

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68

certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (13) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2024 and 2025 as follows:

(a) \$650,000 of the general fund—state appropriation for fiscal year 2024 and \$650,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2024 and \$436,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(c) \$375,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the superintendent of public instruction to subsidize the cost of health care-based industry recognized credentials required for employment for students enrolled in health care courses in skill centers and comprehensive high school programs.

(16) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(17) Funding in this section is sufficient to fund a maximum of 1.2 FTE enrollment for career launch students pursuant to RCW 28A.700.130. Expenditures for this purpose must come first from the appropriations provided in section 501(5) of this act; funding for career launch enrollment exceeding those appropriations is provided in this section. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by January 1, 2024. The report must include the total FTE enrollment for career launch students, the FTE enrollment for career launch students that exceeded the appropriations provided in section 501(5) of this act, and the amount expended from this section for those students.

(18)(a) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.4 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in chapter 202, Laws of 2015 (dual credit education opportunities). In calculating the combined 1.4 FTE, the office of the superintendent of public instruction:

(i) Must adopt rules to fund the participating student's enrollment in running start courses provided by the institution of higher education during the summer academic term; and

(ii) May average the participating student's September through June enrollment to account for differences in the start and end dates for courses provided by the high school and the institution of higher education.

(iii) In consultation with the state board for community and technical colleges, the participating institutions of higher education, the student achievement council, and the education data center, must annually track and report to the fiscal

committees of the legislature on the combined FTE experience of students participating in the running start program, including course load analyses at both the high school and community and technical college system.

(b) \$1,000 of the general fund—state appropriation for fiscal year 2024 is provided for implementation of Second Substitute House Bill No. 1316 (dual credit program access).

(19) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (13) of this section, the following apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (13) of this section shall be reduced in increments of twenty percent per year.

(20)(a) Indirect cost charges by a school district to approved career and technical education middle and secondary programs shall not exceed the lesser of five percent or the cap established in federal law of the combined basic education and career and technical education program enhancement allocations of state funds. Middle and secondary career and technical education programs are considered separate programs for funding and financial reporting purposes under this section.

(b) Career and technical education program full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported career and technical education program enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support.

(21) Funding in this section is sufficient to provide full general apportionment payments to school districts eligible for federal forest revenues as provided in RCW 28A.520.020. For the 2023-2025 biennium, general apportionment payments are not reduced for school districts receiving federal forest revenues.

(22) \$15,897,000 of the general fund—state appropriation for fiscal year 2024 and \$20,780,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 2494 (school operating costs). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

**Sec. 505.** 2023 c 475 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION EMPLOYEE COMPENSATION**

(1) The following calculations determine the salaries used in the state allocations for certificated instructional, certificated administrative, and classified staff units as provided in RCW 28A.150.260, and under section 504 of this act: For the 2023-24 school year and the 2024-25 school year salary allocations for certificated instructional staff, certificated administrative staff, and classified staff units are determined for each school district by multiplying the statewide minimum salary allocation for each staff type by the school district's regionalization factor shown in LEAP Document 3.

	Statewide Minimum Salary Allocation	
Staff Type	2023-24 School Year	2024-25 School Year

Certificated Instructional	\$75,419	<del>(\$78,360)</del> <u>\$78,209</u>
Certificated Administrative	\$111,950	<del>(\$116,316)</del> <u>\$116,092</u>
Classified	\$54,103	<del>(\$56,213)</del> <u>\$56,105</u>

(2) For the purposes of this section, "LEAP Document 3" means the school district regionalization factors for certificated instructional, certificated administrative, and classified staff, as developed by the legislative evaluation and accountability program committee on ~~(April 20, 2023, at 6:09)~~ February 16, 2024, at 11:16 hours.

(3) Incremental fringe benefit factors are applied to salary adjustments at a rate of 17.33 percent for school year 2023-24 and ~~((47.33))~~ 17.51 percent for school year 2024-25 for certificated instructional and certificated administrative staff and 18.56 percent for school year 2023-24 and ~~((48.06))~~ 18.16 percent for the 2024-25 school year for classified staff.

(4) The salary allocations established in this section are for allocation purposes only except as provided in this subsection, and do not entitle an individual staff position to a particular paid salary except as provided in RCW 28A.400.200, as amended by chapter 13, Laws of 2017 3rd sp. sess. (fully funding the program of basic education).

**Sec. 506.** 2023 c 475 s 506 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund—State	Appropriation	(FY 2024)	<del>(\$391,668,000)</del> <u>\$390,256,000</u>
General Fund—State	Appropriation	(FY 2025)	<del>(\$871,433,000)</del> <u>\$886,333,000</u>
<b>TOTAL APPROPRIATION</b>			<del>(\$1,263,101,000)</del> <u>\$1,276,589,000</u>

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

(1) The salary increases provided in this section are 3.7 percent for the 2023-24 school year, and ~~((3.9))~~ 3.7 percent for the 2024-25 school year, the annual inflationary adjustments pursuant to RCW 28A.400.205.

(2)(a) In addition to salary allocations, the appropriations in this section include funding for professional learning as defined in RCW 28A.415.430, 28A.415.432, and 28A.415.434. Funding for this purpose is calculated as the equivalent of three days of salary and benefits for each of the funded full-time equivalent certificated instructional staff units. Nothing in this section entitles an individual certificated instructional staff to any particular number of professional learning days.

(b) Of the funding provided for professional learning in this section, the equivalent of one day of salary and benefits for each of the funded full-time equivalent certificated instructional staff units in the 2023-24 school year must be used to train school district staff on cultural competency, diversity, equity, or inclusion, as required in chapter 197, Laws of 2021.

(3)(a) The appropriations in this section include associated incremental fringe benefit allocations at 17.33 percent for the 2023-24 school year and ~~((47.33))~~ 17.51 percent for the 2024-25 school year for certificated instructional and certificated administrative staff and 18.56 percent for the 2023-24 school year and ~~((48.06))~~ 18.16 percent for the 2024-25 school year for classified staff.

(b) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocations and methodology in sections 504 and 505 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 504 and 505 of this act. Changes for pupil transportation are determined by the superintendent of public instruction pursuant to RCW 28A.160.192, and impact compensation factors in sections 504, 505, and 506 of this act.

(c) The appropriations in this section include no salary adjustments for substitute teachers.

(4) The appropriations in this section are sufficient to fund the collective bargaining agreement referenced in part 9 of this act and reflect the incremental change in cost of allocating rates as follows: For the 2023-24 school year, \$1,100 per month and for the 2024-25 school year, ~~(\$1,157)~~ \$1,178 per month.

(5) The rates specified in this section are subject to revision each year by the legislature.

(6) \$46,426,000 of the general fund—state appropriation for fiscal year 2024 and \$211,538,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 50, Laws of 2023.

(7) \$5,155,000 of the general fund—state appropriation for fiscal year 2024 and \$12,076,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(8) \$104,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Fourth Substitute House Bill No. 1479 (student restraint, isolation). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(9) \$1,864,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2180 (special education cap). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 507.** 2023 c 475 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State	Appropriation	(FY 2024)	<del>(\$763,749,000)</del> <u>\$803,792,000</u>
General Fund—State	Appropriation	(FY 2025)	<del>(\$762,332,000)</del> <u>\$809,877,000</u>
<b>TOTAL APPROPRIATION</b>			<del>(\$1,526,081,000)</del> <u>\$1,613,669,000</u>

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 507, chapter 297, Laws of 2022, as amended.

(3) Within amounts appropriated in this section, up to \$10,000,000 of the general fund—state appropriation for fiscal year 2024 and up to \$10,000,000 of the general fund—state appropriation for fiscal year 2025 are for a transportation alternate funding grant program based on the alternate funding process established in RCW 28A.160.191. The superintendent of public instruction must include a review of school district efficiency rating, key performance indicators and local school district characteristics such as unique geographic constraints in the grant award process.

(4) A maximum of \$939,000 of the general fund—state appropriation for fiscal year 2024 and a maximum of \$939,000 of the general fund—state appropriation for fiscal year 2025 may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(5) Subject to available funds under this section, school districts may provide student transportation for summer skills center programs.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(8) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

(9)(a) \$13,000,000 of the general fund—state appropriation for fiscal year 2024 and \$13,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the superintendent to provide transportation safety net funding to school districts with a convincingly demonstrated need for additional transportation funding for special passengers. Transportation safety net awards shall only be provided when a school district's allowable transportation expenditures attributable to serving special passengers exceeds the amount allocated under subsection (2)(a) of this section and any excess transportation costs reimbursed by federal, state, tribal, or local child welfare agencies. A transportation safety net award may not exceed a school district's excess expenditures directly attributable to serving special passengers in the pupil transportation program.

(b) To be eligible for additional transportation safety net award funding, the school district must report, in accordance with statewide accounting guidance, the amount of the excess costs and the specific activities or services provided to special passengers that created the excess costs. The office of the superintendent of public instruction must request from school districts an application for transportation safety net funding. The office must submit to the office of financial management, and to

the education and fiscal committees of the legislature, the total demonstrated need and awards by school district.

(c) Transportation safety net awards allocated under this subsection are not part of the state's program of basic education.

(10) \$425,000 of the of the general fund—state appropriation for fiscal year 2025 is provided solely for supplemental transportation allocations for pupil transportation services contractor benefits as described in Engrossed Substitute House Bill No. 1248 (pupil transportation). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 508.** 2023 c 475 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL FOOD SERVICES**

General Fund—State	Appropriation	(FY 2024)	
			<del>(\$33,334,000)</del>
			\$55,929,000
General Fund—State	Appropriation	(FY 2025)	
			<del>(\$79,857,000)</del>
			\$102,452,000
General Fund—Federal	Appropriation		<del>(\$573,104,000)</del>
			\$925,799,000
<b>TOTAL APPROPRIATION</b>			<del>(\$686,295,000)</del>
			\$1,084,180,000

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

(1) \$11,548,000 of the general fund—state appropriation for fiscal year 2024 and \$11,548,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for state matching money for federal child nutrition programs, and may support the meals for kids program through the following allowable uses:

(a) Elimination of breakfast copays for eligible public school students and lunch copays for eligible public school students in grades pre-kindergarten through twelfth grades who are eligible for reduced-price lunch as required in chapter 74, Laws of 2021 (reduced-price lunch copays);

(b) Assistance to school districts and authorized public and private nonprofit organizations for supporting summer food service programs, and initiating new summer food service programs in low-income areas;

(c) Reimbursements to school districts for school breakfasts served to students eligible for free and reduced-price lunch, pursuant to chapter 287, Laws of 2005; and

(d) Assistance to school districts in initiating and expanding school breakfast programs.

(2) The office of the superintendent of public instruction shall report annually to the fiscal committees of the legislature on annual expenditures in subsection (1)(a) through (c) of this section.

(3) The superintendent of public instruction shall provide the department of health with the following data, where available, for all nutrition assistance programs that are funded by the United States department of agriculture and administered by the office of the superintendent of public instruction. The superintendent must provide the report for the preceding federal fiscal year by February 1, 2024, and February 1, 2025. The report must provide:

(a) The number of people in Washington who are eligible for the program;

(b) The number of people in Washington who participated in the program;

(c) The average annual participation rate in the program;

(d) Participation rates by geographic distribution; and

(e) The annual federal funding of the program in Washington.

(4)(a) ~~(\$21,167,000)~~ \$43,762,000 of the general fund—state

appropriation for fiscal year 2024, (~~(\$52,167,000)~~) \$74,762,000 of the general fund—state appropriation for fiscal year 2025, and \$28,500,000 of the general fund—federal appropriation (CRRSA) are provided solely for reimbursements to school districts for schools and groups of schools required to participate in the federal community eligibility program under section 1, chapter 7, Laws of 2022 (schools/comm. eligibility) for meals not reimbursed at the federal free meal rate.

(b) \$119,000 of the general fund—state appropriation for fiscal year 2024 and \$119,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 271, Laws of 2018 (school meal payment) to increase the number of schools participating in the federal community eligibility program and to support breakfast after the bell programs authorized by the legislature that have adopted the community eligibility provision, and for staff at the office of the superintendent of public instruction to implement section 1, chapter 7, Laws of 2022 (schools/comm. eligibility).

(5) (~~(\$7,426,000)~~) \$6,000,000 of the general fund—federal appropriation (CRRSA/GEER) and \$16,023,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1238 (free school meals). (~~If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~)

**Sec. 509.** 2023 c 475 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State	Appropriation (FY 2024)	<del>(\$1,719,541,000)</del>
		<u>\$1,807,245,000</u>
General Fund—State	Appropriation (FY 2025)	<del>(\$1,789,729,000)</del>
		<u>\$1,927,985,000</u>
General Fund—Federal	Appropriation	<del>(\$529,429,000)</del>
		<u>\$664,372,000</u>
Education Legacy Trust Account—State	Appropriation	\$54,694,000
<b>TOTAL APPROPRIATION</b>		<del>(\$4,093,393,000)</del>
		<u>\$4,454,296,000</u>

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

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 504 and 506 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for

the entire school day.

(b)(i) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006, except as provided in (b)(ii) of this subsection.

(ii) The superintendent of public instruction shall implement any changes to excess cost accounting methods required under Engrossed Substitute House Bill No. 1436 (special education funding).

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 504 (2) and (4) of this act and RCW 28A.150.415, which enhancement is within the program of basic education.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school district programs for special education students as provided in section 509, chapter 297, Laws of 2022, as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 15 percent in the 2023-24 school year, and the lesser of the district's actual enrollment percent or 17.25 percent in the 2024-25 school year.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) (~~(\$106,931,000)~~) \$151,047,000 of the general fund—state appropriation for fiscal year 2024, (~~(\$112,431,000)~~) \$151,047,000 of the general fund—state appropriation for fiscal year 2025, and \$29,574,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2023-24 and 2024-25 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (education).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss. Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

data from the current school year.

(8) A maximum of \$1,250,000 may be expended from the general fund—state appropriations to fund teachers and aides at Seattle children’s hospital. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$87,000 of the general fund—state appropriation for fiscal year 2024, \$87,000 of the general fund—state appropriation for fiscal year 2025, and \$214,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

(12)(a) \$13,538,000 of the general fund—federal appropriation (ARPA) is provided solely for allocations from federal funding as authorized in section 2014, the American rescue plan act of 2021, P.L. 117-2.

(b) \$1,777,000 of the general fund—federal appropriation (ARPA) is provided solely for providing preschool services to qualifying special education students under section 619 of the federal individuals with disabilities education act, pursuant to section 2002, the American rescue plan act of 2021, P.L. 117-2.

(13) \$153,091,000 of the general fund—state appropriation for fiscal year 2024 and \$199,246,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(14) \$26,456,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to increase the special education enrollment funding cap as required in Substitute House Bill No. 2180 (special education cap). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(15) \$2,877,000 of the general fund—state appropriation for fiscal year 2024 and \$3,818,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 2494 (School operating costs). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

**Sec. 510.** 2023 c 475 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General	Fund—State	Appropriation	(FY 2024)
			<del>(\$40,799,000)</del>
			<u>\$41,625,000</u>
General	Fund—State	Appropriation	(FY 2025)
			<del>(\$35,780,000)</del>
			<u>\$41,509,000</u>
Workforce	Education	Investment	Account—State
Appropriation			\$2,700,000
<b>TOTAL APPROPRIATION</b>			<del>(\$79,279,000)</del>
			<u>\$85,834,000</u>

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

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) Funding in this section is provided for regional professional development related to English language arts curriculum and instructional strategies aligned with common core state standards. Each educational service district shall use this funding solely for salary and benefits for certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(4) Funding in this section is provided for regional technical support for the K-20 telecommunications network to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(5) Funding in this section is provided for a corps of nurses located at the educational service districts, to be dispatched in coordination with the office of the superintendent of public instruction, to provide direct care to students, health education, and training for school staff. In fiscal years 2024 and 2025, allocations for the corps of nurses is sufficient to provide one day per week of nursing services for all second-class school districts.

(6) Funding in this section is provided for staff and support at the nine educational service districts to provide a network of support for school districts to develop and implement comprehensive suicide prevention and behavioral health supports for students.

(7) Funding in this section is provided for staff and support at the nine educational service districts to provide assistance to school districts with comprehensive safe schools planning, conducting needs assessments, school safety and security trainings, coordinating appropriate crisis and emergency response and recovery, and developing threat assessment and crisis intervention teams. In fiscal years 2024 and 2025, allocations for staff and support for regional safety centers are increased to 3 full-time equivalent certificated instructional staff for each regional safety center.

(8) Funding in this section is provided for regional English language arts coordinators to provide professional development of teachers and principals around the new early screening for dyslexia requirements.

(9) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

(10) \$2,169,000 of the general fund—state appropriation for

fiscal year 2024 and \$2,169,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for each educational service district to provide technology consultation, procurement, and training required under chapter 301, Laws of 2021 (schools/computers & devices).

(11) ~~(\$1,009,000)~~ \$1,834,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$1,009,000)~~ \$1,930,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 87, Laws of 2022 (ed. service district funding).

(12) \$2,700,000 of the workforce education investment account—state appropriation is provided solely for the cost of employing one full-time equivalent employee at each of the nine education service districts to support the expansion of career connected learning.

(13) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for educational service districts to provide students attending school in rural areas with access to a mental health professional using telemedicine. Funding must be prioritized to districts where mental health services are inadequate or nonexistent due to geographic constraints. Funding may be used for schools or school districts for technology upgrades to provide secure access for students, for contracted services, or to pay applicable copays or fees for telemedicine visits if not covered by a student's public or private insurance.

(14) \$325,000 of the general fund—state appropriation for fiscal year 2024 and \$325,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Puget Sound educational service district 121 to administer a Washington state capitol civic engagement grant program for the Auburn, Federal Way, Highline, Kent, Renton, and Tukwila public school districts. Grant recipients must use the grant awards to transport one grade of either fourth or fifth grade students to the Washington state capitol campus for a day of civic engagement, which may include a capitol tour, mock legislative committee hearings, presentations on the legislative process, meet and greets with legislative members, and other related activities. If funding remains after all eligible school districts have received grant awards, the remaining funding may be used to support the program for high school students within the eligible school districts. Of the amounts provided in this subsection, \$5,000 of the general fund—state appropriation for fiscal year 2024 and \$5,000 of the general fund—state appropriation for fiscal year 2025 are provided for the Puget Sound educational service district to administer the grant program.

(15) \$5,000,000 of the general fund—state appropriation for fiscal year 2024 ~~((\$5,000,000))~~ and \$1,200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to continue behavioral health regional services grants to support school districts with the least access to behavioral health services.

(16) \$2,800,000 of the general fund—state appropriation for fiscal year 2024 and \$2,800,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the educational service districts to expand and maintain student behavioral health and mental health services.

(17) \$643,000 of the general fund—state appropriation for fiscal year 2024 and \$643,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for educational service districts 121 and 101 to coordinate with local mental health agencies and local school districts to arrange for in-school placements of social worker associates licensed under RCW 18.225.145 and masters in social work candidates enrolled in an accredited university program who commit to working as school social workers, and to coordinate clinical supervision for

approved supervisors that meet the requirements as defined in rule by the department of health to provide the necessary supervision to the social worker associates and masters in social work candidates.

(18) Amounts appropriated in this section include funding for staff at the nine educational service districts for prekindergarten through third grade system navigators in order to expand capacity at the educational service districts to help school districts and families navigate and access: (a) The continuum of preschool options, including inclusive preschool programs; (b) the early childhood education and assistance program; and (c) transition to kindergarten programs established in chapter 420, Laws of 2023 (transition to kindergarten). The system navigators must engage with early learning partners and providers to align, coordinate, and build complementary local systems of coordinated recruitment and enrollment for mixed delivery early learning programs.

(19) \$400,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for educational service district 112 to offer a teacher residency program during the 2024-25 school year.

(20) \$500,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for educational service district 112 to support a therapeutic educational program for students in Clark, Cowlitz, and Skamania counties.

(21) \$1,394,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for regional coaches at the nine educational service districts to implement Engrossed Fourth Substitute House Bill No. 1479 (student restraint, isolation). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 511.** 2023 c 475 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State	Appropriation	(FY 2024)	<del>(\$215,327,000)</del>
			<u>\$213,689,000</u>
General Fund—State	Appropriation	(FY 2025)	<del>(\$211,159,000)</del>
			<u>\$211,467,000</u>
TOTAL APPROPRIATION			<del>(\$426,486,000)</del>
			<u>\$425,156,000</u>

**Sec. 512.** 2023 c 475 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State	Appropriation	(FY 2024)	<del>(\$14,899,000)</del>
			<u>\$16,143,000</u>
General Fund—State	Appropriation	(FY 2025)	<del>(\$14,635,000)</del>
			<u>\$16,745,000</u>
TOTAL APPROPRIATION			<del>(\$29,534,000)</del>
			<u>\$32,888,000</u>

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

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$701,000 of the general fund—state appropriation for fiscal year 2024 and \$701,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Within the amounts provided in this section, funding is provided to increase the capacity of institutional education programs to differentiate instruction to meet students' unique educational needs, including students with individualized educational plans. Those needs may include but are not limited to one-on-one instruction, enhanced access to counseling for social emotional needs of the student, and services to identify the proper level of instruction at the time of student entry into the facility. Allocations of amounts for this purpose in a school year must be based on 45 percent of full-time enrollment in institutional education receiving a differentiated instruction amount per pupil equal to the total statewide allocation generated by the distribution formula under RCW 28A.150.260 (4)(a), (5), (6), and (8) and the allocation under RCW 28A.150.415, per the statewide full-time equivalent enrollment in common schools.

(7) \$200,000 of the general fund—state appropriation in fiscal year 2024 and \$200,000 of the general fund—state appropriation in fiscal year 2025 are provided solely to support two student records coordinators to manage the transmission of academic records for each of the long-term juvenile institutions. One coordinator is provided for each of the following: The Issaquah school district for the Echo Glen children's center and for the Chehalis school district for Green Hill academic school.

(8) Ten percent of the funds allocated for the institution may be carried over from one year to the next.

(9) \$588,000 of the general fund—state appropriation for fiscal year 2024 and \$897,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one educational advocate to each institution with enrollments above 40 full-time equivalent students in addition to any educational advocates supported by federal funding. Educational advocates will provide the following supports to students enrolled in or just released from institutional education programs:

- (a) Advocacy for institutional education students to eliminate barriers to educational access and success;
  - (b) Consultation with juvenile rehabilitation staff to develop educational plans for and with participating youth;
  - (c) Monitoring educational progress of participating students;
  - (d) Providing participating students with school and local resources that may assist in educational access and success upon release from institutional education facilities; and
  - (e) Coaching students and caregivers to advocate for educational needs to be addressed at the school district upon return to the community.
- (10) Within the amounts provided in this section, funding is

provided to increase materials, supplies, and operating costs by \$85 per pupil for technology supports for institutional education programs. This funding is in addition to general education materials, supplies, and operating costs provided to institutional education programs, which exclude formula costs supported by the institutional facilities.

(11) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support instruction in cohorts of students grouped by similar age and academic levels.

(12) \$5,000 of the general fund—state appropriation for fiscal year 2024 and \$8,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute House Bill No. 2494 (school operating costs). If the bill is not enacted by June 30, 2024, the amounts provided in this subsection shall lapse.

**Sec. 513.** 2023 c 475 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State	Appropriation	(FY 2024)
		(\$33,233,000)
		\$33,171,000
General Fund—State	Appropriation	(FY 2025)
		(\$32,990,000)
		\$32,995,000
<b>TOTAL APPROPRIATION</b>		(\$66,223,000)
		\$66,166,000

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c) except that allocations must be based on 5.0 percent of each school district's full-time equivalent enrollment. In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks per year; (iv) 900 instructional hours per teacher; and (v) the compensation rates as provided in sections 505 and 506 of this act.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 513, chapter 297, Laws of 2022, as amended.

**Sec. 514.** 2023 c 475 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—EVERY STUDENT SUCCEEDS ACT**

General Fund—Federal Appropriation	(\$9,802,000)
	\$11,416,000
<b>TOTAL APPROPRIATION</b>	(\$9,802,000)
	\$11,416,000

**Sec. 515.** 2023 c 475 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State	Appropriation	(FY 2024)
--------------------	---------------	-----------

			<del>(\$139,296,000)</del>
			<u>\$132,050,000</u>
General	Fund—State	Appropriation	(FY 2025)
			<del>(\$141,513,000)</del>
			<u>\$147,119,000</u>
General	Fund—Federal	Appropriation	<del>(\$95,825,000)</del>
			<u>\$97,181,000</u>
General	Fund—Private/Local	Appropriation	\$1,450,000
Education	Legacy Trust Account—State	Appropriation	\$1,664,000
<b>TOTAL APPROPRIATION</b>			<del>(\$379,748,000)</del>
			<u>\$379,464,000</u>

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

(1) ACCOUNTABILITY

(a) \$26,975,000 of the general fund—state appropriation for fiscal year 2024, \$26,975,000 of the general fund—state appropriation for fiscal year 2025, \$1,350,000 of the education legacy trust account—state appropriation, and \$15,868,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system.

(b) \$14,352,000 of the general fund—state appropriation for fiscal year 2024 and \$14,352,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 159, Laws of 2013 (K-12 education - failing schools).

(2) EDUCATOR CONTINUUM

(a) ~~(\$75,317,000)~~ \$68,070,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$77,424,000)~~ \$77,623,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$6,206 per teacher in the 2023-24 school year and a bonus of ~~(\$6,336)~~ \$6,324 per teacher in the 2024-25 school year;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(iv) During the 2023-24 and 2024-25 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary allocation and shall not be included in

calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after fully exhausting all years of candidacy as set by the national board for professional teaching standards are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(b) \$3,418,000 of the general fund—state appropriation for fiscal year 2024 and \$3,418,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(c) \$477,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$477,000)~~ \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$810,000 of the general fund—state appropriation for fiscal year 2024 and \$810,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(e) \$11,500,000 of the general fund—state appropriation for fiscal year 2024 and \$11,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a beginning educator support program (BEST). The program shall prioritize first year educators in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning educator aligned with professional certification; release time for mentors and new educators to work together; and educator observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to support first year educators in the mentoring program.

(f) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the provision of training for teachers, principals, and principal evaluators in the performance-based teacher principal evaluation program.

(g) \$3,832,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the superintendent of public instruction to contract with an approved educator preparation program run by a statewide labor

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

organization representing educators to fund three cohorts of teacher residents. This program shall choose its candidates from among the paraeducators working in those districts. Through completing this program, participants shall attain a teaching certification with an endorsement in special education.

(h) \$621,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the superintendent of public instruction to contract with a statewide labor association that represents educators to provide a suite of supports and professional development opportunities for 15,000 emergency substitute teachers.

(i) \$720,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the superintendent of public instruction to conduct a feasibility study on the costs and timeline for developing a database and tool to identify real-time and future educator workforce shortages.

**Sec. 516.** 2023 c 475 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State	Appropriation	(FY 2024)	
			(((\$236,993,000))
			\$249,957,000
General Fund—State	Appropriation	(FY 2025)	
			(((\$236,173,000))
			\$260,599,000
General Fund—Federal Appropriation			(((\$107,124,000))
			\$137,117,000
<b>TOTAL APPROPRIATION</b>			<b>(((\$580,290,000))</b>
			<b>\$647,673,000</b>

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

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through six and 6.7780 hours per week per transitional bilingual program student in grades seven through twelve in school years 2023-24 and 2024-25; (ii) additional instruction of 3.0000 hours per week in school years 2023-24 and 2024-25 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the compensation rates as provided in sections 505 and 506 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 516, chapter 297, Laws of 2022, as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ((4-75)) 1.64 percent for

school year 2023-24 and ((4-74)) 1.57 percent for school year 2024-25.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2024 and \$35,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to track current and former transitional bilingual program students.

(6) \$1,461,000 of the general fund—state appropriation in fiscal year 2024 and \$1,916,000 of the general fund—state appropriation in fiscal year 2025 are provided solely for the central provision of assessments as provided in RCW 28A.180.090, and is in addition to the withholding amounts specified in subsection (3) of this section.

**Sec. 517.** 2023 c 475 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State	Appropriation	(FY 2024)	
			(((\$467,338,000))
			\$484,953,000
General Fund—State	Appropriation	(FY 2025)	
			(((\$466,985,000))
			\$491,565,000
General Fund—Federal Appropriation			(((\$533,487,000))
			\$636,543,000
<b>TOTAL APPROPRIATION</b>			<b>(((\$1,467,810,000))</b>
			<b>\$1,613,061,000</b>

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

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2023-24 and 2024-25 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a). In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2023-24 and 2024-25 school years; (B) additional instruction of 1.1 hours per week per funded learning assistance program student for the 2023-24 and 2024-25 school years in qualifying high-poverty school building; (C) fifteen learning assistance program students per teacher; (D) 36 instructional weeks per year; (E) 900 instructional hours per teacher; and (F) the compensation rates as provided in sections 505 and 506 of this act.

(ii) From July 1, 2023, to August 31, 2023, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 517, chapter 297, Laws of 2022, as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the school year period defined under RCW 28A.150.260(10)(a). A school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the every student succeeds act of 2016.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2023-24 and 2024-25 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

**Sec. 518.** 2023 c 475 s 518 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—PER PUPIL ALLOCATIONS**

Statewide Average Allocations  
Per Annual Average Full-Time Equivalent Student

	2023-24 School Year	2024-25 School Year
Basic Education Program	<del>(\$10,329)</del> <u>\$10,322</u>	<del>(\$10,814)</del> <u>\$10,825</u>
General Apportionment	<del>(\$725)</del> <u>\$783</u>	<del>(\$745)</del> <u>\$803</u>
Pupil Transportation	<del>(\$11,960)</del> <u>\$12,237</u>	<del>(\$12,495)</del> <u>\$12,715</u>
Special Education Programs	<del>(\$26,938)</del> <u>\$25,779</u>	<del>(\$27,909)</del> <u>\$27,312</u>
Institutional Education Programs	<del>(\$648)</del> <u>\$647</u>	<del>(\$674)</del> <u>\$675</u>
Programs for Highly Capable Students	<del>(\$1,555)</del> <u>\$1,571</u>	<del>(\$1,591)</del> <u>\$1,622</u>
Transitional Bilingual Programs	<del>(\$1,008)</del> <u>\$1,109</u>	<del>(\$1,049)</del> <u>\$1,052</u>
Learning Assistance Program		

**Sec. 519.** 2023 c 475 s 519 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocation purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) When adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as

required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as provided in ~~(subsection)~~ subsections (6) and (7) of this section.

(4) Appropriations in sections 504 and 506 of this act for insurance benefits under chapter 41.05 RCW are provided solely for the superintendent to allocate to districts for employee health benefits as provided in section 909 of this act. The superintendent may not allocate, and districts may not expend, these amounts for any other purpose beyond those authorized in section 909 of this act.

(5) As required by RCW 28A.710.110, the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

(6) By January 15, 2024, the office of the superintendent of public instruction must identify funding in this Part V from the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f), the American rescue plan act of 2021, P.L. 11 117-2 and general fund—federal appropriation (CRRSA/GEER) that are provided solely for the purposes defined in sections 507, 522, and 523 of this act and are at risk of being unobligated or unspent by federal deadlines, as of January 15, 2024. Funding identified at risk under this subsection must be reported to the fiscal committees of the legislature and expended as allocations to school districts in the same proportion as received under part A of title I of the elementary and secondary education act of 1965 in the most recent fiscal year.

(7) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2024, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2024 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable programs; and learning assistance programs.

(8) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

**Sec. 520.** 2023 c 475 s 520 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State Appropriation	<del>(\$184,721,000)</del> <u>\$178,349,000</u>
TOTAL APPROPRIATION	<del>(\$184,721,000)</del> <u>\$178,349,000</u>

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

(1) The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW. Within amounts provided in this section the superintendent may distribute funding for safety net awards for charter schools with demonstrated needs for special education funding beyond the amounts provided under chapter 28A.710 RCW.

(2) \$3,293,000 of the opportunity pathways account—state appropriation is provided solely for implementation of chapter 50, Laws of 2023 (K-12 inflationary increases).

(3) \$1,421,000 of the opportunity pathways account—state

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1436 (special education funding). ~~(If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.)~~

(4) \$223,000 of the opportunity pathways account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2494 (school operating costs). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(5) \$162,000 of the opportunity pathways account—state appropriation is provided solely for implementation of Substitute House Bill No. 2180 (special education cap). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(6) \$7,815,000 of the opportunity pathways account—state appropriation is provided solely for payment for enrichment to charter schools.

**Sec. 521.** 2023 c 475 s 521 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

Washington Opportunity Pathways Account—State Appropriation	(( <del>\$23,000</del> )) <u>\$640,000</u>
Charter Schools Oversight Account—State Appropriation	(( <del>\$4,572,000</del> )) <u>\$4,571,000</u>
<b>TOTAL APPROPRIATION</b>	<b>((<del>\$4,595,000</del>))</b> <b><u>\$5,211,000</u></b>

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

(1) The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW.

(2) \$28,000 of the charter schools oversight account—state appropriation is provided solely to the Washington state charter school commission to enable each charter school to participate in the governance training required under chapter 197, Laws of 2021 (schools/equity training).

(3) \$238,000 of the charter schools oversight account—state appropriation is provided solely for office of the attorney general legal services related to litigation challenging the commission's authority to oversee and regulate charter schools.

**Sec. 522.** 2023 c 475 s 522 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GRANTS AND PASS THROUGH FUNDING**

General Fund—State Appropriation (FY 2024)	(( <del>\$85,370,000</del> )) <u>\$85,505,000</u>
General Fund—State Appropriation (FY 2025)	(( <del>\$81,400,000</del> )) <u>\$84,361,000</u>
General Fund—Federal Appropriation	(( <del>\$111,255,000</del> )) <u>\$113,347,000</u>
<u>Coronavirus State Fiscal Recovery Fund—Federal Appropriation</u>	<u>\$905,000</u>
Elementary and Secondary School Emergency Relief III Account—Federal Appropriation	\$897,895,000
<u>Workforce Education Investment Account—State Appropriation</u>	<u>\$900,000</u>

<b>TOTAL APPROPRIATION</b>	<b>((<del>\$1,175,920,000</del>))</b> <b><u>\$1,182,913,000</u></b>
----------------------------	--

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

(1) \$132,000 of the general fund—state appropriation for fiscal year 2024 and ~~((~~\$162,000~~))~~ \$170,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for global compensation changes.

**(2) GRADUATION SUCCESS AND PREPARATION FOR POSTSECONDARY PATHWAYS**

(a) \$4,894,000 of the general fund—state appropriation for fiscal year 2024 and \$4,894,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to administer programs and grants which increase equitable access to dual credit programs, including subsidizing or eliminating student costs for dual credit courses or exams. By November 2024, the office shall submit a report to relevant committees of the legislature describing options for entering into statewide agreements with dual credit exam companies that will reduce the overall costs for all students and eliminate costs for students who are low income.

(b) \$3,152,000 of the general fund—state appropriation for fiscal year 2024 and \$3,152,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008, including parts of programs receiving grants that serve students in grades four through six. If equally matched by private donations, \$1,475,000 of the 2024 appropriation and \$1,475,000 of the 2025 appropriation shall be used to support FIRST robotics programs in grades four through twelve. Of the amounts provided in this subsection (2)(b), \$800,000 of the fiscal year 2024 appropriation and \$800,000 of the fiscal year 2025 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(c) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(d) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2024, a high school must have offered a foundational project lead the way course during the 2022-23 school year. The 2024 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2023-24 school year. To be eligible for funding in 2025, a high school must have offered a foundational project lead the way course during the 2023-24 school year. The 2025 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2024-25 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(e) \$2,527,000 of the general fund—state appropriation for fiscal year 2024 ~~((and))~~, \$2,527,000 of the general fund—state appropriation for fiscal year 2025, and \$500,000 of the workforce education investment account—state appropriation are provided

solely for annual startup, expansion, or maintenance of core plus programs in maritime, construction, and aerospace and advanced manufacturing programs. To be eligible for funding to start up, maintain, or expand programs under (e)(i) through (iii) of this subsection (2), the skills center, high school, or middle school must be selected through a grant process administered by the office of the superintendent of public instruction in consultation with the advisory committee established in (e)(vi) of this subsection (2). The office and the education research and data center shall report annually student participation and long-term outcome data. Within the amounts provided in this subsection (2)(e):

(i) \$900,000 of the general fund—state appropriation for fiscal year 2024 and \$900,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in aerospace and advanced manufacturing programs.

(ii) \$550,000 of the general fund—state appropriation for fiscal year 2024 and \$550,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in construction programs.

(iii) \$550,000 of the general fund—state appropriation for fiscal year 2024 and \$550,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants for the annual startup, expansion, or maintenance of core plus programs in maritime programs.

(iv) \$400,000 of the workforce education investment account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2236 (tech ed. core plus programs). If the bill is not enacted by June 30, 2024, the amount provided in this subsection (2)(e)(iv) shall lapse.

(v) For (e)(i) through ~~((iii))~~ (iv) of this subsection (2), when the grant demand does not align with the specified allocation, the superintendent may allocate funding toward sector areas that meet criteria based on agreement from industry sector representatives.

~~((v))~~ (vi)(A) \$527,000 of the general fund—state appropriation for fiscal year 2024 and \$527,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer, evaluate, and promote programs under (e)(i) through ~~((iii))~~ (iv) of this subsection (2) based on industry sector recommendations, including contracts with sector-specific entities to expand sector-specific employer engagement programs, increase work placement opportunities, validate credentials necessary for direct employment, and provide professional development to support schools, teachers, and students. Professional development must include pedagogy-based learning to increase English language arts, mathematics, and science outcomes through core plus programming.

(B) \$100,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 2236 (tech ed. core plus programs). If the bill is not enacted by June 30, 2024, the amount provided in this subsection (2)(e)(vi)(B) shall lapse.

~~((v))~~ (vii) The office shall collaborate with industry sector leadership from the core plus program areas and a representative from a statewide business and manufacturing association to inform the administration and continual improvement of core plus programs, review data and outcomes, recommend program improvements, ensure core plus programs reflect current industry competencies, and identify appropriate program credentials.

(f) \$4,940,000 of the general fund—state appropriation for fiscal year 2024 and \$4,940,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support

community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(g) \$1,454,000 of the general fund—state appropriation for fiscal year 2024 and \$1,454,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(h) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an education and workforce pathway pilot program at the northwest career and technical academy. The pilot program will oversee a pathway including high schools, skills centers, community and technical colleges, and employers that results in students earning a high school diploma and an associate in technical arts degree, while maintaining summer employment.

(i) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to distribute after-exit running start grants ~~((to school))~~ for:

(i) School districts that identify running start students that have exceeded maximum enrollment under running start formulas ~~((and high))~~;

(ii) High school graduates who have 15 or fewer college credits to earn before meeting associate degree requirements for instruction not funded under section 504(18) of this act. High school graduates who meet these requirements are eligible to receive funds from these grants for fees to the community and technical college to earn up to 15 college credits during the summer academic term following their high school graduation; and

(iii) School districts to apply an enhanced factor of 130 percent to the running start rate under RCW 28A.600.310 for students included in July and August enrollment counts in school year 2023-24. Of the amounts provided in this subsection, \$347,000 of the general fund—state appropriation for fiscal year 2025 is provided for the office to enhance the running start rate as described in this subsection (2)(i)(iii). The office must apply the enhanced summer running start rate in this subsection for students eligible to take summer running start courses under this subsection and under section 504(18) of this act, and grant school districts seven percent thereof to offset program related costs.

(j) \$2,094,000 of the general fund—state appropriation for fiscal year 2024 and \$2,076,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the competitive grant program created in Engrossed Second Substitute Senate Bill No. 5582 (nurse supply). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(k) \$125,000 of the general fund—state appropriation for fiscal year 2024 and ~~(((\$125,000))~~ \$550,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the West Sound STEM Network to increase STEM activities for students in school and after school and to develop industry education pathways in high demand sectors. Of the amounts provided in this subsection, \$425,000 of the general fund—state appropriation for



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

fiscal year 2025 is for the West Sound STEM Network, in collaboration with the Mid-Columbia STEM Network, to launch STEM career role model experiences.

(l) \$500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract with a nongovernmental entity for a controls programmer apprenticeship program.

(m) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$25,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a skill center located in Vancouver, Washington to support the center's criminal justice and fire science programs.

(n) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to conduct summer open doors pilots with up to 12 dropout reengagement programs to support summer programming. To select pilot participants, the office must prioritize schools and programs that work with postresident youth as defined in RCW 28A.190.005. Amounts provided in this subsection must be used to support programming during the summer months and are in addition to funding generated by enrollment under state funding formulas.

(o) \$400,000 of the workforce education investment account—state appropriation is provided solely for the Federal Way school district to contract with an organization to offer state-recognized apprenticeship preparation program opportunities for all high school students in south King county in the summer. The organization must have prior experience working with school districts and must provide quality training, employment navigation, and supportive services that lead to family wage careers. The program must support at least two cohorts of students each summer, and the organization must provide stipends to students participating in state-recognized apprenticeship preparation programs during the summer months.

### (3) CURRICULUM DEVELOPMENT, DISSEMINATION, AND SUPPORTS

(a) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for project citizen and we the people: The citizen and the constitution programs sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle and high school students. Of the amounts provided, \$15,000 of the general fund—state appropriation for fiscal year 2024 and \$15,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for awarding a travel grant to the winner of the we the people: The citizen and the constitution state competition.

(b) \$373,000 of the general fund—state appropriation for fiscal year 2024 and \$373,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 127, Laws of 2018 (civics education). Of the amounts provided in this subsection (3)(b), \$10,000 of the general fund—state appropriation for fiscal year 2024 and \$10,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grant programs to school districts to help cover travel costs associated with civics education competitions.

(c) \$55,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course

frameworks, course performance assessments, and professional development for districts implementing the new frameworks.

(d) Within the amounts appropriated in this section the office of the superintendent of public instruction shall ensure career and technical education courses are aligned with high-demand, high-wage jobs. The superintendent shall verify that the current list of career and technical education courses meets the criteria established in RCW 28A.700.020(2). The superintendent shall remove from the list any career and technical education course that no longer meets such criteria.

(e) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to provide grants to school districts and educational service districts for science teacher training in the next generation science standards including training in the climate science standards. At a minimum, school districts shall ensure that teachers in one grade level in each elementary, middle, and high school participate in this science training. Of the amount appropriated \$1,000,000 is provided solely for community-based nonprofits including tribal education organizations to partner with public schools for next generation science standards.

(f) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities, including instructional material purchases, teacher and principal professional development, and school and community engagement events. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(h) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(i) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to chapter 3, Laws of 2015 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. The office of the superintendent of public instruction may award up to \$500,000 each year, without a matching requirement, to districts with

greater than fifty percent of students eligible for free and reduced-price meals. All other awards must be equally matched by private sources for the program, including gifts, grants, or endowments.

(j) \$750,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$750,000)~~ \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a qualified 501(c)(3) nonprofit community-based organization physically located in Washington state that has at least 18 years of experience collaborating with the office and school districts statewide to integrate the state learning standards in English language arts, mathematics, and science with FieldSTEM outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors. The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(k) \$62,000 of the general fund—state appropriation for fiscal year 2024 and \$62,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(i) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as co-instructors along with a certificated teacher, including via synchronous video, for AP computer science courses; or

(ii) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(l) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(m) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the centrum program at Fort Worden state park.

(n) \$20,000,000 of the general fund—state appropriation for fiscal year 2024 and \$20,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer an outdoor learning grant program to develop and support outdoor educational experiences for students in Washington public schools. A portion of the amount provided must be used to provide outdoor educational opportunities for people with disabilities. The office may consult with the Washington recreation and conservation office on outdoor learning program grants. Of the amounts provided in this subsection (3)(n):

(i) \$195,000 of the general fund—state appropriation for fiscal year 2024 and \$195,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to implement chapter 112, Laws of 2022 (outdoor learning grant prg.).

(ii) \$3,903,000 of the general fund—state appropriation for fiscal year 2024 and \$3,903,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the outdoor learning grant program, which consists of two types of

grants:

(A) Allocation-based grants for school districts to develop or support outdoor educational experiences; and

(B) Competitive grants for outdoor education providers that are designed to support existing capacity and to increase future capacity for outdoor learning experiences.

(iii) \$15,902,000 of the general fund—state appropriation for fiscal year 2024 and \$15,902,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the outdoor education experiences program. The office must prioritize providing the program to fifth and sixth grade students in high poverty schools, expanding to other fifth and sixth grade students subject to available funds.

(o) \$3,205,000 of the general fund—state appropriation for fiscal year 2024 and \$3,205,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 238, Laws of 2022 (student financial literacy) which provides grants to school districts for integrating financial literacy education into professional development for certificated staff.

(p)(i) \$1,425,000 of the general fund—state appropriation for fiscal year 2024 and \$4,725,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for dual language grants to grow capacity for high quality dual language learning. Grant funding may be used for new and existing dual language programs, heritage language programs for immigrant and refugee students, and indigenous language programs for native students. Of the amounts provided in this subsection, \$1,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for tribal language grants.

(ii) Each grant recipient must convene an advisory board to guide the development and continuous improvement of its dual language program, including but not limited to: Determining which schools and languages will be prioritized; conducting outreach to the community; and addressing enrollment considerations and the hiring of staff. At least half the members of the board must be parents of English learner students or current or former English learner students. The other members of the board must represent teachers, students, school leaders, governing board members, youth, and community-based organizations that support English learners.

(q) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a statewide information technology academy program. This public-private partnership will provide educational software, as well as information technology certification and software training opportunities for students and staff in public schools for the 2023-24 school year only. The office must evaluate other options that may be available in the state for a future public-private partnership to deliver similar services to students and staff of public schools at no cost to the state.

(r) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with a nongovernmental entity whose goals are to reduce disparities in student performance and improve algebraic achievement to create a statewide interactive math tutoring tool for middle and high school students that is accessible on a 24 hour basis to students, teachers, and parents across the state. The nongovernmental entity must have previously contracted with five other states and have demonstrated experience creating statewide interactive math tools with proven outcomes in math proficiency.

(s) \$2,036,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a gravitational wave observatory located in southeastern Washington that is supported

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

through the national science foundation to purchase hands-on, interactive exhibits to expand the number of developmentally appropriate learning activities available for K-12 students attending the observatory.

(t) \$170,000 of the general fund—state appropriation for fiscal year 2024 and \$170,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continuation of the math improvement pilot program. Of the amounts provided in this subsection:

(i) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Spokane school district.

(ii) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Chehalis school district.

(u) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to administer grants to school districts for a plant-based school meals pilot program. Grants may be used for food supplies, delivery costs, equipment purchases, education, and other expenditures to increase access to plant-based school meals. Grant awards to school districts may not exceed \$10,000 per district and may only be distributed to school districts that have not received funding for the pilot program previously.

(v) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with an organization that works with educators to secure salmon eggs, offer learning opportunities as the fry develop, and assist when students release their fry into local creeks and lakes. Funding may only be used for new programs located in elementary schools that are eligible for high-poverty allocations from the learning assistance program. Of the amounts provided in this subsection, the office may use no more than \$35,000 each fiscal year for office administration costs related to the contract.

(w) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for transitional support grants to school districts to support schools that incur costs transitioning from Native American school mascots, logos, or team names under chapter 301, Laws of 2021. In awarding grants under this subsection, the office must prioritize maximizing the number of schools that receive grant awards and address the most immediate school needs in order to comply with chapter 301, Laws of 2021, and must prioritize applications that are narrowly tailored to address specific compliance issues. School districts receiving funding to comply with the requirements of chapter 301, Laws of 2021 must use the methods that are the least costly and that leave intact existing facilities, including interiors and flooring, to the greatest extent possible. Grants awarded under this section may not be used for general maintenance or improvements of school facilities.

(x) \$35,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract with a nonprofit organization to print civics education books and physical teachers' guides in Spanish for elementary students and teachers.

(y) \$150,000 of the general fund—state appropriation for fiscal years 2025 is provided solely for the office to contract with a nonprofit organization to continue sexual assault prevention education programming to K-12 schools in Tacoma and expand services to the Franklin-Pierce school district. The contractor

must be a state-accredited community sexual assault program serving Pierce county that provides professional training, prevention education, intervention, and advocacy programs for victims of sexual assault, sexual abuse, and sex trafficking.

(z)(i) \$150,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office to contract with a nonprofit organization to administer a pilot program to develop and implement a water safety curriculum in public schools. The pilot program will support the provision of water safety curriculum at 50 public schools during the 2024-25 school year, with a priority on schools with a high percentage of underserved students. In developing the water safety curriculum, the nonprofit organization must:

(A) Procure a landscape analysis of water safety education in Washington state;

(B) Determine where water safety education exists presently;

(C) Assess the level of drowning prevention awareness in each school district; and

(D) Hire an educator to lead the curriculum development process and recruit teachers to participate in the pilot program.

(ii) The organization must submit a report on the results of the pilot program to the governor and the appropriate committees of the legislature by June 30, 2025. The report must include:

(A) A summary of the data collected during the curriculum development;

(B) The curriculum piloted at the school districts;

(C) The efficacy of the curriculum, based on surveys and feedback collected from the pilot program classes and teachers;

(D) Teacher, district, and community member interest in the pilot program;

(E) Results and outcomes from the pilot program, including the number of students and schools served; and

(F) Recommendations for expanding the pilot program.

(iii) The nonprofit organization must be a 501(c)(3) organization located in Seattle that is dedicated to saving lives through water safety education, legislation, and increasing equitable access to swimming lessons and tools.

(aa) \$228,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization that collaborates with Muslim and Arab community and education organizations, to support Washington teachers in implementing lessons on Islamophobia through an ethnic studies framework for the establishment of comprehensive education related to Islamophobia.

**(4) ELIMINATING INEQUITABLE STUDENT OUTCOMES**

(a) \$5,895,000 of the general fund—state appropriation for fiscal year 2024, \$1,105,000 of the elementary and secondary school emergency relief III account—federal appropriation, and \$7,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to chapter 71, Laws of 2016 (foster youth edu. outcomes). The office may require the recipient of these funds to report the impacts of the recipient's efforts in alignment with the measures of the Washington school improvement framework.

(i) Of the amount provided in this subsection (4)(a), \$446,000 of the general fund—state appropriation for fiscal year 2024 and \$446,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(ii) Of the amount provided in this subsection (4)(a), \$1,015,000 of the general fund—state appropriation for fiscal year 2024 and \$1,015,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established pursuant to the 2015-2017 omnibus appropriations act, section 501(43)(b), chapter 4, Laws of 2015, 3rd sp. sess., as amended.

(iii) Of the amounts provided in this subsection (4)(a), \$684,000 of the general fund—state appropriation for fiscal year 2024 and \$684,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established with funding provided in the 2017-2019 omnibus appropriations act, chapter 1, Laws of 2017, 3rd sp. sess., as amended.

(iv) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the demonstration site established with funding provided in this act.

(v) \$55,000 of the general fund—state appropriation for fiscal year 2024 and \$55,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for maintaining and implementing the data sharing agreement between the office, the department of children, youth, and families, and the contractors to support targeted service delivery, program evaluation, and statewide education outcomes measurement for students served under this section.

(vi) Of the amounts provided in this subsection (4)(a), \$1,105,000 of the elementary and secondary school emergency relief III account—federal appropriation and \$1,105,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the expansion of individualized education services such as monitoring and supporting completion of educational milestones, remediation needs, and special education needs of middle school students who are dependent pursuant to chapter 13.34 RCW.

(b) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 157, Laws of 2016 (homeless students).

(c) \$36,000 of the general fund—state appropriation for fiscal year 2024 and \$36,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for chapter 212, Laws of 2014 (homeless student educational outcomes).

(d) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contracts with Washington state based nonprofit organizations that provide a career-integrated one-to-one mentoring program for disadvantaged students facing academic and personal challenges with the goal of keeping them on track for graduation and post-high school success. An applicant requesting funding under this subsection must successfully demonstrate to the office that it currently provides a career-integrated one-to-one volunteer mentoring program and has been mentoring school youth for at least 20 years in the state prior to application.

(e) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with an organization to create an after-school and summer learning program in the city of Federal Way. The program shall provide comprehensive, culturally competent academic support and cultural enrichment for primarily latinx, spanish-speaking, low-income sixth, seventh, and eighth grade students. The department must contract with an organization with over forty years of experience that serves the latino community in Seattle

and King county and has previously established an after-school and summer learning program.

(f) \$850,000 of the general fund—state appropriation for fiscal year 2024 and \$850,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to create and administer a grant program for districts to reduce associated student body fees or participation fees for students who are eligible to participate in the federal free and reduced-price meals program. The office must distribute grants for the 2023-24 school year to school districts by August 10, 2023, and grants for the 2024-25 school year by August 1, 2024.

(i) Grant awards must be prioritized in the following order:

(A) High schools implementing the United States department of agriculture community eligibility provision;

(B) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(C) High schools located in school districts enrolling 5,000 or fewer students.

(ii) High schools that do not comply with the data collection and reporting requirements in RCW 28A.320.540 are not eligible for grant funding.

(iii) The office of the superintendent of public instruction shall award grants that are the lesser of the cost of the high school's associated student body card multiplied by the number of students eligible for the free or reduced-price meals program that purchased a student body card in either 2022-23 or 2023-24 school year, whichever is higher, or \$10,000.

(iv) The office may award additional funding if:

(A) The appropriations provided are greater than the total amount of funding requested at the end of the application cycle; and

(B) The applicant shows a demonstrated need for additional support.

(g) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a Washington-based nonprofit organization to promote equitable access in science, technology, engineering, and math education for historically underserved students and communities. The nonprofit shall provide a system of science educational programming specifically for migrant and bilingual students, including teacher professional development, culturally responsive classroom resources that are aligned with Washington state science and environmental and sustainability learning standards, and implementation support. At least 50 percent of the funding provided in this subsection must serve schools and school districts in eastern Washington. The nonprofit organization must have experience developing and implementing science and environmental science programming and resources for migrant and bilingual students.

(h) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization serving opportunity youth in Pierce, King and Snohomish counties. The organization must assist traditionally underrepresented students on nontraditional educational pathways by providing mentorship and technical assistance in navigating higher education and financial aid. The office may require the recipient of these funds to report the impacts of the efforts in alignment with the measures of the Washington school improvement framework.

(i) \$1,399,000 of the general fund—state appropriation for

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

fiscal year 2024 and \$1,399,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for school districts to support youth who are truant under chapter 28A.225 RCW or at risk of becoming truant, and for costs associated with filing or serving petitions under RCW 28A.225.030.

(j) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to school districts and educational service districts operating institutional education programs for youth in state long-term juvenile institutions to provide access to computer science elective courses created in chapter 234, Laws of 2022 (computer science instruction).

(k) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to school districts, charter schools, and state-tribal education compact schools to establish K-12 intensive tutoring programs. Grants shall be used to recruit, train, and hire tutors to provide one-on-one tutoring services to K-12 students experiencing learning loss as a result of the COVID-19 pandemic. The tutors must receive training in proven tutoring models to ensure their effectiveness in addressing learning loss.

(l) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 180, Laws of 2017 (Washington Aim program).

(m) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a grant to the pacific science center to increase hands-on learning opportunities for Title I K-5 students statewide by increasing access to science on wheels and virtual field trips.

(n)(i) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer a peer support competitive grant program in Washington public schools. The office must award grants to eligible school districts starting in the 2023-24 school year. Programs should be designed to be primarily youth-led and aim to increase youth school engagement and support personal/cultural identities, and reduce risks associated with depression, school violence, and bullying. Successful grantees may consult with Washington teen link and the natural helper program in the development of the grant criteria, and the development of training material support. Program components should include:

(A) Identification of trusted peers and staff who other students confide in;

(B) Development or adaptation of training materials;

(C) Intensive training for peer and staff supporters;

(D) Avenues to advertise peer support communication strategies; and

(E) Participant and program evaluations.

(ii) School districts may also use funds to develop a sister school rapid trauma response strategy. Under this component, successful applicants reach out to other schools also receiving a peer support grant to develop a trauma response plan that quickly organizes students and staff to contact peers within those schools during times of school trauma and offer support.

(iii) The office shall evaluate the program to share best practices and for consideration by other school districts.

(o) \$175,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$175,000)~~ \$525,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the

office to contract with a nonprofit organization to develop and provide a Latino youth-on-youth gang violence prevention program for students and to offer a parent coaching program. The program must target Latino students ages 11 through 17 who are either involved in or at risk of becoming involved in a gang or in gang activities, and parents of the students. ~~((Eligible youth must be enrolled in either the Moses Lake or Federal Way school districts.))~~ The nonprofit organization must have at least 15 years of experience serving Latino communities and promoting advocacy and must provide social kindergarten through 12th grade social emotional learning, mental health wraparound services, and parent engagement programs in Washington. Of the amounts provided in this subsection, \$350,000 of the general fund—state appropriation for fiscal year 2025 is for the nonprofit organization to offer a parent coaching program that provides educational and communication tools for parents with children involved in youth violence.

(p) \$2,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to administer the technology grant program established under chapter 301, Laws of 2021.

(q) \$625,000 of the general fund—state appropriation for fiscal year 2024 ~~((§))~~ and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with an organization located in SeaTac, Washington to provide wraparound social services and expand and maintain existing education and family engagement programs that serve students and their families in the Federal Way and Highline public school districts. The work of the organization must focus on housing and social services, education, and economic development for African immigrant and refugee communities.

(r) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office to contract with a nonprofit organization located in Everett, Washington to provide arts and culture programs to 500 low-income children and youth from diverse racial and ethnic backgrounds to close the education achievement gap in Snohomish county by improving student and youth confidence and improving mental health outcomes.

(s) \$360,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the Shelton School District to contract with an organization that provides a free early childhood music education to teach music literacy and key skills to prepare children for success in school. The organization must provide Spanish, Mam, and Q'anjob'al versions of the early learning music education program during the 2023-24 school year.

(t) \$300,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the superintendent of public instruction to contract with an organization that provides bags of food for students in Thurston county schools who are impacted by food insecurity and do not have adequate access to food in the evenings, on weekends, during holiday breaks, and during the summer months. The organization must be an all-volunteer, donation-funded program that was created in 2006.

(u) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Nooksack tribe to fund behavioral health specialists to work with tribal and nontribal children in the Mount Baker school district.

(v)(i) \$900,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the office of the superintendent of public instruction to administer a pilot program

for volunteering state-tribal education compact schools and before and after school programs offered by tribes to adopt opioid and fentanyl abuse prevention materials and resources during the 2024-25 school year. Of the amounts provided in this subsection, \$900,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the volunteering state-tribal education compact schools to implement the pilot program.

(ii) By August 1, 2024, the office must:

(A) Consult with parties of interest and expertise to develop, review, and select opioid and fentanyl abuse prevention materials and resources to be used in the pilot program during the 2024-25 school year. The materials and resources must include culturally appropriate application across the pilot program; and

(B) Submit a plan to the appropriate committees of the legislature detailing the implementation of the opioid and fentanyl abuse prevention materials and resources in the volunteering state-tribal education compact schools during the 2024-25 school year.

(iii) By June 30, 2025, the office must submit a final report to the appropriate committees of the legislature that includes:

(A) The initial results, experiences, or both, in the volunteering state-tribal education compact schools; and

(B) Recommendations and considerations for employing the materials and resources, with or without changes to improve their effectiveness or implementation, statewide.

(iv) The office may contract for necessary services to meet the requirements of this subsection.

(5) EDUCATOR GROWTH AND DEVELOPMENT

(a) \$375,000 of the general fund—state appropriation for fiscal year 2024 and \$375,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a nonviolence and ethical leadership training and professional development program provided by the institute for community leadership.

(b) \$250,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the office to contract with the association of Washington school principals to provide support, mentoring, mediation, and professional learning services to school principals and assistant principals in the greater Seattle area.

(c) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization that supports Washington teachers in implementing lessons on the Holocaust for the expansion of comprehensive Holocaust and genocide education.

(6) FEDERAL GRANTS FOR COVID-19 RECOVERY

(a) \$7,791,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely to administer a grant program for community-based organizations to collaborate with school districts to support learning recovery and acceleration.

(b) \$102,002,000 of the general fund—federal appropriation (CRRSA/ESSER) from funds attributable to subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M is provided solely for subgrants to local education agencies. Total subgrants awarded under this subsection (6)(b), section 1517(47)(b) of this act, and section 12, chapter 3, Laws of 2021 may not exceed the federal amounts provided under subsection 313(c), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(c) \$9,253,000 of the general fund—federal appropriation (CRRSA/GEER) is provided solely to provide emergency assistance to nonpublic schools, as authorized in section 312(d), the coronavirus response and relief supplemental appropriations

act, P.L. 116-260, division M. Total funds provided under this subsection (6)(c), section 1517(47)(c)(i) of this act, and section 13, chapter 3, Laws of 2021 may not exceed the federal amounts provided in section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

(d) \$671,375,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(2) the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies. Total subgrants awarded under this subsection (6)(d) and section 1517(47)(d) of this act may not exceed the federal amounts provided under subsection 2001(e)(2), the American rescue plan act of 2021, P.L. 117-2.

(e) \$123,373,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for allocations from funds attributable to subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2 for subgrants to local education agencies to address learning loss. Total subgrants awarded under this subsection (6)(e) and section 1517(47)(e) of this act may not exceed the federal amounts provided under subsection 2001(e)(1), the American rescue plan act of 2021, P.L. 117-2, and may not exceed the funding authorized in section 1517(47)(e) of this act.

(f) \$10,335,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(3), the American rescue plan act of 2021, P.L. 117-2 is provided solely to support evidence-based comprehensive afterschool programs. Total funds provided under this subsection (6)(f) and section 1517(47)(g) of this act may not exceed the funding authorized in section 1517(47)(g) of this act.

(g) \$6,184,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to districts to expand the number of dual language classrooms in early grades and professional development to accelerate literacy gains in early grades, especially for English learners. Total funds provided under this subsection (6)(g) and section 1517(47)(h) of this act may not exceed the funding authorized in section 1517(47)(h) of this act.

(h)(i) \$8,428,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the purposes of identifying children and youth experiencing homelessness and providing children and youth experiencing homelessness with:

(A) Wrap-around services due to the challenges of the COVID-19 public health emergency; and

(B) Assistance needed to enable children and youth experiencing homelessness to attend school and participate fully in school activities.

(ii) Total funds provided under this subsection (6)(h) and section 1517(47)(n) of this act may not exceed the federal amounts provided in subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2.

(i) \$65,610,000 of the elementary and secondary school emergency relief III account—federal appropriation is provided solely for the office of the superintendent of public instruction to administer grants for the purposes of learning recovery and acceleration. Allowable uses of the funds are limited to:

(i) One-time contracts for classified, certificated, or administrative staff who will provide tiered academic and social-emotional supports to students most impacted by the disruption of in-person learning, including locating and reengaging students who have disengaged from school, one-on-one and small-group

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

instruction, and other intensive learning supports;

(ii) Professional learning for educators focused on learning recovery and acceleration, including assessing student learning and social-emotional needs, transitioning to standards-based curricula and grading, adopting competency or mastery-based options specifically for credit retrieval purposes, and family and student engagement strategies;

(iii) Procuring assessment or data systems that provide actionable just-in-time data regarding student progress throughout the school year; and

(iv) Direct supports to students to improve school engagement and accelerate learning.

(j) \$995,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(b), the American rescue plan act of 2021, P.L. 117-2, is provided solely for the office of the superintendent of public instruction to contract with the Washington school principals' education foundation to support pandemic related learning loss through outdoor learning and overnight camp experiences.

(k) \$173,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(2), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants to entities or organizations to provide outdoor education summer enrichment programs to youth. Recipients must prioritize activities or programs that:

- (i) Promote students connecting socially with their classmates;
- (ii) Encourage students to engage in physical activity; and
- (iii) Support families who have struggled with child care needs.

(l) \$143,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2 is provided solely for grants for supplies, equipment, staffing, and services to increase access to summer meals and safe school meals in the 2023-24 school year and summer prior to the start of the school year.

(m) \$2,383,000 of the elementary and secondary school emergency relief III account—federal appropriation from funds attributable to subsection 2001(f)(4), the American rescue plan act of 2021, P.L. 117-2, is provided solely for grants to school districts to expand career and technical education graduation pathway options, including career-connected learning opportunities. Total funds provided under this subsection (6)(m) and section 1517(47)(i) of this act for the same purpose may not exceed the funding authorized in section 1517(47)(i) of this act.

(n) \$905,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for reimbursements to eligible nonpublic schools that requested but were not reimbursed for emergency assistance to nonpublic schools, under section 312(d), the coronavirus response and relief supplemental appropriations act, P.L. 116-260, division M.

**Sec. 523.** 2023 c 475 s 523 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITION TO KINDERGARTEN PROGRAMS**

General Fund—State Appropriation (FY 2024)	<del>(\$5,172,000)</del>
	<u>\$6,870,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$67,008,000)</del>
	<u>\$69,959,000</u>
General Fund—Federal Appropriation	\$41,848,000
<b>TOTAL APPROPRIATION</b>	<del>(\$114,028,000)</del>
	<u>\$118,677,000</u>

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

~~(\$5,172,000)~~ \$6,870,000 of the general fund—state appropriation for fiscal year 2024, ~~(\$67,008,000)~~ \$69,959,000 of the general fund—state appropriation for fiscal year 2025, and \$41,848,000 of the general fund—federal appropriation (CRRSA/GEER) are for implementation of Second Substitute House Bill No. 1550 (transition to kindergarten). If the bill is not enacted by June 30, 2023, the office of the superintendent of public instruction must distribute the amounts appropriated in this section for enrollment funding for transitional kindergarten programs to participating school districts, charter schools authorized pursuant to RCW 28A.710.080(2), and state-tribal education compact schools during the 2023-24 and 2024-25 school years. Enrollment funding for transitional kindergarten is not part of the state's statutory program of basic education.

**PART VI  
HIGHER EDUCATION**

**Sec. 601.** 2023 c 475 s 605 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund—State Appropriation (FY 2024)	<del>(\$918,693,000)</del>
	<u>\$920,342,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$984,293,000)</del>
	<u>\$987,778,000</u>
<u>Climate Commitment Account—State Appropriation</u>	<u>\$475,000</u>
Community/Technical College Capital Projects Account—State Appropriation	\$21,368,000
Education Legacy Trust Account—State Appropriation	<del>(\$164,067,000)</del>
	<u>\$164,102,000</u>
<u>Invest in Washington Account—State Appropriation</u>	<u>\$92,000</u>
Workforce Education Investment Account—State Appropriation	<del>(\$300,417,000)</del>
	<u>\$302,875,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$2,388,838,000)</del>
	<u>\$2,397,032,000</u>

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

(1) \$33,261,000 of the general fund—state appropriation for fiscal year 2024 and \$33,261,000 of the general fund—state appropriation for fiscal year 2025 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 7,170 full-time equivalent students in fiscal year 2024 and at least 7,170 full-time equivalent students in fiscal year 2025.

(2) \$5,000,000 of the general fund—state appropriation for fiscal year 2024, \$5,000,000 of the general fund—state appropriation for fiscal year 2025, and \$5,450,000 of the education legacy trust account—state appropriation are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature under RCW 43.01.036 regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) \$425,000 of the general fund—state appropriation for fiscal year 2024 and \$425,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for Seattle Central

College's expansion of allied health programs.

(4) \$5,250,000 of the general fund—state appropriation for fiscal year 2024 and \$5,250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the student achievement initiative.

(5) \$1,610,000 of the general fund—state appropriation for fiscal year 2024, \$1,610,000 of the general fund—state appropriation for fiscal year 2025, and \$904,000 of the workforce education investment account—state appropriation are provided solely for the mathematics, engineering, and science achievement program.

(6) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(8) (~~(\$23,748,000)~~) \$24,001,000 of the general fund—state appropriation for fiscal year 2024 and (~~(\$24,270,000)~~) \$24,601,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(11) \$157,000 of the general fund—state appropriation for fiscal year 2024 and \$157,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Wenatchee Valley college wildfire prevention program.

(12) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Puget Sound welcome back center at Highline College to create a grant program for internationally trained individuals seeking employment in the behavioral health field in Washington state.

(13) \$750,000 of the general fund—state appropriation for fiscal year 2024 and \$750,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increased enrollments in the integrated basic education and skills training program. Funding will support approximately 120 additional full-time equivalent enrollments annually.

(14) \$216,000 of the general fund—state appropriation for fiscal year 2024 and \$216,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the opportunity center for employment and education at North Seattle College.

(15) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state

appropriation for fiscal year 2025 are provided solely for Highline College to implement the Federal Way higher education initiative in partnership with the city of Federal Way and the University of Washington Tacoma campus.

(16) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$350,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for Peninsula College to maintain the annual cohorts of the specified programs as follows:

(a) Medical assisting, 40 students;

(b) Nursing assistant, 60 students; and

(c) Registered nursing, 32 students.

(17) \$338,000 of the general fund—state appropriation for fiscal year 2024 and \$338,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state labor education and research center at South Seattle College.

(18) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the aerospace and advanced manufacturing center of excellence hosted by Everett Community College to develop a semiconductor and electronics manufacturing branch in Vancouver.

(19)(a) \$80,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The state board for community and technical colleges must provide resources for up to two community or technical colleges, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

(i) Provide information to students and college staff about available health insurance options;

(ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;

(iii) Provide ongoing technical assistance to students about health insurance options or the health insurance application process; and

(iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The state board, in collaboration with the student achievement council and the health benefit exchange, must submit a report by June 30, 2024, to the appropriate committees of the legislature, pursuant to RCW 43.01.036, on information about barriers students, including those enrolled in state registered apprenticeship programs, encountered accessing health insurance coverage; and to provide recommendations on how to improve student access to health coverage based on data gathered from the pilot program.

(20) \$1,500,000 of the general fund—state appropriation for fiscal year 2024, \$1,500,000 of the general fund—state appropriation for fiscal year 2025, and \$75,847,000 of the workforce education investment account—state appropriation are provided solely for statewide implementation of guided pathways at each of the state's community and technical colleges or similar programs designed to improve student success, including, but not limited to, academic program redesign, student advising, and other student supports.



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(21) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for college operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(22) \$15,220,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(23) \$40,800,000 of the workforce education investment account—state appropriation is provided solely to continue to fund nurse educator salaries.

(24) \$40,000,000 of the workforce education investment account—state appropriation is provided to continue to fund high-demand program faculty salaries, including but not limited to nurse educators, other health-related professions, information technology, computer science, and trades.

(25) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to maintain high-demand and career launch enrollments, as provided under RCW 28C.30.020. Within the amounts provided in this subsection (25):

(a) \$6,000,000 of the amounts in this subsection (25) are provided to maintain and grow career launch enrollments, as provided under RCW 28C.30.020. Up to three percent of this amount may be used for administration, technical assistance, and support for career launch programs within the community and technical colleges.

(b) \$2,000,000 of the amounts in this subsection (25) are provided to maintain enrollments in high demand programs. These programs include, but are not limited to, allied health, computer and information science, manufacturing, and other fields identified by the state board for community and technical colleges.

(c) The state board for community and technical colleges may transfer amounts between (a) and (b) of this subsection if either program does not have sufficient demand to spend the allocated funding. Any transfer must be approved by the state board for community and technical colleges and the office of financial management.

(26) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for the emergency assistance grant program in RCW 28B.50.295.

(27) \$1,119,000 of the general fund—state appropriation for fiscal year 2024, \$1,119,000 of the general fund—state appropriation for fiscal year 2025, and \$4,221,000 of the workforce education investment account—state appropriation are provided solely for implementation of diversity, equity, inclusion, and antiracism provisions in chapter 28B.10 RCW.

(28) \$20,473,000 of the workforce education investment account—state appropriation is provided solely for implementation of equity and access provisions in chapter 28B.50 RCW.

(29)(a) \$3,000,000 of the general fund—state appropriation for fiscal year 2024 and \$3,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to promote workforce development in trucking and trucking-related supply chain industries and the school bus driving industry by expanding the number of registered apprenticeships, preapprenticeships, and trucking related training programs; and providing support for registered apprenticeships or programs in trucking and trucking-related supply chain industries and the school bus driving industry.

(b) Grants awarded under this subsection may be used for:

(i) Equipment upgrades or new equipment purchases for training purposes;

(ii) New training spaces and locations to support capacity needs and expansion of training to veterans and veteran spouses, and underserved populations to include foster care and homeless transition populations and previously incarcerated persons;

(iii) Faculty curriculum development and instructor training for driving, repair, and service of technological advancements facing the industries;

(iv) Tuition assistance for commercial vehicle driver and related supply chain industry training, fees associated with driver testing, and other reasonable and necessary student support services, including child care costs; and

(v) Fees and other reasonable costs associated with commercial truck driving examiner training and certification.

(c) An entity is eligible to receive a grant if it is a nonprofit, nongovernmental, or institution of primary or higher education that provides training opportunities, including apprenticeships, preapprenticeships, preemployment training, commercial vehicle driver training and testing, or vocational training related to mechanical and support functions that support the trucking industry or the school bus driving industry; or incumbent worker training to prepare workers for the trucking and trucking-related supply chain industries or the school bus driving industry. Preference will be given to entities in compliance with government approved or accredited programs. Reporting requirements, as determined by the board, shall be required.

(d) The board may use up to five percent of funds for administration of grants.

(30) \$3,200,000 of the workforce education investment account—state appropriation is provided solely for costs associated with grants awarded in fiscal year 2023 for nursing programs to purchase or upgrade simulation laboratory equipment.

(31)(a) \$9,336,000 of the workforce education investment account—state appropriation is provided solely to expand cybersecurity academic enrollments by 500 FTE students.

(b) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 612(10) of this act to submit a progress report on the new or expanded cybersecurity academic programs, including the number of students enrolled.

(32) \$410,000 of the workforce education investment account—state appropriation is provided solely to establish a center for excellence in cybersecurity.

(33) \$2,068,000 of the general fund—state appropriation for fiscal year 2024 and \$2,068,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for legal services related to litigation by employees within the community and technical college system challenging the denial of retirement and sick leave benefits. The cases include *Wolf v. State and SBCTC*, *Rush v. State and SBCTC* (retirement), and *Rush v. State and SBCTC* (sick leave).

(34) \$4,000,000 of the general fund—state appropriation for fiscal year 2024 and \$4,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the opportunity grant program to provide health care workforce grants for students.

(35) \$2,720,000 of the general fund—state appropriation for fiscal year 2024 and \$2,720,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for each community and technical college to contract with a community-based organization to assist with financial aid access and support in communities.

(36) (~~(\$6,456,000)~~) \$7,456,000 of the workforce education investment account—state appropriation is provided solely for the expansion of existing programming to accommodate refugees and immigrants who have arrived in Washington state on or after July 1, 2021, (~~and are eligible for federal refugee resettlement services,~~) including those from Afghanistan and Ukraine.

(37)(a) \$2,160,000 of the general fund—state appropriation for fiscal year 2024, \$2,160,000 of the general fund—state appropriation for fiscal year 2025, and \$3,600,000 of the workforce education investment account—state appropriation are provided solely for nursing education, to increase the number of nursing slots by at least 400 new slots in the 2023-2025 fiscal biennium.

(b) The state board for community and technical colleges must coordinate with the student achievement council as provided in section 612(10) of this act to submit a progress report on the new or expanded nursing academic programs, including the number of students enrolled per program.

(38) \$200,000 of the workforce education investment account—state appropriation is provided solely for the Bellingham Technical College maritime apprenticeship program.

(39) \$2,100,000 of the workforce education investment account—state appropriation is provided solely for the Skagit Valley College dental therapy education program.

(40) \$855,000 of the workforce education investment account—state appropriation is provided solely for the Seattle Central College for partnership with the Seattle maritime academy. Seattle Central College must enter into a memorandum of agreement with Washington state ferries. Funding may not be expended until Seattle Central College certifies to the office of financial management that a memorandum of agreement with Washington state ferries has been executed. The memorandum of agreement must address:

(A) The shared use of training and other facilities and implementation of joint training opportunities where practicable;

(B) Development of a joint recruitment plan aimed at increasing enrollment of women and people of color, with specific strategies to recruit existing community and technical college students, maritime skills center students, high school students from maritime programs, foster care graduates, and former juvenile rehabilitation and adult incarcerated individuals; and

(C) Development of a training program and recruitment plan and a five-year operational plan.

(ii) The joint training program and recruitment plan and the five-year operational plan must be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 2023.

(41) \$200,000 of the workforce education investment account—state appropriation is provided solely for the state board for community and technical colleges to work with interested parties, such as local law enforcement agencies, the department of corrections, representatives of county or city jail facilities, the Washington state patrol, Washington community and technical colleges, and other organizations and entities as appropriate to assess the recruitment and retention challenges for their agencies and develop recommendations to meet the workforce needs. These recommendations should focus on education and training programs that meet the needs of law enforcement and corrections agencies and must include an outreach strategy designed to inform and attract students in non-traditional program pathways. The assessment and recommendations shall be provided in a report to the governor and the appropriate committees of the legislature, pursuant to RCW 43.01.036, by October 1, 2024.

(42) \$12,000,000 of the workforce education investment account—state appropriation is provided solely to support the

continued diversity, equity, and inclusion efforts of institutions.

(43) \$331,000 of the general fund—state appropriation for fiscal year 2024, \$331,000 of the general fund—state appropriation for fiscal year 2025, and \$1,360,000 of the workforce education investment account—state appropriation are provided solely for implementation of state registered apprenticeship provisions in chapter 28B.124 RCW.

(44) \$200,000 of the workforce education investment account—state appropriation is provided solely for the Everett Community College parent leadership training institute to recruit and train new course instructors to build additional capacity.

(45) \$19,850,000 of the general fund—state appropriation for fiscal year 2024 and \$35,024,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(46) \$243,000 of the general fund—state appropriation for fiscal year 2024, \$180,000 of the general fund—state appropriation for fiscal year 2025, and (~~(\$400,000)~~) \$500,000 of the workforce education investment account—state appropriation are provided solely for Renton Technical College. Of the amounts provided in this subsection:

(a) (~~(\$400,000)~~) \$500,000 of the workforce education investment account—state appropriation is for the college to award full tuition and fees to students who attend the college and graduated high school in the school district where the main campus is located. Eligible students must complete a free application for federal student aid or the Washington application for state financial aid. A report on the number of students utilizing the funding must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by January 15, 2024.

(b) \$243,000 of the general fund—state appropriation for fiscal year 2024 and \$180,000 of the general fund—state appropriation for fiscal year 2025 are for continuing outreach and participation in running start and adult education programs, including the program described in (a) of this subsection.

(47)(a) \$700,000 of the workforce education investment account—state appropriation is provided solely for the state board to administer a pilot program to increase career and technical education dual credit participation and credential attainment in professional technical programs. The state board, in collaboration with the office of the superintendent of public instruction, must select up to three community and technical colleges to participate in the pilot program during the 2023-24 and 2024-25 academic years. The three colleges must be located within the same educational service district and one must be located in a county with a population between 115,000 and 150,000. Colleges and school districts participating in the career and technical education dual credit grant program may utilize funding to cover the following expenses:

(i) Subsidized out-of-pocket costs to students and families for supplies, textbooks, materials, and credit transcription fees;

(ii) Outreach to prospective students and students who have completed career and technical education dual credit courses and are eligible to receive postsecondary credit to encourage participation and credit transcription;

(iii) Costs associated with staff or teacher time dedicated to curriculum alignment or the development of articulation agreements; and

(iv) Equipment and supplies for career and technical education dual credit courses required to meet postsecondary learning objectives.

(b) By December 10, 2024, the state board, in collaboration with the office of the superintendent of public instruction, must issue a preliminary report to the appropriate committees of the legislature, pursuant to RCW 43.01.036, with findings and recommendations regarding the pilot program that may be scaled

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

statewide. The final report is due by December 10, 2025. The state board must establish a stakeholder committee that is representative of students, faculty, staff, and agency representatives to inform this work. The report must include recommendations on the following topics:

- (i) Course articulation and development of model articulation agreements;
- (ii) Data collection and reporting;
- (iii) Credit transcription and transfer;
- (iv) Student advising and career guidance supports;
- (v) Alignment of career and technical education dual credit programs with credential pathways and in-demand career fields;
- (vi) Funding for industry-recognized credentials;
- (vii) Identification of priority courses and programs; and
- (viii) Evaluation of the statewide enrollment and data system, and recommendations for improvements to or replacement of the system to reflect articulation agreement data, student data, and transcription information to support data validity, credit portability, and program improvement.

(48) \$500,000 of the workforce education investment account—state appropriation is provided solely for Olympic College to partner with regional high schools for college in the high school courses on-site at one or more regional high schools.

(49) \$1,262,000 of the workforce education investment account—state appropriation is provided solely for the centers of excellence.

(50) ~~(\$5,236,000)~~ \$5,789,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(51) \$3,718,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5702 (student homelessness pilot). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(52) ~~(\$7,470,000)~~ \$5,429,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5048 (college in high school fees). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(53) \$882,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5582 (nurse supply). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(54) Within the amounts appropriated in this section, the state board for community and technical colleges shall develop a plan that includes the cost to provide compensation to part-time and adjunct faculty that equals or exceeds 85 percent of the compensation provided to comparably qualified full-time and tenured faculty by the 2026-27 academic year. The plan must be submitted to the governor and the higher education committees of the legislature, in accordance with RCW 43.01.036, by July 1, 2024.

(55) \$598,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for moving costs.

(56) \$475,000 of the climate commitment account—state appropriation is provided solely for the continuation of curriculum development and program redesign to integrate climate justice and solutions-focused assignments and professional technical green workforce modules into community college curriculum across the state. Funds provided in this subsection may not be expended or obligated prior to January 1, 2025. If Initiative Measure No. 2117 is approved in the general

election, this subsection is null and void upon the effective date of the measure.

(57) \$801,000 of the workforce education investment account—state appropriation is provided solely for community college staff to recruit, advise, and support early achievers scholars completing their early childhood qualifications. The state board shall prioritize colleges with longer wait lists for early achievers scholars. The state board for community and technical colleges shall collaborate with the department of children, youth, and families to submit a report, pursuant to RCW 43.01.036, by September 30, 2024, to the governor and appropriate committees of the legislature on early achievers grant participation data, including data on enrollment and waitlists for the grant program.

(58) \$85,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for Edmonds College to provide support to students who are military veterans, focusing on counseling services, financial assistance and reentry services.

(59) \$204,000 of the workforce education investment account—state appropriation is provided solely for Olympic College to hire program directors for new health care pathways.

(60) \$275,000 of the workforce education investment account—state appropriation is provided solely for a study of low-income student housing opportunities on community and technical college campuses to help address the housing shortage. The study shall include an analysis of the rental housing market serving each college campus; each college's need for low-income student housing; the estimated capital and ongoing costs to operate and maintain low-income student housing; and the impact on the local market rental housing supply should new low-income housing be constructed on a community or technical college campus for students. The study shall be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2025.

(61) \$200,000 of the workforce education investment account—state appropriation is provided solely for increasing access and capacity to manufacturing apprenticeship related supplemental instruction.

(62) \$150,000 of the workforce education investment account—state appropriation is provided solely for expansion of the imaging science program at Tacoma Community College.

(63) \$1,140,000 of the workforce education investment account—state appropriation is provided solely for the increase in bachelor of science computer science programs.

(64) \$412,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the implementation of Second Substitute House Bill No. 2112 (higher ed. opioid prevention). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(65) \$11,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for Second Substitute House Bill No. 2084 (construction training/DOC). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 602.** 2023 c 475 s 606 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General	Fund—State	Appropriation	(FY 2024)	
				<del>(\$21,181,000)</del>
				\$522,538,000
General	Fund—State	Appropriation	(FY 2025)	
				<del>(\$453,529,000)</del>
				\$528,731,000
Aquatic Lands Enhancement Account—State		Appropriation		\$1,646,000
Climate Commitment Account—State		Appropriation		<del>(\$3,150,000)</del>

				<u>\$3,413,000</u>
Coronavirus State Fiscal Recovery Fund—Federal Appropriation				\$20,000,000
<u>Model Toxics Control Operating Account—State Appropriation</u>				<u>\$500,000</u>
Natural Climate Solutions Account—State Appropriation				\$837,000
Statewide 988 Behavioral Health Crisis Response Line Account—State Appropriation				\$280,000
University of Washington Building Account—State Appropriation				\$1,546,000
Education Legacy Trust Account—State Appropriation				<del>(\$39,643,000)</del>
				<u>\$39,646,000</u>
Economic Development Strategic Reserve Account—State Appropriation				\$3,127,000
Biotoxin Account—State Appropriation				\$632,000
Dedicated Cannabis Account—State Appropriation (FY 2024)				\$351,000
Dedicated Cannabis Account—State Appropriation (FY 2025)				<del>(\$365,000)</del>
				<u>\$366,000</u>
Accident Account—State Appropriation				<del>(\$8,586,000)</del>
				<u>\$8,592,000</u>
Medical Aid Account—State Appropriation				<del>(\$8,025,000)</del>
				<u>\$8,030,000</u>
Workforce Education Investment Account—State Appropriation				<del>(\$89,216,000)</del>
				<u>\$92,077,000</u>
Geoduck Aquaculture Research Account—State Appropriation				\$414,000
<b>TOTAL APPROPRIATION</b>				<del>(\$1,152,528,000)</del>
				<u>\$1,232,726,000</u>

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

(1) ~~(\$49,289,000)~~ \$49,816,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$50,374,000)~~ \$51,061,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2024, \$200,000 of the general fund—state appropriation for fiscal year 2025, and \$100,000 of the workforce education investment account—state appropriation are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.

(3) \$10,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to maintain and expand the number of residency slots available in Washington.

(4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(5) \$14,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(6) \$3,062,000 of the economic development strategic reserve account—state appropriation is provided solely to support the

joint center for aerospace innovation technology.

(7) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(8) \$7,345,000 of the general fund—state appropriation for fiscal year 2024 and \$7,345,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued operations and expansion of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(9) \$2,625,000 of the general fund—state appropriation for fiscal year 2024 and \$2,625,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the institute for stem cell and regenerative medicine. Funds appropriated in this subsection must be dedicated to research utilizing pluripotent stem cells and related research methods.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided to the University of Washington to support youth and young adults experiencing homelessness in the university district of Seattle. Funding is provided for the university to work with community service providers and university colleges and departments to plan for and implement a comprehensive one-stop center with navigation services for homeless youth; the university may contract with the department of commerce to expand services that serve homeless youth in the university district.

(11) \$1,200,000 of the general fund—state appropriation for fiscal year 2024, \$1,200,000 of the general fund—state appropriation for fiscal year 2025, and \$1,200,000 of the workforce education investment account—state appropriation are provided solely for the adult psychiatry residency program at the University of Washington to offer additional residency positions that are approved by the accreditation council for graduate medical education.

(12) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the University of Washington's psychiatry integrated care training program.

(13) \$427,000 of the general fund—state appropriation for fiscal year 2024, \$427,000 of the general fund—state appropriation for fiscal year 2025, and \$426,000 of the workforce education investment account—state appropriation are provided solely for child and adolescent psychiatry residency positions that are approved by the accreditation council for graduate medical education, as provided in RCW 28B.20.445.

(14) \$1,000,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the University of Washington School of Dentistry to support its role as a major oral health provider to individuals covered by medicaid and the uninsured.

(15) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the pre-law pipeline and social justice program at the University of Washington-Tacoma.

(16) \$226,000 of the general fund—state appropriation for fiscal year 2024 and \$226,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university's neurology department to create a telemedicine program to disseminate dementia care best practices to primary care practitioners using the project ECHO model. The program shall provide a virtual connection for providers and content experts and include didactics, case conferences, and an emphasis on practice transformation and systems-level issues that affect

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

care delivery. The initial users of this program shall include referral sources in health care systems and clinics, such as the university's neighborhood clinics and Virginia Mason Memorial in Yakima with a goal of adding 15 to 20 providers from smaller clinics and practices per year.

(17) \$102,000 of the general fund—state appropriation for fiscal year 2024, \$102,000 of the general fund—state appropriation for fiscal year 2025, and \$350,000 of the workforce education investment account—state appropriation are provided solely for the university's center for international trade in forest products.

(18) \$500,000 of the general fund—state appropriation for fiscal year 2024, \$500,000 of the general fund—state appropriation for fiscal year 2025, and \$500,000 of the workforce education investment account—state appropriation are provided solely for the Latino center for health.

(19) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a firearm policy research program. The program will:

(a) Support investigations of firearm death and injury risk factors;

(b) Evaluate the effectiveness of state firearm laws and policies;

(c) Assess the consequences of firearm violence; and

(d) Develop strategies to reduce the toll of firearm violence to citizens of the state.

(20) \$400,000 of the general fund—state appropriation for fiscal year 2024 and \$400,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the climate impacts group in the college of the environment.

(21) \$300,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the college of education to collaborate with teacher preparation programs and the office of the superintendent of public instruction to develop open access climate science educational curriculum for use in teacher preparation programs.

(22) \$300,000 of the general fund—state appropriation for fiscal year 2024, \$300,000 of the general fund—state appropriation for fiscal year 2025, and \$300,000 of the workforce education investment account—state appropriation are provided solely for the Harry Bridges center for labor studies. The center shall work in collaboration with the state board for community and technical colleges.

(23) \$8,000,000 of the workforce education investment account—state appropriation is provided solely for employee compensation, academic program enhancements, student support services, and other institutional priorities that maintain a quality academic experience for Washington students.

(24) \$8,000,000 of the workforce education investment account—state appropriation is provided solely to maintain degree production in the college of engineering at the Seattle campus.

(25)(a) \$2,724,000 of the workforce education investment account—state appropriation is provided solely to maintain the Washington state academic redshirt program on the Seattle campus and establish a program on the Bothell campus.

(b) The university must provide a report on the redshirt program at the Seattle and Bothell campuses, including, but not limited to, the following:

(i) The number of students who have enrolled in the program and the number of students by cohort;

(ii) The number of students who have completed the program and the number of students by cohort;

(iii) The placements of students by academic major;

(iv) The number of students placed in first-choice majors;

(v) The number of underrepresented minority students in the program;

(vi) The number of first-generation college students in the program;

(vii) The number of Washington college grant eligible or Pell grant eligible students in the program;

(viii) The number of Washington state opportunity scholarship recipients in the program;

(ix) The number of students who completed the program and graduated with a science, technology, engineering, or math related degree and the number of graduates by cohort; and

(x) Other program outcomes.

(c) A preliminary report is due to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by December 1, 2023, and a final report is due December 1, 2024.

(26) \$2,700,000 of the workforce education investment account—state appropriation is provided solely to maintain degree capacity and undergraduate enrollments in engineering, mathematics, and science programs to support the biomedical innovation partnership zone at the Bothell campus.

(27) \$3,268,000 of the workforce education investment account—state appropriation is provided solely to maintain bachelor of science programs in mechanical and civil engineering to support increased student and local employer demand for graduates in these fields at the Tacoma campus.

(28) \$150,000 of the general fund—state appropriation for fiscal year 2024, \$150,000 of the general fund—state appropriation for fiscal year 2025, and \$700,000 of the workforce education investment account—state appropriation are provided solely for Washington mathematics, engineering, science achievement programs to provide enrichment opportunities in mathematics, engineering, science, and technology to students who are traditionally underrepresented in these programs. Of the amounts provided in this subsection, \$500,000 of the workforce education investment account—state appropriation is for Washington State University to plan and implement expansion of MESA activities at the Everett campus to facilitate increased attendance and degree completion by students who are underrepresented in science, technology, engineering, and mathematics degrees.

(29) \$75,000 of the general fund—state appropriation for fiscal year 2024 and \$75,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a community care coordinator for transitional-age youth for the doorway project in partnership with the Seattle campus.

(30) \$14,000,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the Paul G. Allen school of computer science and engineering in order to award an additional 200 degrees per year focusing on traditionally underrepresented students. A report on the program graduation rates, waitlist for entry into the program, time to degree completion, and degrees awarded must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2024, and June 30, 2025.

(31) \$200,000 of the general fund—state appropriation for fiscal year 2024 and \$200,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to expand a series of online courses related to behavioral health and student well-being that are currently offered at the Bothell campus for school district staff. The standards for the courses must be consistent with knowledge, skill, and performance standards related to mental health and well-being of public school students. The online courses must provide:

(a) Foundational knowledge in behavioral health, mental health, and mental illness;

(b) Information on how to assess, intervene upon, and refer behavioral health and intersection of behavioral health and substance use issues; and

(c) Approaches to promote health and positively influence student health behaviors.

(32) To ensure transparency and accountability, in the 2023-2025 fiscal biennium the University of Washington shall comply with any and all financial and accountability audits by the Washington state auditor including any and all audits of university services offered to the general public, including those offered through any public-private partnership, business venture, affiliation, or joint venture with a public or private entity, except the government of the United States. The university shall comply with all state auditor requests for the university's financial and business information including the university's governance and financial participation in these public-private partnerships, business ventures, affiliations, or joint ventures with a public or private entity. In any instance in which the university declines to produce the information to the state auditor, the university will provide the state auditor a brief summary of the documents withheld and a citation of the legal or contractual provision that prevents disclosure. The summaries must be compiled into a report by the state auditor and provided on a quarterly basis to the legislature.

(33) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Burke museum of natural history and culture to make education programs offered by the museum accessible to more students across Washington, especially students in underserved schools and locations. The funding shall be used for:

(a) Increasing the number of students who participate in Burke education programs at reduced or no cost, including virtual programs;

(b) Providing bus reimbursement for students visiting the museum on field trips and to support travel to bring museum programs across the state;

(c) Staff who will form partnerships with school districts to serve statewide communities more efficiently and equitably, including through the Burkemobile program; and

(d) Support of tribal consultation work, including expanding Native programming, and digitization of Native collections.

(34) \$410,000 of the general fund—state appropriation for fiscal year 2024 and \$410,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university's center for human rights. The appropriation must be used to supplement, not supplant, other funding sources for the center for human rights.

(35) \$143,000 of the general fund—state appropriation for fiscal year 2024 and \$143,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the University of Washington for the establishment and operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.

(36) \$64,000 of the general fund—state appropriation for fiscal year 2024 and \$64,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(37) \$443,000 of the general fund—state appropriation for fiscal year 2024 and \$443,000 of the general fund—state

appropriation for fiscal year 2025 are provided solely for the operation of the center for environmental forensic science.

(38) \$1,250,000 of the general fund—state appropriation for fiscal year 2024 and \$1,250,000 of the general fund—state appropriation are provided solely for the community-engagement test to facilitate clean energy transitions by partnering with communities, utilities, and project developers.

(39) \$2,000,000 of the general fund—state appropriation for fiscal year 2024 and \$2,000,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for staffing and operational expenditures related to the battery fabrication testbed.

(40) \$505,000 of the general fund—state appropriation for fiscal year 2024 and \$505,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for pharmacy behavioral health. The University of Washington school of pharmacy/medicine pharmacy services will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(41) \$1,242,000 of the general fund—state appropriation for fiscal year 2024, \$1,242,000 of the general fund—state appropriation for fiscal year 2025, and \$742,000 of the workforce education investment account—state appropriation are provided solely for an increase in the number of nursing slots and graduates in the already established accelerated bachelor of science in nursing program. Of the amounts provided in this subsection, \$273,000 of the general fund—state appropriation for fiscal year 2024 and \$273,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Tacoma school of nursing and healthcare leadership.

(42) \$100,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$100,000)~~ \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the memory and brain wellness center to support the statewide expansion of the dementia friends program.

(43) \$77,000 of the general fund—state appropriation for fiscal year 2024 and \$77,000 of the general fund—state appropriation are provided solely to maintain a data repository to assist the state and all political subdivisions with evaluating whether and to what extent existing laws and practices with respect to voting and elections are consistent with public policy, implementing best practices in voting and elections, and to investigate potential infringements upon the right to vote.

(44) \$122,000 of the general fund—state appropriation for fiscal year 2024 and \$122,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for sexual assault nurse examiner training.

~~(45) (\$143,000 of the general fund—state appropriation for fiscal year 2024 and \$143,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the University of Washington for the operation of the state forensic anthropologist. The university shall work in conjunction with and provide the full funding directly to the King county medical examiner's office to support the statewide work of the state forensic anthropologist.)~~ \$2,505,000 of the workforce education investment account—state appropriation is provided solely for the expansion of the University of Washington school of dentistry regional initiatives in dental education (RIDE) program.

(46) Within existing resources, the institution must resume a mentoring, organization, and social support for autism inclusion on campus program. The program must focus on academic coaching, peer-mentoring, support for social interactions, and career preparation.

(47) \$6,532,000 of the general fund—state appropriation for fiscal year 2024 and \$11,108,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

compensation support.

(48) \$712,000 of the general fund—state appropriation for fiscal year 2024 and \$4,183,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the behavioral health teaching faculty physician and facility support.

(49) \$1,869,000 of the general fund—state appropriation for fiscal year 2024 and \$3,738,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for operations and maintenance support of the behavioral health teaching faculty.

(50) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for the center for indigenous health to increase the number of American Indian and Alaska Native physicians practicing in the state of Washington.

(51) \$484,000 of the workforce education investment account—state appropriation is provided solely to the university for Friday harbor labs in the amount of \$125,000 each fiscal year and the school of aquatic and fishery sciences in the amount of \$117,000 each fiscal year to perform coordinating, monitoring, and research related to Puget Sound kelp conservation and recovery.

(52) \$200,000 of the workforce education investment account—state appropriation is provided solely to develop a framework for research to help determine inequities in poverty, access to service, language, barriers, and access to justice for individuals of Middle Eastern descent.

(53) \$3,000,000 of the climate commitment account—state appropriation is provided solely for the development of an energy transformation strategy to modernize the energy infrastructure and better align the institution's sustainability values at the Seattle campus.

(54) \$2,854,000 of the workforce education investment account—state appropriation is provided solely for increasing enrollments in computing and engineering programs at the Tacoma campus.

(55)(a) \$800,000 of the workforce education investment account—state appropriation is provided solely for the colab for community and behavioral health policy to collaborate with ~~(the Latino center for health and)~~ allies in healthier systems for health and abundance in youth to pilot test a culturally responsive training curricula for an expanded children's mental health workforce in community behavioral health sites. Community and lived experience stakeholders, representing communities of color, must make up over half of the project team. The pilot implementation shall include expansion of:

(i) The clinical training of both a lived experience workforce and licensed workforce to provide culturally responsive and evidence-informed mental health services focused on families, children, and youth;

(ii) An implementation plan that allows for local flexibility and local community input; and

(iii) An evaluation plan that will yield information about the potential success in implementation statewide and the improved experiences of those seeking mental health services.

(b) The project team must report its findings and recommendations to the appropriate committees of the legislature in compliance with RCW 43.01.036 by June 30, 2025.

(56) \$520,000 of the natural climate solutions account—state appropriation is provided solely for the biological response to ocean acidification to advance high-priority biological experiments to better understand the relationship between marine organisms and ocean acidification.

(57) \$300,000 of the natural climate solutions account—state appropriation is provided solely for monitoring assistance at the Washington ocean acidification center.

(58) \$104,000 of the general fund—state appropriation for fiscal year 2024 and \$104,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the continued implementation of chapter 191, Laws of 2022 (veterans & military suicide).

(59) \$426,000 of the workforce education investment account—state appropriation is provided solely for the continued implementation of RCW 49.60.525 (racial restrictions/review).

(60) \$205,000 of the general fund—state appropriation for fiscal year 2024 is provided solely to organize and facilitate the difficult to discharge task force described in ~~(section 135(12) of this act)~~ section 133(11) of this act and its operations, including any associated ad hoc subgroups through October 31, 2023.

(61) \$500,000 of the workforce education investment account—state appropriation is provided solely for the addictions, drug and alcohol institute to continue cannabis and public health impact research. Funding may be used to develop resources regarding the connection between first episode psychosis and cannabis use.

(62) \$2,224,000 of the workforce education investment account—state appropriation is provided solely for program support and student scholarships for the expansion of the master of arts in applied child and adolescent psychology program. Of the amounts provided in this subsection:

(a) \$1,116,000 of the workforce education investment account—state appropriation is provided solely for program support at the Seattle site.

(b) \$1,108,000 of the workforce education investment account—state appropriation is provided solely for student scholarships at the Seattle site.

(63) \$800,000 of the workforce education investment account—state appropriation is provided solely for the development and implementation of a program to support pathways from prison to the university's Tacoma campus. The university shall collaborate with formerly incarcerated women, Tacoma Community College, the freedom education project Puget Sound, the women's village, the state board for community and technical colleges, and the department of corrections, in development and implementation of the pathways program.

(64) ~~(\$250,000)~~ \$580,000 of the workforce education investment account—state appropriation is provided solely for the ~~(startup program)~~ Allen school scholars program.

(65) \$1,397,000 of the workforce education investment account—state appropriation is provided solely for increased student support services at the Tacoma campus.

(66) \$158,000 of the general fund—state appropriation for fiscal year 2024, \$158,000 of the general fund—state appropriation for fiscal year 2025, and \$798,000 of the workforce education investment account—state appropriation are provided solely for continued implementation of diversity, equity, inclusion, and antiracism professional development for faculty and staff, student training, and campus climate assessments in chapter 28B.10 RCW.

(67) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the college of education to partner with the Chehalis and Spokane school districts to continue the math improvement pilot program.

(68) \$300,000 of the workforce education investment account—state appropriation is provided solely for support and promotion of a long-term care nursing residency program and externship.

(69) \$400,000 of the workforce education investment account—state appropriation is provided solely for nanocellulose based research to produce a replacement for cellophane and clear

plastic products with one made with plant materials that is biodegradable.

(70) \$150,000 of the general fund—state appropriation for fiscal year 2024 and \$450,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the University of Washington for the operation of a pilot plant to produce nanocellulose based materials for evaluation by potential users, such as packaging manufacturers and companies that produce polylactic acid composites.

(71) \$1,238,000 of the workforce education investment account—state appropriation is provided solely to establish washpop, a statewide integrated data repository for population and policy research on topics, including criminal justice and safety, economic prosperity and equity, and health and social well-being.

(72) \$50,000 of the general fund—state appropriation for fiscal year 2024 and \$50,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for continuation of the collaborative for the advancement of telemedicine, hosted by the institution's telehealth services.

(73) \$100,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for the center for health workforce studies to continue a program to track dental workforce trends, needs, and enhancements to better serve the increasing population and demand for access to adequate oral health care. The center shall continue the program in consultation with dental stakeholders including, but not limited to, provider associations and oral health philanthropic leaders. The workforce reporting program is to be considered a public-private partnership. The institutions may accept matching funds from interested stakeholders to help facilitate and administer the workforce reporting program. Information generated by the dental workforce reporting program shall be made available on the center's website in a deidentified, aggregate format.

(74) \$200,000 of the workforce education investment account—state appropriation is provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(75) The institution must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(76) ~~(\$440,000)~~ \$513,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(77) \$686,000 of the general fund—state appropriation for fiscal year 2024 and \$669,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1745 (diversity clinical trials). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(78) \$150,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1181 (climate change/planning). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(79) \$208,000 of the statewide 988 behavioral health crisis response account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1134 (988 system). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(80) ~~(\$3,288,000)~~ \$2,053,000 of the workforce education investment account—state appropriation is provided solely for

implementation of Second Substitute Senate Bill No. 5048 (college in high school fees). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(81) \$157,000 of the workforce education investment account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5189 (behavioral health support). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(82) \$7,500,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for support of staff, training, and other costs necessary to facilitate the opening of the behavioral health teaching facility.

(83) \$450,000 of the workforce education investment account—state appropriation is provided solely to continue financial student assistance in public service oriented graduate and professional degree programs, referred to as "fee-based" programs, whose tuition for public service degrees is over \$18,000 per year. Programs shall create mechanisms to prioritize assistance to traditionally underrepresented students, specifically those who have expressed a commitment to service in the physician assistant, community oriented public health, or social work programs. The institution may offer financial assistance for students that volunteer or work with public health agencies, including as contact tracers.

(84) \$1,100,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a pilot program for short-term stabilization and transition support for individuals incompetent to stand trial due to intellectual or developmental disability as provided in Engrossed Second Substitute Senate Bill No. 5440 (competency evaluations). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(85) \$1,464,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5263 (psilocybin). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(86) \$400,000 of the general fund—state appropriation for fiscal year 2025 and \$2,000,000 of the workforce education investment account—state appropriation ~~((is))~~ are provided solely for implementation of Engrossed Second Substitute House Bill No. 1715 (domestic violence). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(87) \$80,000,000 of the general fund—state appropriation for fiscal year 2024, \$50,000,000 of the general fund—state appropriation for fiscal year 2025, and \$20,000,000 of the coronavirus state fiscal recovery fund—federal appropriation are provided solely to support the operations and teaching mission of the University of Washington medical center and harborview medical center.

(88) \$239,000 of the workforce education investment account—state appropriation is provided solely for implementation of chapter 232, Laws of 2023 (Engrossed Substitute Senate Bill No. 5447) (alternative jet fuel).

(89) \$263,000 of the climate commitment account—state appropriation is provided solely for two grant writers to support the ongoing need for tribal and overburdened communities to access state and federal funding opportunities that advance environmental justice through the thriving communities technical assistance program.

(90) \$20,000,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to support behavioral health care and training at the University of Washington medical center. A report detailing how these funds and any federal funds are



FIFTY SEVENTH DAY, MARCH 4, 2024

expended for the medical center shall be submitted to the governor and the appropriate committees of the legislature by June 30, 2025.

(91) \$300,000 of the workforce education investment account—state appropriation is provided solely for an entrepreneur in residence pilot program for graduate and postgraduate international students.

(92) \$180,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for soccer field renovation and associated lighting upgrades at the institution.

(93) \$250,000 of the workforce education investment account—state appropriation is provided solely for the Barnard center for infant and early childhood mental health, within the University of Washington, to identify existing infant and early childhood mental health workforce initiatives and activities. In consultation with the health care authority, the center must identify and provide stakeholder connections, including tribes, to assist with workforce strategic planning. A report of findings and recommendations for expansion, diversification, training, and retention within the infant early childhood mental health workforce must be submitted to the appropriate committees of the legislature and to the children and youth behavioral health work group as established in RCW 74.09.4951, pursuant to RCW 43.01.036 by June 30, 2025.

(94) \$500,000 of the model toxics control operating account—state appropriation is provided solely for the school of public health to study and develop mobile screening methods to screen consumer products for fluorine, an indicator of per- and polyfluoralkyl chemicals. The developed method shall be compared to established approaches to measure fluorine and per- and polyfluoralkyl chemicals. A report on development of a functional screening method and recommendations to limit harmful exposures must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2025.

(95) \$250,000 of the workforce education investment account—state appropriation is provided solely for the center for social sector analytics and technology to provide a report on conditional scholarships for students who commit to working in the public behavioral health system. The institution must submit a preliminary report to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2025. The preliminary report must include overall effectiveness of the conditional grant programs, how to improve clinical training, how to support underserved communities, and the progress in diversifying the public behavioral workforce.

(96)(a) \$120,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the school mental health assessment research and training (SMART) center to research and report on collection and use of data, including universal screening and other social-emotional, behavioral, and mental health (SEBMH) data, in public schools within the multitiered system of supports and integrated student supports frameworks.

(b) The SMART center must submit a preliminary report to the appropriate committees of the legislature by December 1, 2024. At a minimum, the preliminary report must:

(i) Analyze alignment of current Washington statute and guidance with national best practices on universal SEBMH screening;

(ii) Identify facilitators and barriers to selection and effective use of research-based, culturally relevant universal SEBMH screening tools in Washington schools;

(iii) Analyze schools' current application of existing

2024 REGULAR SESSION

Washington statute relevant to SEBMH screening requirements;

(iv) Recommend statutory changes to increase systematic SEBMH screening of students in schools; and

(v) Include an implementation plan for demonstration sites to determine the feasibility, acceptability, and effectiveness of a best practices guide or resource on universal student SEBMH screening.

(c) The SMART center must submit a final report to the relevant policy and fiscal committees of the legislature by June 30, 2025. In addition to information from the preliminary report, the final report must include a guide or other resource for implementing best practices for screening of student SEBMH in schools, including the following best practices:

(i) Training and professional development;

(ii) Engaging with families, students, and other partners;

(iii) Informing tier 1 universal strategies and practices;

(iv) Assuring adequate availability of services;

(v) Complying with privacy and confidentiality laws;

(vi) Assuring cultural responsiveness in SEBMH screening practices; and

(vii) Partnering with community-based organizations.

(97) \$140,000 of the workforce education investment account—state appropriation is provided solely for the junior summer institute program to pilot a regional focused expansion that provides a pathway for historically underrepresented students into public policy and public service.

(98) \$174,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for genome sequencing and other research to improve control and eradication of the European green crab.

(99) \$615,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for legal services related to the behavioral health teaching facility.

(100) \$412,000 of the general fund—state appropriation for fiscal year 2025 is provided solely to develop and implement the Washington reproductive access alliance, in order for the public hospital districts under chapter 70.44 RCW to provide substantially equivalent services under the reproductive privacy act under chapter 9.02 RCW. The alliance shall provide a service coordination website and phone line, administrative support and coordination of the alliance, patient care coordination, and social support for patient travel.

(101) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Evans school of public policy and governance to study ranked choice voting and provide guidance for implementation by local jurisdictions. The report must recommend steps necessary to implement ranked choice voting elections consistently and effectively, including suggested education materials and election administrator training necessary to aid in the implementation. Collaboration must include, but is not limited to the ranked choice voting resource center, state director of elections, association of county auditors, VoteWA steering committee, and community based organizations that serve underrepresented communities related to voter outreach and education. A report on research and recommendations must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 1, 2023.

(102) \$232,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the implementation of Second Substitute House Bill No. 2112 (higher ed. opioid prevention). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(103) \$4,000 of the general fund—state appropriation for fiscal

year 2025 is provided solely for the implementation of House Bill No. 2302 (pesticide application comm.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(104) \$806,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2245 (co-response services). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 603.** 2023 c 475 s 607 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund—State	Appropriation	(FY 2024)	<del>(\$277,544,000)</del>
			<u>\$281,839,000</u>
General Fund—State	Appropriation	(FY 2025)	<del>(\$286,975,000)</del>
			<u>\$291,354,000</u>
Climate Commitment Account—State	Appropriation		\$8,321,000
Washington State University Building	Account—State	Appropriation	\$792,000
Education Legacy Trust Account—State	Appropriation		\$33,995,000
Model Toxics Control Operating	Account—State	Appropriation	\$2,771,000
Dedicated Cannabis Account—State	Appropriation	(FY 2024)	\$189,000
Dedicated Cannabis Account—State	Appropriation	(FY 2025)	\$197,000
Workforce Education Investment	Account—State	Appropriation	<del>(\$48,117,000)</del>
			<u>\$49,132,000</u>
<b>TOTAL APPROPRIATION</b>			<del>(\$658,901,000)</del>
			<u>\$668,590,000</u>

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

(1) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$90,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for state match requirements related to the federal aviation administration grant.

(4) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(5) \$7,000,000 of the general fund—state appropriation for fiscal year 2024, \$7,000,000 of the general fund—state appropriation for fiscal year 2025, and \$22,800,000 of the workforce education investment account—state appropriation are provided solely for the continued development and operations of a medical school program in Spokane.

(6) \$135,000 of the general fund—state appropriation for fiscal year 2024 and \$135,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a honey bee biology

research position.

(7) ~~(\$35,037,000)~~ \$35,411,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$35,808,000)~~ \$36,296,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(8) \$580,000 of the general fund—state appropriation for fiscal year 2024 and \$580,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

(9) \$630,000 of the general fund—state appropriation for fiscal year 2024 and \$630,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(10) \$1,370,000 of the general fund—state appropriation for fiscal year 2024 and \$1,370,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(11) General fund—state appropriations in this section are reduced to reflect a reduction in state-supported tuition waivers for graduate students. When reducing tuition waivers, the university will not change its practices and procedures for providing eligible veterans with tuition waivers.

(12) \$1,154,000 of the general fund—state appropriation for fiscal year 2024 and \$1,154,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for RCW 82.16.120 and 82.16.165 (renewable energy, tax incentives).

(13) \$376,000 of the general fund—state appropriation for fiscal year 2024 and \$376,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for RCW 28B.30.357 (children's mental health).

(14) \$585,000 of the general fund—state appropriation for fiscal year 2024 and \$585,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for RCW 77.12.272 (elk hoof disease).

(15) \$2,076,000 of the model toxics control operating account—state appropriation is provided solely for the university's soil health initiative and its network of long-term agroecological research and extension (LTARE) sites. The network must include a Mount Vernon REC site.

(16) \$42,000 of the general fund—state appropriation for fiscal year 2024 and \$42,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(17) \$33,000 of the general fund—state appropriation for fiscal year 2024 and \$33,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for compensation funding for Western Washington University employees that work on the Washington State University Everett campus.

(18) \$327,000 of the general fund—state appropriation for fiscal year 2024 and \$327,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for pharmacy behavioral health. Washington State University college of

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

pharmacy and pharmaceutical sciences will hire two residency training positions and one behavioral health faculty to create a residency program focused on behavioral health.

(19) \$1,921,000 of the general fund—state appropriation for fiscal year 2024 and \$3,526,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(20) \$608,000 of the general fund—state appropriation for fiscal year 2024 and \$608,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the Washington state academy of sciences to provide support for core operations and to accomplish its mission of providing science in the service of Washington, pursuant to its memorandum of understanding with the university.

(21) \$188,000 of the general fund—state appropriation for fiscal year 2024 and \$188,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for stormwater research to study the long-term efficacy of green stormwater infrastructure that incorporates compost to remove pollutants.

(22) \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the joint center for deployment and research in earth abundant materials.

(23) \$4,112,000 of the workforce education investment account—state appropriation is provided solely to establish a bachelor's degree in cybersecurity operations.

(24) \$568,000 of the general fund—state appropriation for fiscal year 2024 and \$568,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of chapter 212, Laws of 2022 (community solar projects).

(25) \$7,721,000 of the climate commitment account—state appropriation is provided solely for the creation of the institute for northwest energy futures.

(26) \$3,910,000 of the workforce education investment account—state appropriation is provided solely for increasing nursing salaries at the institution.

(27) \$476,000 of the workforce education investment account—state appropriation is provided solely for nursing program equipment.

(28) \$2,521,000 of the workforce education investment account—state appropriation is provided solely for the establishment of a bachelor of science in public health degree at the Pullman, Spokane, and Vancouver campuses.

(29) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for increasing the base funding for the William D. Ruckelshaus Center.

(30) \$200,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for Washington State University extension service to hire a qualified contractor to assess program performance of the northeast Washington wolf-livestock management grant program as provided in RCW 16.76.020 and recipients of pass-through grants from the northeast Washington wolf-livestock management nonappropriated account. The program must be assessed for the period of 2021-2023 as to whether grant recipients met the intent of the appropriation.

(a) For recipients of grant funds from the program authorized in RCW 16.76.020, performance must be evaluated on the deployment of nonlethal deterrence, specifically with the goal to reduce the likelihood of cattle being injured or killed by wolves by deploying proactive, preventative methods that have a good

probability of producing effective results. Grantees who use funds for range riders or herd monitoring must deploy this tool in a manner so that targeted areas with cattle are visited daily or near daily. Grantees must collaborate with other entities providing prevention efforts resulting in coordinated wolf-livestock conflict deterrence efforts, both temporally and spatially, therefore providing well timed and placed preventative coverage on the landscape.

(b) For recipient of the pass-through funds from the northeast Washington wolf-livestock management nonappropriated account, performance must be based on the intent of conducting proactive deterrence activities with the goal to reduce the likelihood of cattle being injured or killed by wolves.

(c) The contractor must have at least five years of experience in the combination of field work as a range rider and running range riding programs in areas with wolf-livestock conflict in the western United States. In conducting the assessment, the contractor may access written range rider logs and georeferenced data produced by the grant recipients, in addition to reading annual reports of the recipients and interviewing relevant participants. The contractor may also provide general recommendations for improvement of programs intended to provide effective wolf-livestock deterrence, taking into account the terrain and other challenges faced in northeast Washington. The contractor must complete their assessment for Washington State University extension service to be delivered to the legislature, pursuant to RCW 43.01.036, by June 30, 2024.

(31) \$500,000 of the workforce education investment account—state appropriation is provided solely for the energy program for residential energy code education and support, including training, hotline support to the building industry, and information material and web resources.

(32) \$695,000 of the model toxics control operating account—state appropriation is provided solely for turf grass resilience research in high traffic areas.

(33)(a) \$95,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the William D. Ruckelshaus center to conduct a jail modernization task force convening assessment and design a facilitated collaborative process and work plan for the jail modernization task force created in section 915 of this act. The assessment shall include, but not be limited to:

(i) Gathering and reviewing additional background information relevant to the project;

(ii) Meeting and consulting with the Washington state association of counties to gather background on issues, confirm the list of members to interview, and provide updates throughout the duration of the work; and meeting and consulting with the Washington state institute for public policy to coordinate, inform, and share information and findings gathered; and

(iii) Setting up individual conversations with task force members, and others as needed, to assess their goals, expectations, interests, and desired outcomes for the task force. The purpose of these conversations will also be to gather insights and perspectives from members about, but not limited to, the following:

(A) What key components and issues should be included in a statewide jail modernization plan, what existing facilities are in need of upgrades or remodel, and any need for building new facilities;

(B) Identifying any additional key stakeholders;

(C) Employee retention issues and potential solutions;

(D) The impact of overtime, jail atmosphere, emergency response time, inexperienced corrections officers, and how to overcome these challenges;

(E) The type of and design of facilities needed to house those with behavioral health needs and associated costs of these facilities;

(F) Available diversion programs and their costs;

(G) Types of existing behavioral health facilities for those involved in the criminal justice system, the costs of building and running these facilities, how these facilities vary by location, the viability of offering facilities in every county, and potential system improvements to the types of services and supports offered and delivered to those with behavioral health needs;

(H) The types of services and supports provided to those exiting the jail system; and

(I) Reforms necessary to create and enhance a seamless transition back to the community following jail confinement.

(b) Center staff will provide a convening assessment report that will include the overall process design and work plan for the task force by June 30, 2025.

(34) \$1,596,000 of the workforce education investment account—state appropriation is provided solely for the creation of a bachelor's and master's degree in social work at the Tri-Cities campus.

(35) The institution must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(36) ~~(\$372,000)~~ \$434,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(37) \$77,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(38) \$600,000 of the climate commitment account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1216 (clean energy siting), for a least-conflict pumped storage siting project. ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(39) \$125,000 of the workforce education investment account—state appropriation is provided solely for implementation of Senate Bill No. 5287 (wind turbine blades). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(40)(a) ~~(\$1,200,000)~~ \$1,700,000 of the workforce education investment account—state appropriation is provided solely for the development and implementation of a Native American scholarship program during the 2023-2025 biennium. Of the amounts in this subsection, no more than \$100,000 of the workforce education investment account—state appropriation for fiscal year 2024 and \$100,000 of the workforce education investment account—state appropriation for fiscal year 2025 may be spent on administration; development of the program; support services for students; outreach regarding the program; and technical support for application.

(b) "Eligible student" means a member of a federally recognized Indian tribe located within Washington who files a free application for federal student aid (FAFSA) and enrolls in an undergraduate degree program. Eligible students need to maintain satisfactory academic progress during the 2023-2025 biennium to remain eligible for the scholarship. The institution shall determine award priorities based on tribal consultation. Awards must be distributed to students no later than May of each fiscal year.

(c) The institution must submit a report to the appropriate

committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2025. The report must include: The number of eligible students; the number of students who receive a scholarship; how recipients were determined; and how many members of federally recognized Indian tribes in Washington received scholarships versus members of federally recognized Indian tribes from other states.

(41) \$44,000 of the general fund—state appropriation for fiscal year 2024 and \$49,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1745 (diversity in clinical trials). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(42) \$2,425,000 of the workforce education investment account—state appropriation is provided solely for the development and operations of a journalism fellowship program focused on civic affairs.

(43) \$70,000 of the general fund—state appropriation for fiscal year 2024 and \$70,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Engrossed Substitute Senate Bill No. 5447 (alternative jet fuel). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(44) \$3,675,000 of the general fund—state appropriation for fiscal year 2024 and \$2,348,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the institution to purchase the obligated amount of carbon allowances.

(45) \$190,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for continued funding of the statewide broadband coordinator within the Washington State University energy extension program. This funding will support the salary and benefits of this position.

(46) \$353,000 of the workforce education investment account—state appropriation is provided solely for the complex social interactions lab.

(47) \$298,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the William D. Ruckelshaus center, working in collaboration with the departments of health and ecology, to evaluate and recommend actions to increase the effectiveness of the state's municipal water conservation statute at RCW 70A.125.170 and regulation at chapter 246-290 WAC. The center may contract with consultants or organizations with expertise on municipal water conservation programs. Recommendations may be informed by best practices in other states and include: Statutory or regulatory changes to increase program effectiveness, modifying regulatory oversight including whether the responsibility for parts or all of the program should be moved from the department of health to the department of ecology, improving coordination between the departments, identifying sufficient funding to effectively implement the program, including creation of a grant or loan program to assist municipal water systems in program implementation, or other ideas on municipal water use conservation and efficiency strategies.

(a) The center shall invite participation from federally recognized Indian tribes, municipal water systems and organizations, and relevant stakeholders in this evaluation.

(b) The center shall submit a report to the governor and the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2025, on work conducted within this subsection and must include:

(i) Recommendation for a long-term strategy for program implementation; and

(ii) Estimated costs of ongoing expenses for program implementation, including any costs associated with changes in

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

regulatory oversight of program elements or implementation.

(48)(a) \$135,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for a study to investigate housing market conditions in tourism-dependent municipalities. The study must:

(i) Examine state and local government policies nationwide that address and support affordable and workforce housing projects and programs in tourism-dependent communities;

(ii) Examine how the increase in area median incomes correlates with the rise in housing costs statewide and whether the allocation of state housing program funds has been equitable and proportional throughout all regions in the state, placing specific emphasis on understanding the disparity between urban and rural counties;

(iii) Examine state policies and regulations that have influenced the cost of housing with a specific emphasis on rural counties;

(iv) Identify various strategies deployed to enhance the flexibility of local government revenue; and

(v) Identify outcomes of strategies deployed to enhance revenue streams to support workforce housing initiatives.

(b) The study must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by December 31, 2024.

(49) Appropriations in this section are sufficient to implement the collective bargaining agreement between Washington State University and academic employees negotiated under chapter 41.56 RCW and as set forth in part VII of this act.

(50) \$232,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2112 (higher ed. opioid prevention). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(51) \$1,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of House Bill No. 2302 (pesticide application comm.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(52) \$100,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1391 (energy in buildings). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 604.** 2023 c 475 s 608 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General	Fund—State	Appropriation	(FY 2024)
			<del>(\$65,367,000)</del>
			\$65,677,000
General	Fund—State	Appropriation	(FY 2025)
			<del>(\$67,576,000)</del>
			\$68,284,000
Education	Legacy Trust	Account—State	Appropriation
			\$16,838,000
Workforce	Education	Investment	Account—State
Appropriation			<del>(\$24,730,000)</del>
			\$24,366,000
TOTAL APPROPRIATION			<del>(\$174,511,000)</del>
			\$175,165,000

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

(1) At least \$350,000 of the general fund—state appropriation for fiscal year 2024 and at least \$350,000 of the general fund—state appropriation for fiscal year 2025 must be expended on the Northwest autism center.

(2) The university must continue work with the education

research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~(\$12,586,000)~~ \$12,720,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$12,862,000)~~ \$13,038,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(5) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(6) \$2,274,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(7) \$2,636,000 of the workforce education investment account—state appropriation is provided solely to maintain a computer engineering degree program in the college of science, technology, engineering, and math.

(8) \$45,000 of the general fund—state appropriation for fiscal year 2024 and \$45,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(9) \$300,000 of the workforce education investment account—state appropriation is provided solely to establish a center for inclusive excellence for faculty and staff.

(10) \$536,000 of the workforce education investment account—state appropriation is provided solely for a professional masters of science cyber operations degree option.

(11) \$2,144,000 of the workforce education investment account—state appropriation is provided solely for the operation of a bachelor of science in cybersecurity degree option through the computer science program.

(12) \$2,108,000 of the workforce education investment account—state appropriation is provided solely for the operation of a coordinated care network that will help to maximize the collaboration of various student support services to create wraparound care for students to address obstacles to degree completion. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(13) \$532,000 of the general fund—state appropriation for fiscal year 2024 and \$940,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(14) \$4,598,000 of the workforce education investment account—state appropriation is provided solely to expand faculty and staff to create a cohort of 80 students in the bachelor of nursing program.

(15) \$476,000 of the workforce education investment account—state appropriation is provided solely for the continued implementation of RCW 49.60.525 (racial restrictions/review).

(16) \$110,000 of the general fund—state appropriation for

fiscal year 2024 and \$110,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a summer bridge program.

(17) (~~(\$500,000)~~) \$1,012,000 of the workforce education investment account—state appropriation is provided solely for the establishment of a university mathematics, engineering, and science achievement program.

(18) \$200,000 of the workforce education investment account—state appropriation is provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(19) (~~(\$118,000)~~) \$138,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). (~~If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~)

(20) \$25,000 of the general fund—state appropriation for fiscal year 2024 and \$10,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). (~~If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~)

(21) (~~(\$5,000,000)~~) \$3,977,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5048 (college in high school fees). (~~If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.~~)

(22) \$18,000 of the general fund—state appropriation for fiscal year 2024 and \$18,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5238 (academic employee bargaining). (~~If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.~~)

(23) \$127,000 of the workforce education investment account—state appropriation is provided solely for the institution to develop the postbaccalaureate dental therapy certificate in the college of health science and public health.

(24) \$144,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for emergency response and resources for critical incidents.

(25) \$95,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2112 (higher ed. opioid prevention). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 605.** 2023 c 475 s 609 (uncodified) is amended to read as follows:

<b>FOR CENTRAL WASHINGTON UNIVERSITY</b>			
General Fund—State	Appropriation	(FY 2024)	<del>(\$68,760,000)</del>
			<u>\$68,916,000</u>
General Fund—State	Appropriation	(FY 2025)	<del>(\$71,733,000)</del>
			<u>\$72,107,000</u>
Central Washington University Capital Projects Account—	State Appropriation		\$76,000
Education Legacy Trust Account—State	Appropriation		\$19,076,000
Workforce Education Investment Account—State	Appropriation		<del>(\$16,537,900)</del>
			<u>\$14,605,000</u>
<b>TOTAL APPROPRIATION</b>			<del>(\$176,182,000)</del>
			<u>\$174,780,000</u>

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

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) (~~(\$14,186,000)~~) \$14,337,000 of the general fund—state appropriation for fiscal year 2024 and (~~(\$14,498,000)~~) \$14,696,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(5) \$2,236,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(6) \$1,050,000 of the workforce education investment account—state appropriation is provided solely to increase the number of certified K-12 teachers.

(7) \$736,000 of the workforce education investment account—state appropriation is provided solely to maintain mental health counseling positions.

(8) \$240,000 of the general fund—state appropriation for fiscal year 2024 and \$240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for two counselor positions to increase access to mental health counseling for traditionally underrepresented students.

(9) \$52,000 of the general fund—state appropriation for fiscal year 2024 and \$52,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health outreach and service coordination position who has knowledge of issues relevant to veterans.

(10) \$240,000 of the workforce education investment account—state appropriation is provided solely for expanding cybersecurity capacity by adding additional faculty resources in the department of computer science.

(11) \$586,000 of the workforce education investment account—state appropriation is provided solely for a peer mentoring program. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(12) \$286,000 of the workforce education investment account—state appropriation is provided solely for the operation of an extended orientation program to help promote retention of underserved students. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(13) \$12,000 of the general fund—state appropriation for fiscal year 2024 and \$12,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the cost of the criminal justice training center's use of office and classroom space at the Lynnwood campus.

(14) \$592,000 of the general fund—state appropriation for fiscal year 2024 and \$1,091,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(15) \$1,406,000 of the workforce education investment

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

account—state appropriation is provided solely for student success. Students will receive discipline specific tutoring programs, peer assisted learning sessions, and academic success coaching.

(16) \$967,000 of the workforce education investment account—state appropriation is provided solely for grow your own teacher residency programs in high need areas of elementary, bilingual, special education, and English language learners.

(17) \$844,000 of the workforce education investment account—state appropriation is provided solely for dual language expansion programs in Yakima and Des Moines.

(18) ~~(\$126,000)~~ \$147,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(19) \$25,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(20) \$57,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1390 (district energy systems). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(21) ~~(\$8,060,000)~~ \$5,709,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 5048 (college in high school fees). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(22) \$18,000 of the general fund—state appropriation for fiscal year 2024 and \$18,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5238 (academic employee bargaining). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(23) \$398,000 of the workforce education investment account—state appropriation is provided solely for student basic needs. This funding will support two financial aid coaching specialists, support a coordinator for the food pantry, support a director and advocate to assist students who have experienced sexual violence, and help with prevention initiatives.

(24) Appropriations in this section are sufficient to implement the collective bargaining agreement between Central Washington University and the campus police officers and sergeants negotiated under chapter 41.80 RCW and as set forth in part VII of this act.

(25) \$22,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2112 (higher ed. opioid prevention). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 606.** 2023 c 475 s 610 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2024)  
~~(\$39,088,000)~~  
\$38,787,000

General Fund—State Appropriation (FY 2025)  
~~(\$38,499,000)~~  
\$39,498,000

The Evergreen State College Capital Projects Account—State Appropriation \$80,000

Education Legacy Trust Account—State Appropriation

				\$5,450,000
Workforce	Education	Investment	Account—State	
Appropriation				<del>(\$5,554,000)</del>
				<u>\$5,572,000</u>
<b>TOTAL APPROPRIATION</b>				<del>(\$88,671,000)</del>
				<u>\$89,387,000</u>

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

(1) ~~(\$4,315,000)~~ \$4,361,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$4,410,000)~~ \$4,470,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(2) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(3) Within amounts appropriated in this section, the college is encouraged to increase the number of tenure-track positions created and hired.

(4) ~~(\$4,063,000)~~ \$3,715,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$2,732,000)~~ \$3,476,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state institute for public policy to initiate, sponsor, conduct, and publish research that is directly useful to policymakers and manage reviews and evaluations of technical and scientific topics as they relate to major long-term issues facing the state. Within the amounts provided in this subsection (4):

(a) \$1,665,000 of the amounts in fiscal year 2024 and \$1,685,000 of the amounts in fiscal year 2025 are provided for administration and core operations.

(b) ~~(\$1,229,000)~~ \$1,069,000 of the amounts in fiscal year 2024 and ~~(\$529,000)~~ \$709,000 of the amounts in fiscal year 2025 are provided solely for ongoing and continuing studies on the Washington state institute for public policy's work plan.

(c) ~~(\$202,000)~~ \$142,000 of the amounts in fiscal year 2024 and ~~(\$80,000)~~ \$140,000 of the amounts in fiscal year 2025 are provided solely for the Washington state institute for public policy to update its adult corrections inventory of evidence-based, research-based, and promising programs and expand the inventory to include new programs that were not included in the last published Washington state institute for public policy inventory in 2018. This update must focus on programs for incarcerated individuals in prison facilities to include family and relationships programs, learning and working programs, and therapeutic and support programs. The institute should prioritize the addition of programs currently offered by the Washington state department of corrections. Of this amount:

(i) No later than ~~((December 31, 2023))~~ June 30, 2024, the institute shall publish a preliminary report identifying the list of programs currently offered in Washington state department of corrections prison facilities and the list of new programs to be analyzed for inclusion on the updated adult corrections inventory. The preliminary report must include an indication of whether the Washington state department of corrections programs have ever been evaluated for their effect on recidivism; and

(ii) No later than ~~((December 31, 2024))~~ June 30, 2025, the institute shall publish a final report with the updated adult corrections inventory classifying programs as evidence-based, research-based, or promising programs. The report shall include a list of programs currently offered in Washington state department of corrections prison facilities and a determination of their likely effectiveness in reducing recidivism based on the results of the adult corrections inventory.

(d)(i) \$154,000 of the amount for fiscal year ~~((2024))~~ 2025 is

provided solely for the institute to examine the costs associated with conservation district elections under current law, and the projected costs and benefits for shifting conservation district election to be held on general election ballots under Title 29A RCW. The examination must include, to the extent that the data allows:

(A) An analysis of the amount of money that each conservation district spends on holding elections for supervisors under current law, and a description of the funding sources that each conservation district utilizes to fund its elections;

(B) Information about voter turnout in each conservation district supervisor election in at least the past six years and up to the past 20 years, if the conservation district has such data, as well as a calculation of the total cost per ballot cast that each conservation district spent in those elections;

(C) A projection of the costs that would be expected to be incurred by each county and each conservation district for its supervisor elections if the district were to hold its supervisor elections on general election ballots under the processes and procedures in Title 29A RCW, including:

(I) Switching all supervisor positions to elected positions; and

(II) Changing term lengths to four years, with terms staggered such that elections are held every two years, to align with the elections for other local government officials;

(D) A projection of the costs that would be expected to be incurred by each county and each conservation district for its supervisor elections if, in addition to the changes described in (d)(i)(C) of this subsection, the conservation districts were divided into zones such that each zone is represented by a single supervisor, rather than electing each supervisor at-large throughout the district; and

(E) An overall description of potential nonmonetary costs and benefits associated with switching conservation district supervisor elections to the general election ballots under Title 29A RCW and incorporating the changes described in (d)(i)(C) and (D) of this subsection.

(ii) A preliminary report which contains any available information to date must be completed by December 1, ~~((2023))~~ 2024. A final report must be completed by June 30, ~~((2024))~~ 2025, and submitted in accordance with RCW 43.01.036 to the standing committees of the house of representatives and the senate with jurisdiction over elections and conservation district issues.

(e) \$100,000 of the amounts for fiscal year 2024 and \$100,000 of the amounts for fiscal year 2025 are provided solely for the institute to conduct a review of all assessments and charges imposed on individuals incarcerated in department of corrections facilities and their family members and its effect on the financial status of incarcerated individuals. The review must include, at a minimum:

(i) An evaluation of all costs incurred by incarcerated individuals for items that include but are not limited to:

(A) Food;

(B) Commissary items;

(C) Personal hygiene items;

(D) Electronic devices and services, tablets, digital stamps, and downloadable media and services such as music, movies, and other programs;

(E) Stationary, mail, and postage;

(F) Communication devices such as telephones, local and nonlocal telephone services, and video chat services;

(G) Clothing and shoes;

(H) Copayments for medical, dental, and optometry visits, care, and medication;

(I) Eyeglasses;

(J) Gym, television services, and any other recreational activities;

(K) Educational and vocational classes, programming, and related materials; and

(L) Any and all items and services charged to incarcerated persons under RCW 72.09.450 and 72.09.470 including, but not limited to, a complete list of any other item that an individual was or could have been charged for while incarcerated;

(ii) A complete itemized list of: (A) All items in (e)(i) of this subsection; (B) the cost of each item and service purchased by the department or negotiated with a vendor in (e)(i) of this subsection; (C) the resale or purchased price charged to incarcerated individuals and their family members for the same items in (e)(i) of this subsection; (D) the revenue or profit retained or reinvested by the department for each individual item in (e)(i) of this subsection; (E) the cost of items and services listed in (e)(i) of this subsection compared to comparable items and services that are not provided through correctional industries; and (F) an assessment of the prices charged for the items and services listed in (e)(i) of this subsection as compared to comparable items and services provided by other companies and vendors that do not service prisons;

(iii) A complete list of all items including, but not limited to, clothing and personal hygiene items, that are distributed monthly free of charge: (A) To all incarcerated individuals irrespective of their financial status; and (B) solely to indigent inmates as defined in RCW 72.09.015 provided the individual remains in indigent status during his or her period of incarceration;

(iv) The average annual debt incurred by an individual while incarcerated. This includes debt solely recorded and posted by the department for debt incurred between the individual's first day of confinement within the department of corrections through the individual's day of release from incarceration from prison;

(v) The average debt owed by incarcerated individuals to the department for items and services under (e)(i) of this subsection upon release from confinement;

(vi) The average amount paid by incarcerated individuals to the department for items and services under (e)(i) of this subsection during their period of confinement;

(vii) A list of the: (A) Required deductions from wages and gratuities earned pursuant to RCW 72.09.100 through 72.09.111; (B) required deductions from the funds received, by the department on behalf of an incarcerated person from outside sources, in addition to an incarcerated individual's wages or gratuities pursuant to RCW 72.09.480; and (C) wages and gratuities earned by an incarcerated individual and any funds received, by the department on behalf of an incarcerated person, from outside sources for specific items listed in (e)(i) of this subsection that are exempt from statutory deductions;

(viii) The average amount of funds remaining in an incarcerated individual's savings account at the time of his or her release from confinement; and

(ix) A review and evaluation of the fines, fees, and commission generated from any of the items and services listed in (e)(i) of this subsection that are used in the department's budget.

The institute must provide a final report to the governor and the appropriate committees of the legislature by June 30, 2025.

(f)(i) ~~((\$50,000))~~ \$76,000 of the amount for fiscal year 2024 ~~((\$128,000))~~ and \$128,000 of the amount for fiscal year 2025 are provided solely for the institute to study the contracting practices for goods and services, and manufactured products, made or offered by correctional industries to state agencies and various political subdivisions within the state. A cost benefit analysis must be included in the report which must:

(A) Determine the costs of all contracts utilizing the labor of incarcerated individuals providing services or the manufacture of goods for state entities and other political subdivisions;

(B) Compare the cost savings to the state of Washington that is



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

projected when those goods and services are procured from or produced by corrections industries and not private businesses engaged in a competitive bidding process with the state and its various political subdivisions;

(C) Provide a detailed break out of total number of labor positions that are offered to incarcerated individuals, ranked from least skilled to most skilled and the rate per hour of the gratuities the individuals are given monthly for this labor, including the amount if the gratuity given to incarcerated individuals was the federal or state mandated minimum wage;

(D) Provide a detailed listing of all commissary items purchased by and offered for sale to individuals incarcerated within the facilities operated by the department of corrections. This listing of individual items must also include the wholesale price from outside vendors that correction industries pays for each line item offered to incarcerated individuals, and the price charged to the incarcerated individual for those items; and

(E) Provide a comprehensive list of all positions offered by corrections industries that provide substantive training and labor ready skills for individuals to assume positions in the workforce outside of incarceration; and to the extent the data allows, provide the number of individuals who have positions upon release that were obtained with skills obtained through work at correctional industries.

(ii) The institute must submit a report to the appropriate committees of the legislature by June 30, 2025, in compliance with RCW 43.01.036.

(g)(i) \$260,000 of the amounts in fiscal year 2024 and \$98,000 of the amounts in fiscal year 2025 are provided solely for the Washington state institute for public policy to conduct a study of the Washington jail system and county juvenile justice facilities.

(ii) The institute's report shall include, to the extent possible, consideration of the following:

(A) A longitudinal study of how the county jail and county juvenile detention populations have changed over the last 12 years including, but not limited to, an analysis of demographics, physical and behavioral health issues, number of inmates, and types of convictions;

(B) An analysis of county jail and county juvenile detention facility survey data provided by the Washington state association of counties as described in (g)(v) of this subsection; and

(C) Examination of the availability of criminal justice training commission classes for corrections officers.

(iii) The health care authority, department of social and health services, administrative office of the courts, criminal justice training commission, state auditor's office, office of financial management, and Washington state patrol must provide the institute with access to data or other resources if necessary to complete this work.

(iv) The institute shall submit the report to the appropriate committees of the legislature and the governor by December 1, 2024.

(v) As part of the study, the institute shall contract with the Washington state association of counties to conduct a survey of jail and juvenile detention facilities in Washington state. The survey shall include, but not be limited to, the following:

- (A) Age of the facilities;
- (B) Age of systems within the facilities;
- (C) Cost of remodeling facilities;
- (D) Cost of building new facilities;
- (E) General maintenance costs of the facilities;
- (F) Operational costs of the facilities;
- (G) Workforce, to include, but not be limited to, employee vacancies as a percentage of total employees;
- (H) Services, supports, and programming, to include, but not

- be limited to:
  - (I) Costs of housing those with behavioral health needs;
  - (II) Number of individuals with behavioral health needs;
  - (III) Cost of competency restoration;
  - (IV) Physical health services and related costs;
  - (V) Number of individuals booked and housed on behalf of state agencies;
  - (VI) Percent of individuals waiting for a state hospital;
  - (VII) Available nonincarcerative alternatives and diversion programs; and
  - (VIII) Available release and reentry services;
- (I) Funding sources, to include, but not be limited to:
  - (I) County tax structure and revenue raising ability; and
  - (II) Jail and juvenile detention facility funding sources.
- (vi) The Washington state association of counties shall consult with the Washington state institute for public policy during the design and distribution of the survey. Responses to the survey shall be compiled and provided to the Washington state institute for public policy by December 31, 2023.

(h)(i) \$240,000 of the amounts in fiscal year 2024 and \$240,000 of the amounts in fiscal year 2025 are provided solely for the Washington state institute for public policy, in consultation with the Washington traumatic brain injury strategic partnership advisory council, to study the potential need for developing specialized long-term services and supports for adults with traumatic brain injuries.

(ii) At a minimum, the study must include an examination of:

- (A) The demographics of adults with traumatic brain injuries in the state who are anticipated to be in need of long-term services and supports, including an examination of those who are likely to be eligible for medicaid long-term services and supports;
- (B) The industry standards of providing long-term care services and supports to individuals with traumatic brain injuries; and
- (C) The methods other states are utilizing to provide long-term services and supports to individuals with traumatic brain injuries, including identifying the rates paid for these services and a description of any specialized facilities established to deliver these services.

(iii) A report of the findings of this study and any recommendations for increasing access to appropriate long-term services and supports for individuals with traumatic brain injuries shall be submitted to the governor and the appropriate committees of the legislature no later than June 30, 2025.

(i) \$163,000 of the amounts in fiscal year 2024 are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5236 (hospital staffing standards). ~~(If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.)~~

(j) \$222,000 of the amounts in fiscal year 2025 are provided solely for implementation of chapter 29, Laws of 2022 (2SHB 1818).

(k) Notwithstanding other provisions in this subsection, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2023-25 work plan as necessary to efficiently manage workload.

(5) \$213,000 of the general fund—state appropriation for fiscal year 2024 and \$213,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for additional faculty to support Native American and indigenous programs.

(6) \$85,000 of the general fund—state appropriation for fiscal year 2024 and \$85,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to the native pathways program for an assistant director.

(7) \$110,000 of the general fund—state appropriation for fiscal year 2024 and \$110,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a tribal liaison position.

(8) \$39,000 of the general fund—state appropriation for fiscal year 2024 and \$39,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(9) \$137,000 of the general fund—state appropriation for fiscal year 2024 and \$137,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for student mental health and wellness. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for the program.

(10) \$196,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for additional laboratory, art, and media lab sections.

(11) \$600,000 of the general fund—state appropriation for fiscal year 2024 and \$600,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to develop and expand current corrections education programs offered in department of corrections facilities. The college shall appoint a project implementation team, collaborate with stakeholders to plan student success programs and curriculum which lead to transferable credit, associate and bachelor's degrees, and other workforce credentials, and train faculty and staff on working with incarcerated populations.

(12) \$2,636,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(13) \$670,000 of the workforce education investment account—state appropriation is provided solely to maintain enrollment capacity in psychology programs.

(14) \$600,000 of the workforce education investment account—state appropriation is provided solely to increase student success by maintaining support for a student precollege immersion program and the Evergreen first-year experience.

(15) \$988,000 of the workforce education investment account—state appropriation is provided solely for student enrollment and retention support. Funding is provided for hiring a student advisor and underserved student specialist to provide student support and administrative support for the native pathways program.

(16) \$554,000 of the workforce education investment account—state appropriation is provided solely for the expansion of corrections education offerings to currently incarcerated students and the expansion of reentry services.

(17) ~~(\$106,000)~~ \$124,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(18) \$26,000 of the general fund—state appropriation for fiscal year 2024 and \$26,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Substitute Senate Bill No. 5238 (academic employee bargaining). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(19) \$6,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). ~~((If~~

~~the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(20) \$97,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2112 (higher ed. opioid prevention). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 607.** 2023 c 475 s 611 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State	Appropriation	(FY 2024)	
			<del>(\$98,802,000)</del>
			<u>\$99,084,000</u>
General Fund—State	Appropriation	(FY 2025)	
			<del>(\$103,707,000)</del>
			<u>\$104,458,000</u>
Western Washington University Capital Projects Account—State Appropriation			\$1,424,000
Education Legacy Trust Account—State Appropriation			\$13,831,000
Workforce Education Investment	Account—State	Appropriation	<del>(\$21,399,000)</del>
			<u>\$22,248,000</u>
<b>TOTAL APPROPRIATION</b>			<del>(\$239,163,000)</del>
			<u>\$241,045,000</u>

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

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) ~~(\$19,580,000)~~ \$19,789,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$20,010,000)~~ \$20,283,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the implementation of the college affordability program as set forth in RCW 28B.15.066.

(4) \$700,000 of the general fund—state appropriation for fiscal year 2024 and \$700,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creation and implementation of an early childhood education degree program at the western on the peninsulas campus. The university must collaborate with Olympic college. At full implementation, the university is expected to grant approximately 75 bachelor's degrees in early childhood education per year at the western on the peninsulas campus.

(5) \$1,306,000 of the general fund—state appropriation for fiscal year 2024 and \$1,306,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university to develop a new program in marine, coastal, and watershed sciences.

(6) \$886,000 of the general fund—state appropriation for fiscal year 2024 and \$886,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the university to reduce tuition rates for four-year degree programs offered in partnership with Olympic college—Bremerton, Olympic college—Poulsbo, and Peninsula college—Port Angeles that are currently above state-funded resident undergraduate tuition rates.

(7) \$150,000 of the general fund—state appropriation for fiscal

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to recruit and retain high quality and diverse graduate students.

(8) \$548,000 of the general fund—state appropriation for fiscal year 2024 and \$548,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for critical support services to ensure traditionally underrepresented students receive the same opportunities for academic success as their peers.

(9) \$48,000 of the general fund—state appropriation for fiscal year 2024 and \$48,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for one full-time mental health counselor licensed under chapter 18.225 RCW who has experience and training specifically related to working with active members of the military or military veterans.

(10) \$530,000 of the general fund—state appropriation for fiscal year 2024 and \$530,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the operation of two bilingual educator programs in the south King county region, including a bilingual elementary education degree program and a secondary education degree program. At full implementation, each cohort shall support up to 25 students per year.

(11) \$361,000 of the general fund—state appropriation for fiscal year 2024 and \$361,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a master of science program in nursing.

(12) \$433,000 of the general fund—state appropriation for fiscal year 2024 and \$433,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the registered nurse to bachelors in nursing program.

(13) Within amounts appropriated in this section, the university is encouraged to increase the number of tenure-track positions created and hired.

(14) \$2,256,000 of the workforce education investment account—state appropriation is provided solely for institution operating costs, including compensation and central services, in recognition that these costs exceed estimated increases in undergraduate operating fee revenue as a result of RCW 28B.15.067.

(15) \$3,426,000 of the workforce education investment account—state appropriation is provided solely to maintain access to science, technology, engineering, and mathematics degrees.

(16) \$908,000 of the workforce education investment account—state appropriation is provided solely to establish an academic curriculum in ethnic studies.

(17) \$400,000 of the workforce education investment account—state appropriation is provided solely for upgrading cyber range equipment and software.

(18) \$2,520,000 of the workforce education investment account—state appropriation is provided solely for student support services that include resources for outreach and financial aid support, retention initiatives including targeted support for underserved student populations, mental health support, and initiatives aimed at addressing learning disruption due to the global pandemic. The amount provided in this subsection must be used to supplement, not supplant, other funding sources for student support services.

(19) \$200,000 of the workforce education investment account—state appropriation is provided solely for planning student studios to assist cities and counties with planning projects. Assistance shall focus on students and supporting faculty to facilitate on-site learning with cities and counties.

(20) \$500,000 of the workforce education investment account—state appropriation is provided solely for the student

civic leaders initiative.

(21) \$1,610,000 of the general fund—state appropriation for fiscal year 2024 and \$2,875,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for compensation support.

(22) \$3,186,000 of the workforce education investment account—state appropriation is provided solely for the western on the peninsulas expansion. This includes new two plus two degrees programs such as industrial engineering, data science, and sociology.

(23) \$1,577,000 of the workforce education investment account—state appropriation is provided solely for expanded remedial math and additional English 101 courses, as well first year seminars, and disability accommodation counselors. Of the amounts provided in this subsection for first year seminars, \$125,000 of the general fund—state appropriation for fiscal year 2024 and \$125,000 of the general fund—state appropriation for fiscal year 2025 are provided for the university to develop a student orientation program for students receiving the Washington college grant, focusing on first-generation and traditionally underrepresented students. The program may include evidence-based student success metrics, peer support, and mentorship following orientation. The program proposal must be submitted to the legislature by December 1, 2023 for implementation in the 2024-2025 academic year.

(24) \$100,000 of the workforce education investment account—state appropriation is provided solely for mental health first aid training for faculty.

(25) \$150,000 of the workforce education investment account—state appropriation is provided solely for the small business development center to increase technical assistance to black, indigenous, and other people of color small business owners in Whatcom county.

(26) \$694,000 of the workforce education investment account—state appropriation is provided to establish a master of social work program at western on the peninsulas.

(27) \$2,478,000 of the workforce education investment account—state appropriation is provided solely for expansion of bilingual educators education.

(28) \$1,000,000 of the workforce education investment account—state appropriation is provided for additional student support and outreach at western on the peninsulas.

(29) \$580,000 of the workforce education investment account—state appropriation is provided solely to convert the human services program at western on the peninsulas from self-sustaining to state-supported to reduce tuition rates for students in the program.

(30) ~~(\$118,000)~~ \$138,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(31) \$23,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Second Substitute House Bill No. 1028 (crime victims and witnesses). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(32) \$10,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for implementation of Substitute Senate Bill No. 5238 (academic employee bargaining). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(33) \$1,306,000 of the workforce education investment account—state appropriation is provided solely to establish and administer a teacher residency program focused on special

education instruction beginning in the 2024-25 school year. Amounts provided in this subsection are sufficient to support one cohort of 17 residents per school year, and must be prioritized to communities that are anticipated to be most positively impacted by teacher residents who fill teacher vacancies upon completing the teacher residency program and who remain in the communities in which they are mentored. The teacher residency program must meet the following requirements:

(a) Residents receive compensation equivalent to first year paraeducators, as defined in RCW 28A.413.010;

(b) Each resident is assigned a preservice mentor;

(c) Preservice mentors receive a stipend of \$2,500 per year;

(d) Residents receive at least 900 hours of preservice clinical practice over the course of the school year;

(e) At least half of the residency hours specified in (d) of this subsection are in a coteaching setting with the resident's preservice mentor and the other half of the residency hours are in a coteaching setting with another teacher;

(f) Residents may not be assigned the lead or primary responsibility for student learning;

(g) Coursework taught during the residency is codesigned by the teacher preparation program and the school district, state-tribal education compact school, or consortium, tightly integrated with residents' preservice clinical practice, and focused on developing culturally responsive teachers; and

(h) The program must prepare residents to meet or exceed the knowledge, skills, performance, and competency standards described in RCW 28A.410.270(1).

(34) \$429,000 of the workforce education investment account—state appropriation is provided solely to continue the expansion of the undergraduate electrical and computer engineering program.

(35) \$400,000 of the workforce education investment account—state appropriation is provided solely for academic access and outreach.

(36) \$100,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the institute for the study of the Holocaust, genocide, and crimes against humanity to collaborate with the office of the superintendent of public instruction, pursuant to section 2(2) of Engrossed Substitute House Bill No. 2037 (Holocaust and genocide edu.). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(37) \$122,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Second Substitute House Bill No. 2112 (higher ed. opioid prevention). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 608.** 2023 c 475 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—  
POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2024)	<del>(\$9,850,000)</del>
	<u>\$9,895,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$9,416,000)</del>
	<u>\$9,890,000</u>
General Fund—Federal Appropriation	<del>(\$20,996,000)</del>
	<u>\$20,999,000</u>
Washington Student Loan Account—State Appropriation	\$90,000,000
Workforce Education Investment Account—State Appropriation	<del>(\$16,311,000)</del>
	<u>\$16,561,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$146,573,000)</del>
	<u>\$147,345,000</u>

The appropriations in this section are subject to the following

conditions and limitations:

(1) \$126,000 of the general fund—state appropriation for fiscal year 2024 and \$126,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the consumer protection unit.

(2) The student achievement council must ensure that all institutions of higher education as defined in RCW 28B.92.030 and eligible for state financial aid programs under chapters 28B.92 and 28B.118 RCW provide the data needed to analyze and evaluate the effectiveness of state financial aid programs. This data must be promptly transmitted to the education data center so that it is available and easily accessible.

(3) Community-based organizations that receive state funding under subsection (11) of this section and section 605(35) of this act are not eligible for Washington career and college pathways innovation challenge program grant funding for the same purpose.

(4) \$575,000 of the general fund—state appropriation for fiscal year 2024 and \$575,000 of the general fund—state appropriation for fiscal year 2025 are provided to increase the number of high school seniors and college bound scholars that complete the free application for federal student aid and the Washington application for state financial aid through digital engagement tools, expanded training, and increased events for high school students.

(5) \$850,000 of the general fund—state appropriation for fiscal year 2024 and \$850,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for administrative support services to carry out duties and responsibilities necessary for recipients of the Washington college grant who are enrolled in a state registered apprenticeship program.

(6)(a) \$80,000 of the general fund—state appropriation for fiscal year 2024 is provided solely for a pilot program to help students, including those enrolled in state registered apprenticeship programs, connect with health care coverage. The student achievement council, in cooperation with the council of presidents, must provide resources for up to two four-year colleges or universities, one on the east side and one on the west side of the Cascade mountains, to hire or train an employee to:

(i) Provide information to students and college and university staff about available health insurance options;

(ii) Develop culturally relevant materials and conduct outreach for historically marginalized and underserved student populations to assist these populations in their knowledge of access to low cost or free health insurance plans;

(iii) Provide ongoing technical assistance to students about health insurance options or the health insurance application process; and

(iv) Provide technical assistance to students as a health benefit exchange certified assister, to help students understand, shop, apply, and enroll in health insurance through Washington health planfinder.

(b) Participation in the exchange assister program is contingent on fulfilling applicable contracting, security, and other program requirements.

(c) The council, in collaboration with the council of presidents and the health benefit exchange, must submit a report by June 30, 2024, to the appropriate committees of the legislature, pursuant to RCW 43.01.036, on information about barriers students, including those enrolled in state registered apprenticeship programs, encountered accessing health insurance coverage; and to provide recommendations on how to improve student and staff access to health coverage based on data gathered from the pilot program.

(7) \$1,208,000 of the general fund—state appropriation for fiscal year 2024 and \$1,208,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

Washington award for vocational excellence. Of the amount provided in this subsection, \$70,000 of the general fund—state appropriation for fiscal year 2024 and \$70,000 of the general fund—state appropriation for fiscal year 2025 may be used for administration and that is the maximum amount that may be expended for this purpose.

(8) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the career launch grant pool for the public four-year institutions.

(9) \$179,000 of the general fund—state appropriation for fiscal year 2024 and \$179,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the complete Washington program.

(10) \$10,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the council to submit a progress report on the new or expanded cybersecurity and nursing academic programs that receive funding in sections 605 through 611 of this act, including the number of students enrolled. The council must coordinate with the institutions of higher education and the state board for community and technical colleges as provided in sections 603(3), 605(31), and 605(37) of this act. The progress report must be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by December 1, 2024.

(11) \$5,778,000 of the workforce education investment account—state appropriation is provided solely for the Washington student achievement council to contract with a statewide nonprofit organization located in King county to expand college services to support underserved students and improve college retention and completion rates.

(12) \$46,000 of the general fund—state appropriation for fiscal year 2024 and \$46,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the state of Washington's annual dues to the education commission of the state.

(13) \$150,000 of the workforce education investment account—state appropriation is provided solely for an implementation review of the passport to careers program. The review must include short and long-term recommendations to improve the reach and effectiveness of the passport program. The review must include consultation with organizations serving foster youth, the state board of community and technical colleges, public four-year institutions, and other organizations involved in the passport to college and passport to apprenticeship programs. Amounts provided in this subsection may be used to provide stipends for youth participating in the review who are receiving funds from passport programs or are eligible to receive funds from passport programs. The review must be submitted to the appropriate committees of the legislature by June 30, 2024.

(14) \$1,485,000 of the workforce education investment account—state appropriation and \$90,000,000 of the Washington student loan account—state appropriation are provided solely for implementation of Engrossed House Bill No. 1823 (WA student loan program). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(15) \$16,000,000 of the general fund—federal appropriation is provided solely for the good jobs challenge grant expenditure authority.

(16) \$200,000 of the general fund—state appropriation for fiscal year 2024 ~~((is))~~ and \$230,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for contraception vending machines for students and staff stocked with emergency contraceptive medication and other forms of contraception, including condoms, and naloxone opioid overdose reversal medication administered by nasal inhalation and fentanyl

test strips at discreet and geographically accessible locations, such as gender-neutral restrooms and student union buildings, and locations that are accessible on weekends and after 5:00 p.m. The council must distribute \$10,000 to each public four-year institution and community and technical college who apply on a first-come, first-served basis in fiscal year 2024 and prioritize new applications in fiscal year 2025. An additional \$10,000 may be provided to institutions with more than 20,000 full-time equivalent students. The institutions who receive funding shall enter into agreements with the department of health to receive naloxone and fentanyl test strips to stock the vending machines and provide cost-free access to naloxone and fentanyl test strips to students. A report on which institutions received funding shall be submitted to the legislature, pursuant to RCW 43.01.036, by June 30, 2025.

(17) \$1,150,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1559 (postsecondary student needs). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(18) \$200,000 of the workforce education investment account—state appropriation is provided solely for the council to provide grants to law schools in the state who offer a law clinic focusing on crime victim support.

(19)(a) \$100,000 of the workforce education investment account—state appropriation is provided solely to contract with a nonprofit organization located in Tacoma that focuses on coordinated systems of support for postsecondary success to conduct a comprehensive study on the feasibility and potential impacts on postsecondary enrollment of a policy of universal free application for federal financial aid (FAFSA) completion. For purposes of this subsection, universal FAFSA completion means making completion of the financial aid form a requirement for high school graduation and requiring schools to support students through the process. The study will include, but is not limited to, the following:

(i) A landscape scan of existing state and local level universal FAFSA completion policies, both in Washington and nationally;

(ii) Input from key stakeholder groups, including students, parents, state agency staff, K-12 district staff and leadership, and student serving organizations; and

(iii) Recommendations for possible policy change at the state level.

(b) A report of findings and recommendations must be submitted to the appropriate committees of the legislature pursuant to RCW 43.01.036 by November 30, 2023.

(20) \$648,000 of the workforce education investment account—state appropriation is provided solely for distribution to four-year institutions of higher education participating in the students experiencing homelessness program without reduction by the Washington student achievement council, pursuant to Engrossed Substitute Senate Bill No. 5702 (student homelessness pilot). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(21) \$46,000 of the workforce education investment account—state appropriation is provided solely for the administration of the students experiencing homelessness program pursuant to Engrossed Substitute Senate Bill No. 5702 (student homelessness pilot). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(22) \$400,000 of the workforce education investment account—state appropriation is provided solely for implementation of Substitute Senate Bill No. 5687 (wrestling grant program). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(23) \$356,000 of the workforce education investment account—state appropriation is provided solely for the Washington student achievement council to staff the workforce education investment accountability and oversight board as provided in Engrossed Senate Bill No. 5534 (workforce investment board). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(24) \$191,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the agency to hire a full time equivalent position to help with increased contracting demand. This full time equivalent will help to deliver contracting expertise and compliance with contracting rules and procedures.

(25) \$250,000 of the workforce education investment account—state appropriation is provided solely for a study on establishment and implementation of a scholarship fund as described in RCW 28B.95.040. The study shall include strategy options for disbursement, summary of how tuition units would be allocated for scholarships, and coordination with existing college savings plans. The office shall seek written advice from the internal revenue service on the impact of the provisions in Substitute House Bill No. 2309 on the status of Washington's qualified tuition plan under 529 of the internal revenue code, including potential scalability of the program and its impact on any determination. The report shall include recommendations for implementing the scholarship and be submitted to the appropriate committees of the legislature, pursuant to RCW 43.01.036, by June 30, 2025.

**Sec. 609.** 2023 c 475 s 613 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—  
OFFICE OF STUDENT FINANCIAL ASSISTANCE**

General Fund—State	Appropriation	(FY 2024)	<del>(\$302,029,000)</del>
			<u>\$302,031,000</u>
General Fund—State	Appropriation	(FY 2025)	<del>(\$301,772,000)</del>
			<u>\$301,976,000</u>
General Fund—Federal	Appropriation		<del>(\$12,250,000)</del>
			<u>\$12,265,000</u>
General Fund—Private/Local	Appropriation		\$300,000
Education Legacy Trust Account—State	Appropriation		\$85,488,000
Washington Opportunity Pathways	Account—State		<del>(\$78,914,000)</del>
Appropriation			<u>\$76,603,000</u>
Aerospace Training Student Loan	Account—State		\$220,000
Appropriation			
Workforce Education Investment	Account—State		<del>(\$226,415,000)</del>
Appropriation			<u>\$323,176,000</u>
Health Professionals Loan Repayment and Scholarship Program Account—State	Appropriation		\$11,720,000
<b>TOTAL APPROPRIATION</b>			<del>(\$1,019,108,000)</del>
			<u>\$1,113,779,000</u>

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

(1) \$7,834,000 of the general fund—state appropriation for fiscal year 2024 and \$7,835,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for student financial aid payments under the state work study program, including up to four percent administrative allowance for the state work study program.

(2) \$276,416,000 of the general fund—state appropriation for fiscal year 2024, \$276,416,000 of the general fund—state appropriation for fiscal year 2025, ~~(\$169,036,000)~~ \$258,584,000 of the workforce education investment account—

state appropriation, \$69,639,000 of the education legacy trust fund—state appropriation, and \$67,654,000 of the Washington opportunity pathways account—state appropriation are provided solely for the Washington college grant program as provided in RCW 28B.92.200.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2023-2025 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) \$1,165,000 of the general fund—state appropriation for fiscal year 2024, \$1,165,000 of the general fund—state appropriation for fiscal year 2025, \$15,849,000 of the education legacy trust account—state appropriation, and ~~(\$11,260,000)~~ \$8,949,000 of the Washington opportunity pathways account—state appropriation are provided solely for the college bound scholarship program and may support scholarships for summer session. The office of student financial assistance and the institutions of higher education shall not consider awards made by the opportunity scholarship program to be state-funded for the purpose of determining the value of an award amount under RCW 28B.118.010.

(5) \$6,999,000 of the general fund—state appropriation for fiscal year 2024 ~~((and))~~, \$6,999,000 of the general fund—state appropriation for fiscal year 2025, and \$1,000,000 of the workforce education investment account—state appropriation are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The council shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2024 and 2025 for this purpose.

(6) \$55,254,000 of the workforce education investment account—state appropriation is provided solely for an annual bridge grant of \$500 to eligible students. A student is eligible for a grant if the student receives a maximum college grant award and does not receive the college bound scholarship program under chapter 28B.118 RCW. Bridge grant funding provides supplementary financial support to low-income students to cover higher education expenses.

(7) \$500,000 of the workforce education investment account—state appropriation is provided solely for the behavioral health apprenticeship stipend pilot program, with stipends of \$3,000 available to students. The pilot program is intended to provide a stipend to assist students in high-demand programs for costs associated with completing a program, including child care, housing, transportation, and food.

(8) ~~(\$1,000,000)~~ \$2,570,000 of the workforce education investment account—state appropriation is provided solely for the national guard grant program.

(9) \$1,000,000 of the workforce education investment account—state appropriation is provided solely for educator conditional scholarship and loan repayment programs established in chapter 28B.102 RCW. Dual language educators must receive priority.

(10) \$10,000,000 of the health professionals loan repayment and scholarship program account—state appropriation is provided solely to increase loans within the Washington health corps.

(11) \$1,156,000 of the workforce education investment account—state appropriation is provided solely for implementation of House Bill No. 1232 (college bound scholarship). ~~((If the bill is not enacted by June 30, 2023, the~~

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

~~amount provided in this subsection shall lapse.~~)

(12) \$239,000 of the workforce education investment account—state appropriation is provided solely for the Washington student achievement council to remove barriers to accessing state financial aid by informing people of their income-eligibility for the Washington college grant via the supplemental nutrition assistance program as provided in Second Substitute House Bill No. 2214 (college grant/public assist).

(13) \$500,000 of the workforce education investment account—state appropriation is provided solely for the Washington award for vocational excellence. This funding will support increasing the scholarship award for students.

(14) \$400,000 of the workforce education investment account—state appropriation is provided solely for a financial aid texting program.

(15) \$500,000 of the workforce education investment account—state appropriation is provided solely for the development and implementation of a mentoring scholarship. An eligible student means a student who participated in a mentoring program as a 12th grade student in Spokane, Garfield, or Columbia counties; filed a free application for federal student aid (FAFSA) or Washington application for state financial aid; and has family income up to 150 percent of the state median family income. An eligible student may receive a maximum award of \$5,000. The award may only be used at institutions of higher education in Spokane, Garfield, Whitman, or Columbia counties. An award that includes state funds must be matched on an equal dollar basis with private funds. A state match for private contributions made in fiscal year 2025 may not exceed \$500,000.

(16) \$200,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for implementation of Substitute House Bill No. 2025 (state work-study program). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(17) \$150,000 of the workforce education investment account—state appropriation is provided solely for implementation of House Bill No. 1946 (behav. health scholarship). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(18) \$100,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2441 (college in the HS fees). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

(19) \$1,200,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2019 (Native American apprentices). If the bill is not enacted by June 30, 2024, the amount provided in this subsection shall lapse.

**Sec. 610.** 2023 c 475 s 614 (uncodified) is amended to read as follows:

**FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2024)	<del>(\$4,845,000)</del>
	<u>\$4,847,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$4,311,000)</del>
	<u>\$4,317,000</u>
General Fund—Federal Appropriation	<del>(\$55,868,000)</del>
	<u>\$55,873,000</u>
General Fund—Private/Local Appropriation	\$212,000
Climate Commitment Account—State Appropriation	\$904,000
Coronavirus State Fiscal Recovery Fund—Federal Appropriation	\$250,000
Workforce Education Investment Account—State Appropriation	<del>(\$2,350,000)</del>

TOTAL APPROPRIATION	<u>\$3,425,000</u>
	<del>(\$68,740,000)</del>
	<u>\$69,828,000</u>

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

(1) \$240,000 of the general fund—state appropriation for fiscal year 2024 and \$240,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the health workforce council of the state workforce training and education coordinating board. In partnership with the office of the governor, the health workforce council shall continue to assess workforce shortages across behavioral health disciplines and incorporate the recommended action plan completed in 2020.

(2) \$250,000 of the coronavirus state fiscal recovery fund—federal appropriation is provided solely for an accredited osteopathic medical school to purchase necessary equipment to support the education and training of community-focused occupational therapists.

(3) \$564,000 of the general fund—state appropriation for fiscal year 2024 and \$573,000 of the general fund—state appropriation for fiscal year 2025 are provided solely to conduct health workforce surveys, in collaboration with the nursing care quality assurance commission, to collect and analyze data on the long-term care workforce, and to manage a stakeholder process to address retention and career pathways in long-term care facilities.

(4) \$1,200,000 of the general fund—state appropriation for fiscal year 2024 and \$1,100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for apprenticeship grants, in collaboration with the nursing care quality assurance commission and the department of labor and industries, to address the long-term care workforce.

(5) \$109,000 of the general fund—state appropriation for fiscal year 2024 and \$109,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for administrative expenditures for the Washington award for vocational excellence.

(6) \$2,000,000 of the workforce education investment account—state appropriation is provided solely for the workforce board to award grants for the purposes of providing apprenticeship, industry certifications and wraparound student supports to workers pursuing job advancement and enhancement through college readiness, apprenticeship, degree, certification, or professional development opportunities in the health care field. Grant recipients must be labor-management partnerships established under section 302 of the labor-management relations act, 29 U.S.C. Sec. 186 that demonstrate adequate funding match and competency in the provision of student supports, or employers who can demonstrate service serving greater than 50 percent medicaid populations who can demonstrate that they will use the grant to join or establish a labor-management partnership dedicated to the purposes of this section. Preference must be given to applications that demonstrate an ability to support students from racially diverse backgrounds, and that are focused on in-demand fields with career ladders to living wage jobs. Grant recipients must use the funds to provide services including, but not limited to, development and implementation of apprenticeship and industry certifications, benefits administration, tuition assistance, counseling and navigation, tutoring and test preparation, instructor/mentor training, materials and technology for students, childcare, and travel costs.

(7) \$92,000 of the general fund—state appropriation for fiscal year 2024 and \$92,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a full-time information technology position to collaborate with other state workforce agencies to establish and support a governance structure that provides strategic direction on cross-organizational information

technology projects. The board must submit a report to the governor's office and the appropriate committees of the legislature, pursuant to RCW 43.01.036, with a progress update and recommendations on a coalition model that will result in better service coordination and public stewardship that enables the efficient delivery of workforce development services by September 1, 2023, and September 1, 2024.

(8) The workforce board must report to and coordinate with the department of ecology to track expenditures from climate commitment act accounts, as defined and described in RCW 70A.65.300 and section 302(13) of this act.

(9) \$84,000 of the workforce education investment account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1724 (behavioral health workforce). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(10) \$904,000 of the climate commitment account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1176 (climate-ready communities), which creates a clean energy technology workforce advisory committee. ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~ The agency must conduct a study in fiscal year 2024 of the feasibility of a transition to retirement program to ensure income and medical and retirement benefits are not interrupted for workers close to retirement that face job loss or transition because of clean energy technology sector changes.

(11) \$256,000 of the workforce education investment account—state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5582 (nurse supply). ~~((If the bill is not enacted by June 30, 2023, the amount provided in this subsection shall lapse.))~~

(12) \$1,075,000 of the workforce education investment account—state appropriation is provided solely for digital equity. Of the amount provided in this subsection:

(a) \$150,000 of the workforce education investment account—state appropriation is provided solely for administration and oversight of digital equity workforce coordination and expansion.

(b) \$150,000 of the workforce education investment account—state appropriation is provided solely for development of an interactive portal for job seekers, workers, and students, focused on information technology and information technology adjacent careers.

(c) \$350,000 of the workforce education investment account—state appropriation is provided solely for reentry services for individuals within the prison system who are within three to five months of release for direct entry into a program or employment.

(d) \$425,000 of the workforce education investment account—state appropriation is provided solely for the board to contract with Washington State University to provide preliminary work to inform the design and development of a Washington digital literacy credential program. The institution shall research the landscape of digital literacy programs from providers across the state; create a comprehensive database of available programs; research and identify gaps in the needed skills training currently available; research and identify potential subject matter experts; and identify digital badging opportunities in accordance with state guidelines and needs. A report shall be submitted to the appropriate committees of the legislature by June 1, 2025.

**Sec. 611.** 2023 c 475 s 615 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State	Appropriation	(FY 2024)	
			<del>(\$11,090,000))</del>
			<u>\$11,093,000</u>
General Fund—State	Appropriation	(FY 2025)	

		<del>(\$11,186,000))</del>
		<u>\$11,213,000</u>
General Fund—Private/Local	Appropriation	\$34,000
TOTAL APPROPRIATION		<del>(\$22,310,000))</del>
		<u>\$22,340,000</u>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades six through twelve for full-time instructional services at the Vancouver campus or online with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

**Sec. 612.** 2023 c 475 s 616 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON CENTER FOR DEAF AND HARD OF HEARING YOUTH**

General Fund—State	Appropriation	(FY 2024)	
			<del>(\$17,953,000))</del>
			<u>\$18,541,000</u>
General Fund—State	Appropriation	(FY 2025)	
			<del>(\$17,997,000))</del>
			<u>\$18,614,000</u>
General Fund—Private/Local	Appropriation		<del>(\$3,050,000))</del>
			<u>\$4,052,000</u>
TOTAL APPROPRIATION			<del>(\$39,000,000))</del>
			<u>\$41,207,000</u>

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

(1) Funding provided in this section is sufficient for the center to offer students ages three through 21 enrolled at the center the opportunity to participate in a minimum of 1,080 hours of instruction and the opportunity to earn 24 high school credits.

(2) \$225,000 of the general fund—state appropriation for fiscal year 2024 and \$225,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a mentoring program for persons employed as educational interpreters in public schools.

**Sec. 613.** 2023 c 475 s 617 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State	Appropriation	(FY 2024)	<del>(\$6,615,000))</del>
			<u>\$6,331,000</u>
General Fund—State	Appropriation	(FY 2025)	<del>(\$6,795,000))</del>
			<u>\$7,495,000</u>
General Fund—Federal	Appropriation		<del>(\$2,230,000))</del>
			<u>\$2,831,000</u>
General Fund—Private/Local	Appropriation		\$184,000
TOTAL APPROPRIATION			<del>(\$15,824,000))</del>
			<u>\$16,841,000</u>

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

(1) \$79,000 of the general fund—state appropriation for fiscal year 2024 and \$79,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the creative districts program.

(2) \$868,000 of the general fund—state appropriation for fiscal year 2024 and \$867,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the establishment of a tribal cultural affairs program. Of the amounts provided in this subsection, \$500,000 of the general fund—state appropriation for fiscal year 2024 and \$500,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for grants to support tribal cultural, arts, and creative programs.

(3) \$151,000 of the general fund—state appropriation for fiscal year 2024 and \$137,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to hire



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

a temporary collections technician to maintain and repair public art in the state art collection.

(4) \$250,000 of the general fund—state appropriation for fiscal year 2024 and \$250,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the commission to implement a pilot program for in-person and online arts programming, targeting adults and families impacted by housing instability, mental health challenges, and trauma.

(5) ~~(\$489,000)~~ \$199,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$654,000)~~ \$944,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for implementation of Second Substitute House Bill No. 1639 (Billy Frank Jr. statue). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

**Sec. 614.** 2023 c 475 s 618 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2024)	<del>(\$5,327,000)</del>
	<u>\$5,476,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$5,467,000)</del>
	<u>\$6,712,000</u>
Local Museum Account—Washington State Historical Society—Private/Local Appropriation	\$70,000
<b>TOTAL APPROPRIATION</b>	<del>(\$10,864,000)</del>
	<u>\$12,258,000</u>

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

(1) \$100,000 of the general fund—state appropriation for fiscal year 2024 and \$100,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the purpose of supporting the Washington museums connect initiative, creating an inventory of rural, volunteer, and multidiscipline museums and place-based heritage groups to connect at-risk museums to a statewide funding and operational network. The department shall contract with an organization that works with and connects museums in Washington state.

(a) The contracted organization must:

(i) Submit to the department a report regarding funding needs for the museums and place-based heritage groups identified in the statewide inventory created in the first phase of the initiative;

(ii) Submit to the department a strategic plan assessing opportunities for the entities identified in the statewide inventory to access local, state, and national funding; and

(iii) Distribute to the entities identified in the inventory information regarding opportunities to apply for local, state, and national funding for the duration of the contract.

(b) The report and the strategic plan are due by June 30, 2025.

(2) \$90,000 of the general fund—state appropriation for fiscal year 2024 and \$88,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an assistant curator at the Washington state history museum.

(3) \$4,000 of the general fund—state appropriation for fiscal year 2024, \$4,000 of the general fund—state appropriation for fiscal year 2025, and \$70,000 of the local museum account—Washington state historical society—private/local appropriation are provided solely for implementation of Second Substitute House Bill No. 1639 (Billy Frank Jr. statue). ~~((If the bill is not enacted by June 30, 2023, the amounts provided in this subsection shall lapse.))~~

(4) \$99,000 of the general fund—state appropriation for fiscal year 2024 and ~~(\$242,000)~~ \$428,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the Washington state historical society to partner with statewide

organizations specializing in the preservation of Washington state aviation history to organize a centennial celebration of the first round-the-world flight that captures the narratives and contributions of Washingtonians to the history of aviation.

(5) \$320,000 of the general fund—state appropriation for fiscal year 2025 is provided solely for the Washington state historical society to partner with a statewide organization specializing in the preservation of Washington state Jewish history to transform and expand the collection of oral histories from Jewish Washingtonians in order to build awareness and to provide education related especially to antisemitism in the past and in current times.

**Sec. 615.** 2023 c 475 s 619 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2024)	<del>(\$4,429,000)</del>
	<u>\$4,799,000</u>
General Fund—State Appropriation (FY 2025)	<del>(\$4,452,000)</del>
	<u>\$4,668,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$8,881,000)</del>
	<u>\$9,467,000</u>

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

(1) \$103,000 of the general fund—state appropriation for fiscal year 2024 and \$103,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for a director of support services.

(2) \$52,000 of the general fund—state appropriation for fiscal year 2024 and \$52,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for an information technology staff to replace the society's contracted information technology support.

(3) \$350,000 of the general fund—state appropriation for fiscal year 2024 and \$150,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for acquisition, transportation, archiving, and storage of the following two collections:

(a) A collection of artworks created by Harold Balazs;

(b) A collection of Southern Plateau tribal beadwork and culturally historic photographs.

**PART VII  
SPECIAL APPROPRIATIONS**

**Sec. 701.** 2023 c 475 s 701 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
INFORMATION TECHNOLOGY INVESTMENT POOL**

General Fund—State Appropriation (FY 2024)	\$26,470,000
General Fund—State Appropriation (FY 2025)	<del>(\$9,022,000)</del>
	<u>\$12,356,000</u>
Other Appropriated Funds	<del>(\$6,559,000)</del>
	<u>\$18,198,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$42,051,000)</del>
	<u>\$57,024,000</u>

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

(1) The appropriations are provided solely for expenditure into the information technology investment revolving account created in RCW 43.41.433. Amounts in the account are provided solely for the information technology projects shown in LEAP omnibus document IT-~~((2023))~~ 2024, dated ~~((April 22, 2023))~~ February 19, 2024, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus document

IT-((2023)) 2024, dated ((April 22, 2023)) February 19, 2024, the state treasurer is directed to transfer moneys from other funds and accounts to the information technology investment revolving account in accordance with schedules provided by the office of financial management. Restricted federal funds may be transferred only to the extent permitted by law, and will otherwise remain outside the information technology investment account. The projects affected remain subject to the other provisions of this section.

(2) Agencies must apply to the office of the chief information officer for certification and release of funding for each gate of the project. When the office of the chief information officer certifies the key deliverables of the gate have been met, a current technology budget is approved; and if applicable to the stage or gate of the project, that the project is putting functioning software into production that addresses user needs, is in compliance with the quality assurance plan, and meets a defined set of industry best practices for code quality that the office of the chief information officer will post to their website by July 1, 2023, it must notify the office of financial management and the fiscal committees of the legislature. The office of financial management may not approve funding for the certified project gate any earlier than ten business days from the date of notification to the fiscal committees of the legislature.

(3)(a) Allocations and allotments of information technology investment revolving account must be made for discrete stages of projects as determined by the technology budget approved by the office of the chief information officer and the office of financial management.

(b) Fifteen percent of total funding allocated by the office of financial management, or another amount as defined jointly by the office of financial management and the office of the chief information officer, will be retained in the account, but remain allocated to that project. The retained funding will be released to the agency only after successful completion of that stage of the project and only after the office of the chief information officer certifies the stage as required in subsection (2) of this section. For the one Washington project, the amount retained is increased to at least twenty percent of total funding allocated for any stage of that project. If there is no significant risk to the project, the holdback does not apply to the final gate during a biennial close.

(4)(a) Each project must have a technology budget. The technology budget must have the detail by fiscal month for the 2023-2025 fiscal biennium. The technology budget must use a method similar to the state capital budget, identifying project costs, each fund source, and anticipated deliverables through each stage of the entire project investment and across fiscal periods and biennia from project onset through implementation and close out, as well as at least five years of maintenance and operations costs.

(b) As part of the development of a technology budget and at each request for funding, the agency shall submit an updated technology budget, if changes occurred, to include detailed financial information to the office of financial management and the office of the chief information officer. The technology budget must describe the total cost of the project, as well as maintenance and operations costs, to include and identify at least:

(i) Fund sources:

(A) If the project is funded from the information technology revolving account, the technology budget must include a worksheet that provides the fund sources that were transferred into the account by fiscal year;

(B) If the project is by a central service agency, and funds are driven out by the central service model, the technology budget must provide a statewide impact by agency by fund as a worksheet in the technology budget file;

(ii) Full time equivalent staffing level to include job

classification assumptions. This is to assure that the project has adequate state staffing and agency support to ensure success, ensure user acceptance, and adequately test the functionality being delivered in each sprint before it is accepted by the agency's contracting officer or their representative. Key project functions that are deemed "critical" must be retained by state personnel and not outsourced, to ensure that knowledge is retained within state government and that the state can self-sufficiently support the system and make improvements without long-term dependence on a vendor;

(iii) Discrete financial budget codes to include at least the appropriation index and program index;

(iv) Object and subobject codes of expenditures;

(v) Anticipated deliverables to include software demonstration dates;

(vi) Historical budget and expenditure detail by fiscal year; and

(vii) Maintenance and operations costs by fiscal year for at least five years as a separate worksheet.

(c) If a project technology budget changes and a revised technology budget is completed, a comparison of the revised technology budget to the last approved technology budget must be posted to the dashboard, to include a narrative rationale on what changed, why, and how that impacts the project in scope, budget, and schedule.

(5)(a) Each project must have a project charter. The charter must include:

(i) An organizational chart of the project management team that identifies team members and their roles and responsibilities, and shows that the project is adequately staffed by state personnel in key functions to ensure success;

(ii) The office of the chief information officer staff assigned to the project;

(iii) A project roadmap that includes the problems the team is solving and the sequence in which the team intends to take on those problems, updated periodically to reflect what has been learned;

(iv) Metrics to support the project strategy and vision, to determine that the project is incrementally meeting user needs;

(v) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project;

(vi) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product;

(vii) Ongoing maintenance and operations cost of the project post implementation and close out delineated by agency staffing, contracted staffing, and service level agreements; and

(viii) Financial budget coding to include at least discrete financial coding for the project.

(b) If required by the office of the chief information officer, a project may also need to have an investment plan. The office of the chief information officer must:

(i) Base the requirement of an agency needing to have an investment plan on the complexity and risk of the project;

(ii) Establish requirements by project risk level in statewide technology policy, and publish the requirements by September 30, 2023; and

(iii) In collaboration with the department of enterprise services, define the circumstances under which the vendor will be terminated or replaced and establish the process by which the agency will transition to a new vendor with a minimal reduction in project productivity.

(6)(a) Projects with estimated costs greater than \$100,000,000 from initiation to completion and implementation may be divided into discrete subprojects as determined by the office of the chief information officer, except for the one Washington project which

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

must be divided into the following discrete subprojects: Core financials, expanding financials and procurement, budget, and human resources. Each subproject must have a technology budget as provided in this section.

(b) If the project affects more than one agency:

(i) A separate technology budget and investment plan must be prepared by each agency; and

(ii) There must be a budget roll up that includes each affected agency at the subproject level.

(7) The office of the chief information officer shall maintain a statewide information technology project dashboard that provides updated information each fiscal month on projects subject to this section. The statewide dashboard must meet the requirements in section 155 of this act.

(8) For any project that exceeds \$2,000,000 in total funds to complete, requires more than one biennium to complete, or is financed through financial contracts, bonds, or other indebtedness:

(a) Independent quality assurance services for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer, based on project risk assessments, may require additional quality assurance services and independent verification and validation services;

(c) The office of the chief information officer must review, and, if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology;

(d) The technology budget must specifically identify the uses of any financing proceeds. No more than thirty percent of the financing proceeds may be used for payroll-related costs for state employees assigned to project management, installation, testing, or training;

(e) The agency must consult with the office of the state treasurer during the competitive procurement process to evaluate early in the process whether products and services to be solicited and the responsive bids from a solicitation may be financed;

(f) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements;

(g) ~~(The)~~ When doing so would be an industry best practice for the particular type of project, the agency and project must use an agile development model holding live demonstrations of functioning software, developed using incremental user research, held at the end of every two-week sprint;

(h) The project solution must be capable of being continually updated, as necessary; and

(i) The agency and project must deploy usable functionality into production for users within 180 days from the date of an executed procurement contract in response to a competitive request for proposal.

(9) The office of the chief information officer must evaluate the project at each stage and certify whether the project is putting functioning software into production that addresses user needs, is projected to be completed within budget, is in compliance with the quality assurance plan, and meets a defined set of industry best practices for code quality, and whether the project is planned, managed, and meeting deliverable targets as defined in the project's approved technology budget and investment plan.

(10) The office of the chief information officer may suspend or terminate a project at any time if it determines that the project is not meeting or not expected to meet anticipated performance and technology outcomes. Once suspension or termination occurs, the agency shall unallot any unused funding and shall not make any expenditure for the project without the approval of the office of financial management. The office of the chief information officer

must report on December 1 each calendar year any suspension or termination of a project in the previous 12-month period to the legislative fiscal committees.

(11) The office of the chief information officer, in consultation with the office of financial management, may identify additional projects to be subject to this section, including projects that are not separately identified within an agency budget. The office of the chief information officer must report on December 1 each calendar year any additional projects to be subjected to this section that were identified in the previous 12-month period to the legislative fiscal committees.

(12) Any cost to administer or implement this section for projects listed in subsection (1) of this section, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

(13) The following information technology projects are subject to the conditions, limitations, and review of this section:

(a) The state network firewall replacement of the consolidated technology services agency;

(b) The resident portal of the consolidated technology services agency; and

(c) The resident identity and access management modernization project of the consolidated technology services agency.

**Sec. 702.** 2023 c 475 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation	(FY 2024)	
		(\$1,419,445,000)
		<u>\$1,401,902,000</u>
General Fund—State Appropriation	(FY 2025)	
		(\$1,549,610,000)
		<u>\$1,495,940,000</u>
State Building Construction Account—State Appropriation		(\$14,092,000)
		<u>\$20,863,000</u>
<u>Columbia River Basin Water Supply Development Account—</u>		
<u>State Appropriation</u>		<u>\$3,000</u>
Watershed Restoration and Enhancement Bond Account—		
State Appropriation		(\$204,000)
		<u>\$64,000</u>
State Taxable Building Construction Account—State		
Appropriation		\$876,000
Debt-Limit Reimbursable Bond Retirement Account—State		
Appropriation		\$119,000
<b>TOTAL APPROPRIATION</b>		<b>(\$2,984,346,000)</b>
		<u>\$2,919,767,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**Sec. 703.** 2023 c 475 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

Nondebt-Limit Reimbursable Bond Retirement Account—

State Appropriation	(( <del>\$51,730,000</del> ))
	<u>\$51,761,000</u>
<u>School Construction and Skill Centers Building Account—</u>	
<u>State Appropriation</u>	<u>\$4,000</u>
TOTAL APPROPRIATION	(( <del>\$51,730,000</del> ))
	<u>\$51,765,000</u>

The appropriation in this section is subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt limit general fund bond retirement account.

**Sec. 704.** 2023 c 475 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2024)	\$1,400,000
General Fund—State Appropriation (FY 2025)	\$1,400,000
State Building Construction Account—State Appropriation	(( <del>\$2,821,000</del> ))
	<u>\$3,921,000</u>

Watershed Restoration and Enhancement Bond Account—State Appropriation	(( <del>\$44,000</del> ))
	<u>\$24,000</u>

State Taxable Building Construction Account—State Appropriation	\$176,000
---	-----------

<u>Columbia River Basin Water Supply Development Account—</u>	
<u>State Appropriation</u>	<u>\$1,000</u>

<u>School Construction and Skill Centers Building Account—</u>	
<u>State Appropriation</u>	<u>\$1,000</u>
TOTAL APPROPRIATION	(( <del>\$5,841,000</del> ))
	<u>\$6,923,000</u>

**Sec. 705.** 2023 c 475 s 705 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—GOVERNOR'S EMERGENCY FUNDING**

General Fund—State Appropriation (FY 2024)	(( <del>\$3,500,000</del> ))
	<u>\$5,000,000</u>
General Fund—State Appropriation (FY 2025)	\$3,500,000
TOTAL APPROPRIATION	(( <del>\$7,000,000</del> ))
	<u>\$8,500,000</u>

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

(1) ((~~\$1,000,000~~)) \$1,500,000 of the general fund—state appropriation for fiscal year 2024 and \$1,000,000 of the general fund—state appropriation for fiscal year 2025 are provided for the critically necessary work of any state agency in the event of an emergent or unforeseen circumstance. Prior to the allocation of funding from this subsection (1), the requesting agency and the office of financial management must comply with the provisions of RCW 43.88.250.

(2) ((~~\$2,500,000~~)) \$3,500,000 of the general fund—state appropriation for fiscal year 2024 and \$2,500,000 of the general fund—state appropriation for fiscal year 2025 are provided for individual assistance consistent with RCW 38.52.030(9) during an emergency proclaimed by the governor, as defined in RCW 38.52.010. The office of financial management must notify the fiscal committees of the legislature of the receipt by the governor or adjutant general of each application ((~~or~~)), request, or allocation for individual assistance from the amounts provided in this subsection (2). ((~~The office of financial management may not approve or release funding for 10 business days from the date of notification to the fiscal committees of the legislature.~~))

**NEW SECTION. Sec. 706.** A new section is added to 2023 c 475 (uncodified) to read as follows: **FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary,

are appropriated from the general fund for fiscal year 2024, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (1) Clifford T. Snow, claim number 9991014081 \$13,659
- (2) Shanna S. Parker, claim number 9991013694 \$14,913
- (3) Leah M. Eggleston, claim number 9991013115 \$20,852
- (4) Shannon E. Garner, claim number 9991013103 \$15,325
- (5) Stephanie S. Westby, claim number 9991012517 \$199,459
- (6) Clyde E. McCoy, claim number 9991014232 \$139
- (7) Kevin R. Ash, claim number 9991014512 \$14,810
- (8) Kenneth M. Salazar, claim number 9991014683 \$231,920
- (9) Victor Alejandre-Mejia, claim number 9991014791 \$213,298
- (10) Marcus Buchanan, claim number 9991015324 \$71,102
- (11) James Warren, claim number 9991014924 \$20,844

**Sec. 707.** 2023 c 475 s 715 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ANDY HILL CANCER RESEARCH ENDOWMENT FUND MATCH TRANSFER ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$684,000
General Fund—State Appropriation (FY 2025)	\$1,486,000
TOTAL APPROPRIATION	(( <del>\$684,000</del> ))
	<u>\$2,170,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Andy Hill cancer research endowment fund match transfer account per RCW 43.348.080 to fund the Andy Hill cancer research endowment program. Matching funds using the amounts appropriated in this section may not be used to fund new grants that exceed two years in duration.

**Sec. 708.** 2023 c 475 s 726 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—LANDLORD MITIGATION PROGRAM ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$8,000,000
General Fund—State Appropriation (FY 2025)	\$3,750,000
TOTAL APPROPRIATION	(( <del>\$8,000,000</del> ))
	<u>\$11,750,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the landlord mitigation program account created in RCW 43.31.615.

**Sec. 709.** 2023 c 475 s 727 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS**

(1) The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(2) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund—State Appropriation (FY 2024)	(( <del>\$88,700,000</del> ))
	<u>\$94,400,000</u>
General Fund—State Appropriation (FY 2025)	

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

	(( <u>\$92,600,000</u> ))
	<u>\$98,600,000</u>
TOTAL APPROPRIATION	(( <u>\$181,300,000</u> ))
	<u>\$193,000,000</u>

(3) There is appropriated for contributions to the judicial retirement system:

General Fund—State Appropriation (FY 2024)	\$6,300,000
General Fund—State Appropriation (FY 2025)	\$6,000,000
TOTAL APPROPRIATION	\$12,300,000

(4) There is appropriated for contributions to the judges' retirement system:

General Fund—State Appropriation (FY 2024)	\$300,000
General Fund—State Appropriation (FY 2025)	\$300,000
TOTAL APPROPRIATION	\$600,000

**Sec. 710.** 2023 c 475 s 734 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STUDENT ACHIEVEMENT COUNCIL—RURAL JOBS PROGRAM MATCH TRANSFER ACCOUNT**

Workforce Education Investment Account—State Appropriation	(( <u>\$400,000</u> ))
	<u>\$404,000</u>

TOTAL APPROPRIATION	(( <u>\$400,000</u> ))
	<u>\$404,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the rural jobs program match transfer account created in RCW 28B.145.120.

**Sec. 711.** 2023 c 475 s 735 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STUDENT ACHIEVEMENT COUNCIL—OPPORTUNITY SCHOLARSHIP MATCH TRANSFER ACCOUNT**

Workforce Education Investment Account—State Appropriation	(( <u>\$11,600,000</u> ))
	<u>\$14,856,000</u>

TOTAL APPROPRIATION	(( <u>\$11,600,000</u> ))
	<u>\$14,856,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the opportunity scholarship match transfer account created in RCW 28B.145.050.

**Sec. 712.** 2023 c 475 s 738 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOME VISITING SERVICES ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$12,247,000
General Fund—State Appropriation (FY 2025)	(( <u>\$14,347,000</u> ))
	<u>\$15,947,000</u>

TOTAL APPROPRIATION	(( <u>\$26,594,000</u> ))
	<u>\$28,194,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the home visiting services account created in RCW 43.216.130 for the home visiting program.

**Sec. 713.** 2023 c 475 s 740 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—WASHINGTON STATE LEADERSHIP BOARD ACCOUNT**

General Fund—State Appropriation (FY 2024)	(( <u>\$843,000</u> ))
	<u>\$959,000</u>

General Fund—State Appropriation (FY 2025)	(( <u>\$848,000</u> ))
	<u>\$968,000</u>

TOTAL APPROPRIATION	(( <u>\$1,691,000</u> ))
	<u>\$1,927,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the Washington state leadership board account created in RCW 43.388.020.

**Sec. 714.** 2023 c 475 s 710 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—COUNTY CLERK LEGAL FINANCIAL OBLIGATION GRANTS**

General Fund—State Appropriation (FY 2024)	\$541,000
General Fund—State Appropriation (FY 2025)	(( <u>\$441,000</u> ))
	<u>\$800,000</u>

TOTAL APPROPRIATION	(( <u>\$982,000</u> ))
	<u>\$1,341,000</u>

The appropriations in this section are subject to the following conditions and limitations: By October 1st of each fiscal year, the state treasurer shall distribute the appropriations to the following county clerk offices in the amounts designated as grants for the collection of legal financial obligations pursuant to RCW 2.56.190:

County Clerk	FY 2024	FY 2025
Adams County Clerk	\$2,103	(( <u>\$1,714</u> )) <u>\$3,109</u>
Asotin County Clerk	\$2,935	(( <u>\$2,392</u> )) <u>\$4,339</u>
Benton County Clerk	\$18,231	(( <u>\$14,858</u> )) <u>\$26,953</u>
Chelan County Clerk	\$7,399	(( <u>\$6,030</u> )) <u>\$10,939</u>
Clallam County Clerk	\$5,832	(( <u>\$4,753</u> )) <u>\$8,622</u>
Clark County Clerk	\$32,635	(( <u>\$26,597</u> )) <u>\$48,249</u>
Columbia County Clerk	\$384	(( <u>\$313</u> )) <u>\$568</u>
Cowlitz County Clerk	\$16,923	(( <u>\$13,792</u> )) <u>\$25,020</u>
Douglas County Clerk	\$3,032	(( <u>\$2,471</u> )) <u>\$4,483</u>
Ferry County Clerk	\$422	(( <u>\$344</u> )) <u>\$624</u>
Franklin County Clerk	\$5,486	(( <u>\$4,471</u> )) <u>\$8,111</u>
Garfield County Clerk	\$243	(( <u>\$198</u> )) <u>\$359</u>
Grant County Clerk	\$10,107	(( <u>\$8,237</u> )) <u>\$14,942</u>
Grays Harbor County Clerk	\$8,659	(( <u>\$7,057</u> )) <u>\$12,802</u>
Island County Clerk	\$3,059	(( <u>\$2,493</u> )) <u>\$4,522</u>
Jefferson County Clerk	\$1,859	(( <u>\$1,515</u> )) <u>\$2,748</u>
King County Court Clerk	\$119,290	(( <u>\$97,266</u> )) <u>\$176,446</u>
Kitsap County Clerk	\$22,242	(( <u>\$18,127</u> )) <u>\$32,883</u>

Kittitas County Clerk	\$3,551	<del>(\$2,894)</del> <u>\$5,250</u>
Klickitat County Clerk	\$2,151	<del>(\$1,753)</del> <u>\$3,180</u>
Lewis County Clerk	\$10,340	<del>(\$8,427)</del> <u>\$15,287</u>
Lincoln County Clerk	\$724	<del>(\$590)</del> <u>\$1,070</u>
Mason County Clerk	\$5,146	<del>(\$4,194)</del> <u>\$7,608</u>
Okanogan County Clerk	\$3,978	<del>(\$3,242)</del> <u>\$5,881</u>
Pacific County Clerk	\$2,411	<del>(\$1,965)</del> <u>\$3,565</u>
Pend Oreille County Clerk	\$611	<del>(\$498)</del> <u>\$903</u>
Pierce County Clerk	\$77,102	<del>(\$62,837)</del> <u>\$113,990</u>
San Juan County Clerk	\$605	<del>(\$493)</del> <u>\$894</u>
Skagit County Clerk	\$11,059	<del>(\$9,013)</del> <u>\$16,350</u>
Skamania County Clerk	\$1,151	<del>(\$938)</del> <u>\$1,702</u>
Snohomish County Clerk	\$38,143	<del>(\$31,086)</del> <u>\$56,392</u>
Spokane County Clerk	\$44,825	<del>(\$36,578)</del> <u>\$66,355</u>
Stevens County Clerk	\$2,984	<del>(\$2,432)</del> <u>\$4,412</u>
Thurston County Clerk	\$22,204	<del>(\$18,096)</del> <u>\$32,827</u>
Wahkiakum County Clerk	\$400	<del>(\$326)</del> <u>\$591</u>
Walla Walla County Clerk	\$4,935	<del>(\$4,022)</del> <u>\$7,296</u>
Whatcom County Clerk	\$20,728	<del>(\$16,893)</del> <u>\$30,645</u>
Whitman County Clerk	\$2,048	<del>(\$1,669)</del> <u>\$3,028</u>
Yakima County Clerk	\$25,063	<del>(\$20,426)</del> <u>\$37,054</u>
TOTAL APPROPRIATIONS	\$541,000	<del>(\$441,000)</del> <u>\$800,000</u>

**Sec. 715.** 2023 c 475 s 747 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
CRIME VICTIM AND WITNESS ASSISTANCE  
ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$2,000,000
General Fund—State Appropriation (FY 2025)	<del>(\$2,000,000)</del>
	<u>\$3,000,000</u>
<b>TOTAL APPROPRIATION</b>	<del>(\$4,000,000)</del> <u>\$5,000,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the state crime victim and witness assistance

account created in Engrossed Substitute House Bill No. 1169 (legal financial obligations). ~~((If the bill is not enacted by June 30, 2023, the amounts appropriated in this section shall lapse.))~~

**NEW SECTION. Sec. 716.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
SKELETAL HUMAN REMAINS ASSISTANCE  
ACCOUNT**

General Fund—State Appropriation (FY 2025)	\$250,000
<b>TOTAL APPROPRIATION</b>	\$250,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the skeletal human remains assistance account created in RCW 43.334.077.

**NEW SECTION. Sec. 717.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
SURGICAL SMOKE EVACUATION ACCOUNT**

General Fund—State Appropriation (FY 2025)	\$300,000
<b>TOTAL APPROPRIATION</b>	\$300,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the surgical smoke evacuation account created in RCW 49.17.505.

**NEW SECTION. Sec. 718.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
WASHINGTON STATE LIBRARY OPERATIONS  
ACCOUNT**

General Fund—State Appropriation (FY 2025)	\$2,000,000
<b>TOTAL APPROPRIATION</b>	\$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington state library operations account created in RCW 43.07.129.

**NEW SECTION. Sec. 719.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
WASHINGTON COLLEGE SAVINGS PROGRAM  
ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$275,000
<b>TOTAL APPROPRIATION</b>	\$275,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Washington college savings program account created in RCW 28B.95.085.

**NEW SECTION. Sec. 720.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
QUENDALL TERMINALS SUPERFUND SITE ON LAKE  
WASHINGTON**

General Fund—State Appropriation (FY 2025)	\$5,500,000
Model Toxics Control Operating Account—State Appropriation	\$3,000,000
<b>TOTAL APPROPRIATION</b>	\$8,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is for the remedial design for the Quendall terminals superfund site on Lake Washington. Expenditure of the appropriation is conditioned on reaching agreement with the environmental protection agency that offsets any money spent from this appropriation against any future state liability, and memorializing the agreement in an agreed order, settlement agreement, or other similar document.

**Sec. 721.** 2023 c 475 s 717 (uncodified) is amended to read as follows:

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
HEALTH CARE AFFORDABILITY ACCOUNT**

General Fund—State Appropriation (FY 2024)	\$55,000,000
General Fund—State Appropriation (FY 2025)	<del>(\$30,000,000)</del>
	<u>\$45,000,000</u>
TOTAL APPROPRIATION	<del>(\$85,000,000)</del>
	<u>\$100,000,000</u>

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

(1) The appropriations are provided solely for expenditure into the state health care affordability account created in RCW 43.71.130.

(2) It is the intent of the legislature to continue the policy of expending \$5,000,000 into the account each fiscal year in future biennia for the purpose of funding premium assistance for customers ineligible for federal premium tax credits who meet the eligibility criteria established in section 214(4)(a) of this act. Future expenditures into the account are contingent upon approval of the waiver described in RCW 43.71.120.

NEW SECTION. Sec. 722. A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
AGRICULTURAL PEST AND DISEASE RESPONSE ACCOUNT**

General Fund—State Appropriation (FY 2025)	\$250,000
TOTAL APPROPRIATION	\$250,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the agricultural pest and disease response account created in Substitute House Bill No. 2147 (agriculture pests & diseases).

NEW SECTION. Sec. 723. A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
DOWN PAYMENT ASSISTANCE ACCOUNT**

General Fund—State Appropriation (FY 2025)	\$250,000
TOTAL APPROPRIATION	\$250,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the down payment assistance account established in RCW 82.45.240 for the down payment assistance program.

NEW SECTION. Sec. 724. A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
LEGISLATIVE ORAL HISTORY ACCOUNT**

General Fund—State Appropriation (FY 2025)	\$50,000
TOTAL APPROPRIATION	\$50,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the legislative oral history account established in RCW 44.04.345.

NEW SECTION. Sec. 725. A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
CLIMATE INVESTMENT ACCOUNT**

(1) If Initiative Measure No. 2117 is approved in the 2024 general election, on the effective date of Initiative Measure No. 2117 and prior to the repeal of the climate investment account by Initiative Measure No. 2117, \$102,647,000 is appropriated from the climate investment account for deposit into the consolidated climate account created in section 906 of this act. If the balance of the climate investment account on the effective date of Initiative Measure No. 2117 is less than \$102,647,000, then the

amount appropriated is the balance of the climate investment account on the effective date of the initiative.

(2)(a) This section takes effect on the effective date of Initiative Measure No. 2117 if the initiative is approved in the 2024 general election.

(b) If Initiative Measure No. 2117 is not approved at the 2024 general election, this section is null and void.

NEW SECTION. Sec. 726. A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
CLIMATE COMMITMENT ACCOUNT**

(1) If Initiative Measure No. 2117 is approved in the 2024 general election, on the effective date of Initiative Measure No. 2117 and prior to the repeal of the climate commitment account by Initiative Measure No. 2117, \$1,628,226,000 is appropriated from the climate commitment account for deposit into the consolidated climate account created in section 906 of this act. If the balance of the climate commitment account on the effective date of Initiative Measure No. 2117 is less than \$1,628,226,000, then the amount appropriated is the balance of the climate commitment account on the effective date of the initiative.

(2)(a) This section takes effect on the effective date of Initiative Measure No. 2117 if the initiative is approved in the 2024 general election.

(b) If Initiative Measure No. 2117 is not approved at the 2024 general election, this section is null and void.

NEW SECTION. Sec. 727. A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
NATURAL CLIMATE SOLUTIONS ACCOUNT**

(1) If Initiative Measure No. 2117 is approved in the 2024 general election, on the effective date of Initiative Measure No. 2117 and prior to the repeal of the natural climate solutions account by Initiative Measure No. 2117, \$542,742,000 is appropriated from the natural climate solutions account for deposit into the consolidated climate account created in section 906 of this act. If the balance of the natural climate solutions account on the effective date of Initiative Measure No. 2117 is less than \$542,742,000, then the amount appropriated is the balance of the natural climate solutions account on the effective date of the initiative.

(2)(a) This section takes effect on the effective date of Initiative Measure No. 2117 if the initiative is approved in the 2024 general election.

(b) If Initiative Measure No. 2117 is not approved at the 2024 general election, this section is null and void.

NEW SECTION. Sec. 728. A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
AIR QUALITY AND HEALTH DISPARITIES IMPROVEMENT ACCOUNT**

(1) If Initiative Measure No. 2117 is approved in the 2024 general election, on the effective date of Initiative Measure No. 2117 and prior to the repeal of the air quality and health disparities improvement account by Initiative Measure No. 2117, \$25,000,000 is appropriated from the air quality and health disparities improvement account for deposit into the consolidated climate account created in section 906 of this act. If the balance of the air quality and health disparities improvement account on the effective date of Initiative Measure No. 2117 is less than \$25,000,000, then the amount appropriated is the balance of the air quality and health disparities improvement account on the effective date of the initiative.

(2)(a) This section takes effect on the effective date of Initiative Measure No. 2117 if the initiative is approved in the 2024 general

election.

(b) If Initiative Measure No. 2117 is not approved at the 2024 general election, this section is null and void.

**NEW SECTION. Sec. 729.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**COMPENSATION—UPDATED PEBB RATE—INSURANCE BENEFITS**

General Fund—State Appropriation (FY 2025)	(\$13,926,000)
General Fund—Federal Appropriation	(\$2,533,000)
General Fund—Private/Local Appropriation	(\$182,000)
Other Appropriated Funds	(\$3,890,000)
<b>TOTAL APPROPRIATION</b>	<b>(\$20,531,000)</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for adjustments to the health benefit funding rate for state agencies and higher education institutions, and is subject to the conditions and limitations in part IX of this act. Agency appropriations in this act are adjusted by the amounts specified in LEAP omnibus document GLS—updated PEBB rate, dated February 14, 2024.

**NEW SECTION. Sec. 730.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—PERS AND TRS PLAN 1 BENEFIT INCREASE**

General Fund—State Appropriation (FY 2025)	\$2,224,000
General Fund—Federal Appropriation	\$514,000
General Fund—Private/Local Appropriation	\$35,000
Other Dedicated Funds	\$774,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,547,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of Substitute House Bill No. 1985 (PERS/TRS 1 benefit increase). Agency appropriations in this act are adjusted by the amounts specified in LEAP omnibus document GLU-PERS and TRS 1 plan 1 benefit increase, dated February 14, 2024. If the bill is not enacted by June 30, 2024, the amounts appropriated by this section shall lapse.

**NEW SECTION. Sec. 731.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—CONTRIBUTIONS TO RETIREMENT SYSTEMS—DSHS COMPETENCY RESTORATION/PSERS**

General Fund—State Appropriation (FY 2025)	\$160,000
General Fund—Federal Appropriation	\$10,000
Other Appropriated Funds—Appropriation	\$6,000
<b>TOTAL APPROPRIATION</b>	<b>\$176,000</b>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the increased contribution rate requirements associated with the enactment of House Bill No. 1949 (DSHS competency rest./PSERS). If the bill is not enacted by June 30, 2024, the amounts appropriated by this section shall lapse.

**NEW SECTION. Sec. 732.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**COMPENSATION—BODY-WORN CAMERA COMPENSATION—NONREPRESENTED EMPLOYEES**

General Fund—State Appropriation (FY 2025)	\$3,000
Fish, Wildlife, and Conservation Account—State Appropriation	\$2,000
<b>TOTAL APPROPRIATION</b>	<b>\$5,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for implementation of body-worn cameras by nonrepresented

employees employed in the enforcement program at the department of fish and wildlife.

**NEW SECTION. Sec. 733.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—DFW SERGEANTS ASSOCIATION/TEAMSTERS 760 BODY-WORN CAMERA MOU**

General Fund—State Appropriation (FY 2025)	\$27,000
General Fund—Federal Appropriation	\$1,000
General Fund—Private/Local Appropriation	\$3,000
Other Dedicated Funds	\$23,000
<b>TOTAL APPROPRIATION</b>	<b>\$54,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between the governor and the department of fish and wildlife sergeants association/teamsters 760 under the provisions of chapter 41.56 RCW to address implementation of the body-worn camera program during fiscal year 2025.

**NEW SECTION. Sec. 734.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—FISH AND WILDLIFE ENFORCEMENT OFFICERS GUILD BODY-WORN CAMERA MOU**

General Fund—State Appropriation (FY 2025)	\$133,000
General Fund—Federal Appropriation	\$12,000
General Fund—Private/Local Appropriation	\$7,000
Fish, Wildlife and Conservation Account—State Appropriation	\$104,000
<b>TOTAL APPROPRIATION</b>	<b>\$256,000</b>

The appropriations in this section are subject to the following conditions and limitations: Funding is for the agreement reached between the governor and the fish and wildlife enforcement officers guild under the provisions of chapter 41.56 RCW to address implementation of the body-worn camera program during fiscal year 2025.

**NEW SECTION. Sec. 735.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES—SOCIAL SERVICE SPECIALIST HOME VISITS**

General Fund—State Appropriation (FY 2025)	\$1,484,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,484,000</b>

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the governor or the governor's designee to negotiate an amendment to the collective bargaining agreements covering home visits by social service specialist 2. Funding is sufficient for a one-time 10 percent assignment pay premium for home visits beginning July 1, 2024, and is subject to an agreement between the state and the exclusive collective bargaining representative of the social service specialists.

**NEW SECTION. Sec. 736.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—CENTRAL WASHINGTON UNIVERSITY—POLICE/TEAMSTERS**

General Fund—State Appropriation (FY 2024)	\$86,000
General Fund—State Appropriation (FY 2025)	\$118,000
<b>TOTAL APPROPRIATION</b>	<b>\$204,000</b>

The appropriations in this section are subject to the following conditions and limitations: An agreement has been reached between Central Washington University and the police/teamsters represented employees under the provisions of chapter 41.80 RCW for the 2023-2025 fiscal biennium and approved in part IX of this act. Appropriations for Central Washington University are increased by the amounts specified to fund the provisions of this



agreement.

**NEW SECTION. Sec. 737.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY—ACADEMIC EMPLOYEES**

General Fund—State Appropriation (FY 2024)	\$299,000
General Fund—State Appropriation (FY 2025)	\$2,382,000
TOTAL APPROPRIATION	\$2,681,000

The appropriations in this section are subject to the following conditions and limitations: Funding is provided for an agreement that has been reached between Washington State University and the academic employees represented by the united automobile, aerospace, and agricultural implement workers of America for the 2023-2025 fiscal biennium.

**NEW SECTION. Sec. 738.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**CANNABIS REVENUE DISTRIBUTIONS FOR COMPENSATION ADJUSTMENTS**

Dedicated Cannabis Account—State Appropriation (FY 2025)	\$20,000
TOTAL APPROPRIATION	\$20,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the impacts of compensation adjustments on state agencies supporting employees through the dedicated cannabis account—state.

**NEW SECTION. Sec. 739.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**CANNABIS REVENUES FOR CENTRAL SERVICES ADJUSTMENTS**

Dedicated Cannabis Account—State Appropriation (FY 2024)	(\$4,000)
Dedicated Cannabis Account—State Appropriation (FY 2025)	(\$127,000)
TOTAL APPROPRIATION	(\$131,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the impacts of central services adjustments through the dedicated cannabis account—state.

**NEW SECTION. Sec. 740.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—SECRETARY OF STATE ARCHIVES AND RECORDS MANAGEMENT**

General Fund—State Appropriation (FY 2025)	\$33,000
General Fund—Federal Appropriation	\$12,000
General Fund—Private/Local Appropriation	\$1,000
Other Appropriated Funds—Appropriation	\$13,000
TOTAL APPROPRIATION	\$59,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations relating to corresponding adjustments in the secretary of state's billing authority for archives and records management. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92C-2024, dated February 19, 2024, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 741.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE AUDITOR AUDIT SERVICES**

General Fund—State Appropriation (FY 2024)	\$2,000
General Fund—State Appropriation (FY 2025)	\$30,000

General Fund—Federal Appropriation	\$11,000
Other Appropriated Funds—Appropriation	\$14,000
TOTAL APPROPRIATION	\$57,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the state auditor's billing authority for state agency auditing services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92D-2024, dated February 19, 2024, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 742.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—OFFICE OF ATTORNEY GENERAL LEGAL SERVICES**

General Fund—State Appropriation (FY 2024)	\$1,059,000
General Fund—State Appropriation (FY 2025)	\$1,965,000
General Fund—Federal Appropriation	\$160,000
General Fund—Private/Local Appropriation	\$9,000
Other Appropriated Funds—Appropriation	\$1,048,000
TOTAL APPROPRIATION	\$4,241,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of the attorney general's billing authority for legal services. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92E-2024, dated February 19, 2024, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 743.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—ADMINISTRATIVE HEARINGS**

General Fund—State Appropriation (FY 2024)	\$4,000
General Fund—State Appropriation (FY 2025)	\$67,000
General Fund—Federal Appropriation	\$60,000
Other Appropriated Funds—Appropriation	\$118,000
TOTAL APPROPRIATION	\$249,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of administrative hearing's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92G-2024, dated February 19, 2024, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 744.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONSOLIDATED TECHNOLOGY SERVICES CENTRAL SERVICES**

General Fund—State Appropriation (FY 2024)	\$1,537,000
General Fund—State Appropriation (FY 2025)	\$3,861,000
General Fund—Federal Appropriation	\$1,146,000
General Fund—Private/Local Appropriation	\$78,000
Other Appropriated Funds—Appropriation	\$1,711,000
TOTAL APPROPRIATION	\$8,333,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the consolidated technology services agency's billing authority. The office of financial

management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92J-2024, dated February 19, 2024, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 745.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
DEPARTMENT OF ENTERPRISE SERVICES CENTRAL  
SERVICES**

General Fund—State Appropriation (FY 2024)	\$136,000
General Fund—State Appropriation (FY 2025)	\$320,000
General Fund—Federal Appropriation	\$240,000
General Fund—Private/Local Appropriation	\$7,000
Other Appropriated Funds—Appropriation	\$138,000
TOTAL APPROPRIATION	\$841,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the department of enterprise services' billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92K-2024, dated February 19, 2024, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 746.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
OFFICE OF FINANCIAL MANAGEMENT CENTRAL  
SERVICES**

General Fund—State Appropriation (FY 2024)	\$16,363,000
General Fund—State Appropriation (FY 2025)	\$41,620,000
General Fund—Federal Appropriation	\$911,000
General Fund—Private/Local Appropriation	\$1,573,000
Other Appropriated Funds—Appropriation	\$18,414,000
TOTAL APPROPRIATION	\$78,881,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of financial management's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92R-2024, dated February 19, 2024, and adjust appropriation schedules accordingly.

**NEW SECTION. Sec. 747.** A new section is added to 2023 c 475 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—  
OFFICE OF THE GOVERNOR CENTRAL SERVICES**

General Fund—State Appropriation (FY 2024)	\$112,000
General Fund—State Appropriation (FY 2025)	\$305,000
General Fund—Federal Appropriation	\$111,000
General Fund—Private/Local Appropriation	\$11,000
Other Appropriated Funds—Appropriation	\$153,000
TOTAL APPROPRIATION	\$692,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section reflect adjustments in agency appropriations related to corresponding adjustments in the office of the governor's billing authority. The office of financial management shall adjust allotments in the amounts specified, and to the state agencies specified, in LEAP omnibus document 92W-2024, dated February 19, 2024, and adjust appropriation schedules accordingly.

**PART VIII**

**OTHER TRANSFERS AND APPROPRIATIONS**

**Sec. 801.** 2023 c 475 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES  
FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions ~~(\$13,766,000)~~  
\$14,606,000

General Fund Appropriation for prosecuting attorney distributions ~~(\$8,284,000)~~  
\$8,690,000

General Fund Appropriation for boating safety and education distributions \$4,272,000

General Fund Appropriation for public utility district excise tax distributions ~~(\$71,825,000)~~  
\$71,424,000

Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies ~~(\$4,947,000)~~  
\$6,000,000

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distributions \$140,000

Timber Tax Distribution Account Appropriation for distribution to "timber" counties ~~(\$82,143,000)~~  
\$92,948,000

County Criminal Justice Assistance Appropriation ~~(\$129,509,000)~~  
\$129,925,000

Municipal Criminal Justice Assistance Appropriation ~~(\$51,247,000)~~  
\$51,744,000

City-County Assistance Appropriation ~~(\$45,960,000)~~  
\$34,604,000

Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$89,385,000

Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation \$9,587,000

Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians ~~(\$6,893,000)~~  
\$6,919,000

Liquor Revolving Account Appropriation for liquor profits distribution \$98,876,000

General Fund Appropriation for other tax distributions \$104,000

Dedicated Cannabis Account Appropriation for Cannabis Excise Tax distributions pursuant to Engrossed Second Substitute Senate Bill No. 5796 (cannabis revenue). This includes an increase of \$1,178,000 which is an adjustment for distributions made in fiscal year 2022. ~~(\$50,472,000)~~  
\$47,216,000

General Fund Appropriation for Habitat Conservation Program distributions \$5,754,000

General Fund Appropriation for payment in lieu of taxes to counties under Department of Fish and Wildlife Program \$4,496,000

Puget Sound Taxpayer Accountability Account Appropriation for distribution to counties in amounts not to exceed actual deposits into the account and attributable to those counties' share pursuant to RCW 43.79.520. ~~(\$27,990,000)~~  
\$28,630,000

Manufacturing and Warehousing Job Centers Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistributions effect of sourcing law changes pursuant to chapter 83, Laws of 2021 (warehousing & manufacturing jobs). \$7,780,000

State Crime Victim and Witness Assistance Account Appropriation for distribution to counties. If Engrossed Substitute House Bill No. 1169 is not enacted by June 30, 2023, this amount

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

shall lapse. \$4,000,000  
 TOTAL APPROPRIATION ((~~\$717,430,000~~))  
\$717,100,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 802.** 2023 c 475 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation ((~~\$2,065,000~~))  
\$1,615,000  
 TOTAL APPROPRIATION ((~~\$2,065,000~~))  
\$1,615,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2023-2025 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 803.** 2023 c 475 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Appropriation ((~~\$1,377,000~~))  
\$1,077,000  
 TOTAL APPROPRIATION ((~~\$1,377,000~~))  
\$1,077,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2023-2025 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**Sec. 804.** 2023 c 475 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Dedicated Cannabis Account: For transfer to the basic health plan trust account, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2024, ((~~\$269,000,000~~)) \$240,000,000 and this amount for fiscal year 2025, ((~~\$278,000,000~~)) \$250,000,000 ((~~\$547,000,000~~))  
\$490,000,000

Dedicated Cannabis Account: For transfer to the state general fund, the lesser of the amount determined pursuant to RCW 69.50.540 or this amount for fiscal year 2024, ((~~\$162,000,000~~)) \$150,000,000 and this amount for fiscal year 2025, ((~~\$172,000,000~~)) \$155,000,000 ((~~\$334,000,000~~))  
\$305,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2024 \$92,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2025 \$92,000,000

~~(Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the tobacco arbitration payment to the tobacco settlement account, for fiscal year 2024~~ \$24,500,000)

State Treasurer's Service Account: For transfer to the state general fund, \$15,000,000 for fiscal year 2024 and \$15,000,000 for fiscal year 2025. It is the intent of the legislature to continue this policy in the subsequent fiscal biennium. \$30,000,000

General Fund: For transfer to the fair fund under RCW 15.76.115, \$3,500,000 for fiscal year 2024 and \$3,500,000 for fiscal year 2025 \$7,000,000

Financial Services Regulation Account: For transfer to the state general fund, \$3,500,000 for fiscal year 2024 and \$3,500,000 for fiscal year 2025. It is the intent of the legislature to continue this policy in the subsequent fiscal biennium. \$7,000,000

General Fund: For transfer to the wildfire response, forest restoration, and community resilience account, solely for the implementation of chapter 298, Laws of 2021 (2SHB 1168) (long-term forest health), ((~~\$44,903,000~~)) \$52,224,000 for fiscal year 2024 and ((~~\$44,903,000~~)) \$56,725,000 for fiscal year 2025 ((~~\$89,806,000~~))  
\$108,949,000

Washington Rescue Plan Transition Account: For transfer to the state general fund, \$1,302,000,000 for fiscal year 2024 and \$798,000,000 for fiscal year 2025 ((~~\$1,302,000,000~~))  
\$2,100,000,000

Business License Account: For transfer to the state general fund, \$7,200,000 for fiscal year 2025 \$7,200,000

General Fund: For transfer to the manufacturing and warehousing job centers account pursuant to RCW 82.14.545 for distribution in section 801 of this act, \$4,320,000 for fiscal year 2024 and \$3,460,000 for fiscal year 2025 \$7,780,000

Long-Term Services and Supports Trust Account: For transfer to the state general fund as full repayment of the long-term services program start-up costs and interest, in an amount not to exceed the actual amount of the total remaining principal and interest of the loan, for fiscal year 2024 ((~~\$64,281,000~~))  
\$66,000,000

General Fund: For transfer to the forest resiliency account trust fund, \$4,000,000 for fiscal year 2024 \$4,000,000

Water Pollution Control Revolving Administration Account: For transfer to the water pollution control revolving account, \$6,000,000 for fiscal year 2024 \$6,000,000

General Fund: For transfer to the salmon recovery account, \$3,000,000 for fiscal year 2024 \$3,000,000

Washington Student Loan Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2024 \$40,000,000

Model Toxics Control Operating Account: For transfer to the state general fund, \$50,000,000 for fiscal year 2025 \$50,000,000

General Fund: For transfer to the home security fund, \$44,500,000 for fiscal year 2024 and ((~~\$4,500,000~~)) \$7,900,000

for fiscal year 2025 ((~~\$49,000,000~~))  
\$52,400,000  
 General Fund: For transfer to the state drought preparedness account, \$2,000,000 for fiscal year 2024 \$2,000,000  
General Fund: For transfer to the disaster response account, \$12,500,000 for fiscal year 2024 and \$18,000,000 for fiscal year 2025 \$30,500,000  
 From auction proceeds received under RCW 70A.65.100(7)(b): For transfer to the air quality and health disparities improvement account, \$2,500,000 for fiscal year 2024 \$2,500,000  
 From auction proceeds received under RCW 70A.65.100(7)(c): For transfer to the air quality and health disparities improvement account, \$2,500,000 for fiscal year 2025 \$2,500,000  
 Climate Investment Account: For transfer to the carbon emissions reduction account, \$200,000,000 for fiscal year 2025 \$200,000,000  
~~((Climate Investment Account: For transfer to the climate commitment account, \$100,000,000 for fiscal year 2025~~ ~~\$100,000,000~~  
~~Climate Investment Account: For transfer to the natural climate solutions account, \$70,000,000 for fiscal year 2025~~ ~~\$70,000,000~~  
Climate Investment Account: For transfer to the carbon emissions reduction account, \$324,000,000 on or after January 1, 2025 \$324,000,000  
General Fund: For transfer to the death investigations account, \$3,500,000 for fiscal year 2024 \$3,500,000  
General Fund: For transfer to the local government archives account, \$1,900,000 for fiscal year 2025 \$1,900,000

**PART IX  
MISCELLANEOUS**

NEW SECTION. Sec. 901. A new section is added to 2023 c 475 (uncodified) to read as follows: **COLLECTIVE BARGAINING AGREEMENTS**

(1) In accordance with chapters 41.80 and 41.56 RCW, agreements have been reached between the governor and organizations representing state employee bargaining units and nonstate employee bargaining units for the 2025 fiscal year presented to the legislature during the 2024 legislative session. Funding is not provided for compensation and fringe benefit provisions not presented to the legislature by the end of the 2024 legislative session. Funding is approved for agreements and awards with the following organizations:

- (a) Fish and wildlife officers guild;
- (b) Teamsters local 760, department of fish and wildlife sergeants; and
- (c) Adult family home council, adult family home providers.

(2) In accordance with chapters 41.80 and 41.56 RCW, an agreement has been reached between Central Washington University, an institution of higher education, and an employee organization representing state employee bargaining units for the 2023-2025 fiscal biennium and funding is provided in Part VII of this act for the agreement with the following organization: Central Washington University agreement with the campus police officers & sergeants.

(3) In accordance with chapter 41.56, an agreement has been reached between Washington State University and an employee organization representing academic student employees for fiscal year 2025, and funding is provided in Part VII of this act with the following organization: The united automobile, aerospace and agricultural implement workers of America.

- (4) Expenditures for agreements in subsections (1) and (2) of

this section may also be funded from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

**Sec. 902.** 2023 c 475 s 908 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE COALITION—INSURANCE BENEFITS**

(1)(a) An agreement was reached for the 2023-2025 biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement, which maintains the provisions of the prior agreement.

(b) Appropriations for state agencies in this act are sufficient for represented employees outside the coalition and for nonrepresented state employee health benefits.

(2) The appropriations for state agencies in this act are subject to the following conditions and limitations:

(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$1,145 per eligible employee for fiscal year 2024. For fiscal year 2025, the monthly employer funding rate shall not exceed ~~((~~\$1,194~~))~~ \$1,169 per eligible employee. These rates are sufficient to separate vision benefits out of medical plans into stand-alone vision insurance and increase the hardware benefit to \$200 every two years, beginning January 1, 2025, and sufficient to cover in the uniform medical plan, effective July 1, 2023, coverage with no cost share for up to two over the counter COVID-19 tests for each member each month. The rates are sufficient to cover a diabetes management program and apply the cost-share provisions outlined in chapter 366, Laws of 2023 (breast examinations—health plan cost sharing) in the uniform medical plan, effective January 1, 2025. The rates are not sufficient to add coverage of prescription drugs for the treatment of obesity or weight loss. The authority shall not add coverage of prescription drugs for the treatment of obesity or weight loss without a specific appropriation from the legislature. Nothing in this section requires removal of any existing coverage of prescription drugs to treat diabetes.

(b) The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2024 and 2025, the subsidy shall be up to \$183 per month. Funds from reserves accumulated for future adverse claims experience, from past favorable claims experience, or otherwise, may not be used to increase this retiree subsidy beyond what is authorized in this subsection.

(d) School districts and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(i) For each full-time employee, \$68.41 per month beginning September 1, 2023, and (~~(\$78.58)~~) \$79.15 beginning September 1, 2024;

(ii) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$68.41 each month beginning September 1, 2023, and (~~(\$78.58)~~) \$79.15 beginning September 1, 2024, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection do not apply to employees of a school district or educational service district who purchase insurance benefits through contracts with the health care authority.

(e) The board has the authority to forgo the federal retiree drug subsidy collected under RCW 41.05.068 for uniform medical plan classic medicare, only to leverage additional federal subsidies via adoption of a medicare part D employer group waiver plan to help reduce premiums for medicare retirees enrolled in uniform medical plan classic medicare.

**Sec. 903.** 2023 c 475 s 909 (uncodified) is amended to read as follows:

**COMPENSATION—SCHOOL EMPLOYEES—INSURANCE BENEFITS**

An agreement was reached for the 2023-2025 biennium between the governor and the school employee coalition under the provisions of chapters 41.56 and 41.59 RCW. Appropriations in this act for allocations to school districts are sufficient to implement the provisions of the 2023-2025 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:

(1) The monthly employer funding rate for insurance benefit premiums, school employees' benefits board administration, retiree remittance, and the uniform medical plan, shall not exceed the rates identified in section 506(4) of this act.

(a) These rates are sufficient to cover, effective January 1, 2024:

- (i) The following in the uniform medical plan:
  - (A) Offering a diabetes management program; and
  - (B) Effective July 1, 2023, coverage with no cost share for up to two over the counter COVID-19 tests for each member each month; and
- (ii) The following in the uniform dental plan:
  - (A) Increasing the temporomandibular joint benefit to \$1,000 annually and \$5,000 per lifetime;
  - (B) Eliminating the deductible for children up to age 15;
  - (C) Covering composite fillings on posterior teeth; and
  - (D) Increasing plan coverage of crowns to 70 percent.

(b) These rates include funding to cover, effective January 1, 2025, (~~increasing~~):

(i) Increasing the stand-alone vision insurance hardware benefit to \$200 every 2 years; and

(ii) Applying the cost share provisions outlined in chapter 366, Laws of 2023 (Substitute Senate Bill No. 5396) in the uniform medical plan.

(c) The rates are not sufficient to add coverage of prescription drugs for the treatment of obesity or weight loss. The authority shall not add coverage of prescription drugs for the treatment of obesity or weight loss without a specific appropriation from the legislature. Nothing in this section requires removal of any existing coverage of prescription drugs to treat diabetes.

(2) Rates established in subsection (1) of this section are sufficient to reduce member costs as provided in article 1.3 of the school employees health care funding agreement.

(3) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the school employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.740. The board shall collect a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(4) The health care authority shall deposit any moneys received on behalf of the school employees' medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the school employees' and retirees' insurance account to be used for insurance benefits. Such receipts may not be used for administrative expenditures.

(5) When bargaining for funding for school employees health benefits for subsequent fiscal biennia, any proposal agreed upon must assume the imposition of a \$25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than \$50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

**Sec. 904.** 2023 c 475 s 911 (uncodified) is amended to read as follows:

**COMPENSATION—PENSION CONTRIBUTIONS**

The appropriations in this act for school districts and state agencies, including institutions of higher education, are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect changes to agency appropriations to reflect pension contribution rates adopted by the pension funding council and the law enforcement officers' and firefighters' retirement system plan 2 board, and as adjusted under Engrossed Substitute Senate Bill No. 5294 (plan 1 UAAL rates).

(2) An increase of 0.12 percent is funded for state employer contributions to the public employees' retirement system, the public safety employees' retirement systems, and the school employees' retirement system, and an increase of 0.23 percent for employer contributions to the teachers' retirement system is funded for the provisions of Senate Bill No. 5350 (providing a benefit increase to certain retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1). If the bill is not enacted by June 30, 2023, this subsection is null and void and appropriations for school districts and state agencies, including institutions of higher education, shall be held in unallotted status.

(3) An increase of 0.13 percent is funded for state employer contributions to the Washington state patrol retirement system and an increase of 0.01 percent is funded for state contributions to the law enforcement officers' and firefighters' retirement system plan 2 for the provisions of Substitute House Bill No. 1007

(military service credit). If the bill is not enacted by June 30, 2023, this subsection is null and void and appropriations for state agencies shall be held in unallotted status.

(4) An increase of 0.01 percent for school district and state employer contributions is funded for the teachers' retirement system for the provisions of Substitute House Bill No. 1056 (postretirement employment). If the bill is not enacted by June 30, 2023, this subsection is null and void and appropriations for state agencies shall be held in unallotted status.

(5) An increase of 0.13 percent is funded for state employer contributions to the public safety employees' retirement system for the provisions of chapter 199, Laws of 2023 (public safety telecommunicators).

(6) An increase of 0.04 percent is funded for state employer contributions to the public safety employees' retirement system for the provisions of House Bill No. 1949 (DSHS competency rest./PSERS). If the bill is not enacted by June 30, 2024, this subsection is null and void and appropriations for state agencies shall be held in unallotted status.

(7) An increase of 0.08 percent is funded for state employer contributions to the public employees' retirement system, the public safety employees' retirement systems, and the school employees' retirement system, and an increase of 0.16 percent for employer contributions to the teachers' retirement system is funded for the provisions of Substitute House Bill No. 1985 (PERS/TRS 1 benefit increase). If the bill is not enacted by June 30, 2024, this subsection is null and void and appropriations for school districts and state agencies, including institutions of higher education, shall be held in unallotted status.

**Sec. 905.** 2023 c 475 s 912 (uncodified) is amended to read as follows:

The Washington state missing and murdered indigenous women and people task force is established.

(1) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The governor's office of Indian affairs shall appoint five representatives from federally recognized Indian tribes in Washington state.

(d) The president of the senate and the speaker of the house of representatives jointly shall appoint the following:

- (i) One member representing the Seattle Indian health board;
- (ii) One member representing the NATIVE project;
- (iii) One member representing Northwest Portland area Indian health board;
- (iv) One member representing the American Indian health commission;
- (v) Two indigenous women or family members of indigenous women that have experienced violence;
- (vi) One member representing the governor's office of Indian affairs;
- (vii) The chief of the Washington state patrol or his or her representative;
- (viii) One member representing the Washington state office of the attorney general;
- (ix) One member representing the Washington association of sheriffs and police chiefs;
- (x) One member representing the Washington state association of counties;
- (xi) One member representing the association of Washington cities;
- (xii) One member representing the Washington association of

prosecuting attorneys; and

(xiii) One representative of the Washington association of criminal defense lawyers.

(e) Where feasible, the task force may invite and consult with any entity, agency, or individual deemed necessary.

(2) The legislative members shall convene the initial meeting of the task force no later than the end of 2023 and thereafter convene:

(a) A minimum of two subsequent meetings annually. The membership shall select the task force's cochairs, which must include one legislator and one nonlegislative member; and

(b) One summit annually.

(3) The task force shall review the laws and policies relating to missing and murdered American Indian and Alaska Native people. The task force shall review current policies and develop recommendations for the purpose of:

(a) Assessing systemic causes behind violence including patterns and underlying historical, social and economic, institutional, and cultural factors which may contribute to disproportionately high levels of violence that occur against American Indian and Alaska Native people and recommending changes to address these systemic causes;

(b) Identifying ways to improve cross-border coordination between law enforcement and federally recognized tribes that share a border with Washington state;

(c) Assessing and recommending improvements to data tracking and reporting practices relating to violence against American Indian and Alaska Native people in Washington state;

(d) Making recommendations and best practices for improving:

(i) The collection and reporting of data by tribal, local, and state law enforcement agencies to more effectively understand and address issues of violence facing American Indian and Alaska Native people;

(ii) Jurisdictional and data-sharing issues on tribal reservation land and urban areas that impact gender-based violence against American Indian and Alaska Native people;

(iii) The collaboration and coordination between law enforcement agencies and federal, state, county, local, and tribal social and health services; and

(iv) Strategies and practices to improve communication and transparency with family members in missing and murdered indigenous women and people cases;

(e) Reviewing prosecutorial trends and practices relating to crimes of violence against American Indian and Alaska Native people in Washington state, identifying disparities, and recommending changes to address such disparities;

(f) Identifying barriers to providing more state resources in tracking and addressing violence against American Indian and Alaska Native people and reducing the incidences of violence;

(g) Assessing and identifying state resources to support programs and services for survivors, impacted family members, and tribal and urban Indian service providers working with American Indian and Alaska Native people who have experienced violence and identifying needs of survivors, impacted family members, and tribal and urban Indian service providers that are not currently being met;

(h) Identifying and making recommendations for increasing state resources for trainings on culturally attuned best practices for working with American Indian and Alaska Native communities for tribal, local, and state law enforcement personnel in Washington state; and

(i) Supporting efforts led by American Indian and Alaska Native people to address this crisis, with the recognition that those personally impacted are already doing critical work to address the impacts of the missing and murdered indigenous women and people crisis in communities and that community-led work must

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

be centered in order to identify and fully address the scope of the issue.

(4) The task force, with the assistance of the Washington state office of the attorney general, must consult with federally recognized tribes in Washington state and in states bordering Washington state, and engage with urban Indian organizations to submit reports to the governor and the appropriate committees of the legislature by December 1, 2023, and June 1, 2025.

(5)(a) The task force, in partnership with the Washington association of sheriffs and police chiefs and at least one tribal epidemiology organization, must establish a Washington state Indigenous demographic data collection work group to develop best practices models for law enforcement agencies, county coroners, and medical examiners on collecting Indigenous demographic data. In developing the best practices models, the work group must seek input, guidance, knowledge, and recommendations from individuals and families with lived experience, as well as from tribal leadership and tribal membership, to ensure a culturally informed and sensitive process.

(b) The office of the attorney general shall act as the fiscal sponsor for the tribal epidemiology organization or organizations participating in the work group. The office must provide stipends and reasonable allowances in accordance with RCW 43.03.220 for individuals with lived experience for their participation in the work group.

(6)(a) The office of the attorney general administers and provides staff support to the task force, organizes the summit required under subsection (2)(b) of this section, and oversees the development of the task force reports required under subsection (4) of this section. The task force and the office of the attorney general shall conduct four site visits in different locations across the state in collaboration with tribes and native-led organizations. The office of the attorney general may contract for the summit.

(b) The office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, training, and other services to the task force for the purposes provided in subsection (3) of this section.

(c) The office of the attorney general may share and exchange information received or created on behalf of the task force with other states, federally recognized Indian tribes, urban Indian organizations, and other national groups working on missing and murdered indigenous women and people issues.

(d) The office of the attorney general must coordinate with the task force to create and update a missing and murdered indigenous women and people resource. The resource must include:

(i) Instructions on how to report a missing indigenous woman or person;

(ii) General information about the investigative processes in missing and murdered indigenous women and people cases;

(iii) Best practices for family members in missing and murdered indigenous women and people cases when working with law enforcement; and

(iv) Other useful information and resources.

~~((6))~~ (7) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

~~((7))~~ (8) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force

members whose participation in the task force may be hampered by financial hardship may be compensated as provided in RCW 43.03.220.

~~((8))~~ (9) This section expires June 30, 2025.

**NEW SECTION. Sec. 906.** A new section is added to 2023 c 475 (uncodified) to read as follows:

(1) The consolidated climate account is created in the custody of the state treasurer. The account is subject to allotment procedures under chapter 43.88 RCW. Except as provided in subsection (2) of this section, the account is subject to appropriation. Expenditures from the account may be used only for purposes allowed in the following accounts as they exist on December 1, 2024: (a) The climate investment account; (b) the climate commitment account; (c) the natural climate solutions account; and (d) the air quality and health disparities improvement account.

(2) If Initiative Measure No. 2117 is approved in the 2024 general election, unless otherwise specified, appropriations in chapter 474, Laws of 2023 (2023-2025 biennial capital budget), the 2024 supplemental capital budget (HB 2089), chapter 475, Laws of 2023 (2023-2025 biennial operating budget), and the 2024 supplemental operating budget (HB 2104), which are appropriated from the: (a) Climate investment account; (b) climate commitment account; (c) natural climate solutions account; and (d) air quality and health disparities improvement account, shall be paid from the consolidated climate account as if they were appropriated from that account beginning on the effective date of Initiative Measure No. 2117.

(3) If Initiative Measure No. 2117 is not approved at the 2024 general election, this section is null and void.

**Sec. 907.** RCW 43.101.200 and 2023 c 475 s 931 and 2023 c 168 s 2 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (2) of this section, all law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2)(a) All law enforcement personnel who are limited authority Washington peace officers and whose employment commences on or after July 1, 2023, shall commence basic training during the first 12 months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after July 1, 2023.

(b)(i) The commission shall review the training files of all law enforcement personnel who are limited authority Washington peace officers, whose employment commenced prior to July 1, 2023, and who have not successfully completed training that complies with standards adopted by the commission, to determine what, if any, supplemental training is required to appropriately carry out the officers' duties and responsibilities.

(ii) Nothing in this section may be interpreted to require law enforcement personnel who are limited authority Washington

peace officers, whose employment commenced prior to July 1, 2023, to complete the basic law enforcement training academy as a condition of continuing employment as a limited authority Washington peace officer.

(iii) Law enforcement personnel who are limited authority Washington peace officers are not required to complete the basic law enforcement academy or an equivalent basic academy upon transferring to a general authority Washington law enforcement agency or limited authority Washington law enforcement agency, as defined in RCW 10.93.020, if they have:

(A) Been employed as a special agent with the Washington state gambling commission, been a natural resource investigator with the department of natural resources, been a liquor enforcement officer with the liquor and cannabis board, been an investigator with the office of the insurance commissioner, or been a park ranger with the Washington state parks and recreation commission, before or after July 1, 2023; and

(B) Received a certificate of successful completion from the basic law enforcement academy or the basic law enforcement equivalency academy and thereafter engaged in regular and commissioned law enforcement employment with an agency listed in (b)(iii)(A) of this subsection without a break or interruption in excess of 24 months; and

(C) Remained current with the in-service training requirements as adopted by the commission by rule.

(3) Except as provided in RCW 43.101.170, the commission shall provide the aforementioned training and shall have the sole authority to do so. The commission shall provide necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2017-2019, 2019-2021, and 2021-2023 (~~and 2023-2025~~) fiscal biennia, and during fiscal year 2024, when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period:

PROVIDED FURTHER, That limited authority Washington law enforcement agencies as defined in RCW 10.93.020 shall reimburse the commission for the full cost of training their personnel.

**Sec. 908.** RCW 43.101.220 and 2021 c 334 s 978 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission. The standards adopted must provide for basic corrections training of at least ten weeks in length for any corrections officers subject to the certification requirement under RCW (~~43.101.096~~) 43.101.095 who are hired on or after July 1, 2021, or on an earlier date set by the commission. The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees, except during the (~~2017-2019, 2019-2021, and~~) 2021-2023 fiscal (biennia) biennium, and during fiscal year 2025, when the employing county,

municipal corporation, or state agency shall reimburse the commission for twenty-five percent of the cost of training its personnel.

(3)(a) Subsections (1) and (2) of this section do not apply to the Washington state department of corrections prisons division. The Washington state department of corrections is responsible for identifying training standards, designing curricula and programs, and providing the training for those corrections personnel employed by it. In doing so, the secretary of the department of corrections shall consult with staff development experts and correctional professionals both inside and outside of the agency, to include soliciting input from labor organizations.

(b) The commission and the department of corrections share the responsibility of developing and defining training standards and providing training for community corrections officers employed within the community corrections division of the department of corrections.

**Sec. 909.** RCW 43.101.230 and 2023 c 72 s 1 are each amended to read as follows:

Tribal police officers and employees who are engaged in law enforcement activities and who do not qualify as "criminal justice personnel" or "law enforcement personnel" under RCW 43.101.010 shall be provided training under this chapter if: (1) The tribe is recognized by the federal government, and (2) except during fiscal year 2025, tribal agencies with tribal officer certification agreements with the commission under RCW 43.101.157 shall reimburse the commission for 25 percent of the cost of training its personnel. Tribes without current written tribal officer certification agreements with the commission shall pay to the commission the full cost of providing such training. The commission shall place all money received under this section into the criminal justice training account.

**Sec. 910.** RCW 70A.65.250 and 2023 c 475 s 938 and 2023 c 435 s 12 are each reenacted and amended to read as follows:

(1)(a) The climate investment account is created in the state treasury. Except as otherwise provided in chapter 316, Laws of 2021, all receipts from the auction of allowances authorized in this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Projects or activities funded from the account must meet high labor standards, including family sustaining wages, providing benefits including health care and employer-contributed retirement plans, career development opportunities, and maximize access to economic benefits from such projects for local workers and diverse businesses. Each contracting entity's proposal must be reviewed for equity and opportunity improvement efforts, including: (i) Employer paid sick leave programs; (ii) pay practices in relation to living wage indicators such as the federal poverty level; (iii) efforts to evaluate pay equity based on gender identity, race, and other protected status under Washington law; (iv) facilitating career development opportunities, such as apprenticeship programs, internships, job-shadowing, and on-the-job training; and (v) employment assistance and employment barriers for justice affected individuals.

(2) Moneys in the account may be used only for projects and programs that achieve the purposes of the greenhouse gas emissions cap and invest program established under this chapter and for tribal capacity grants under RCW 70A.65.305. During the 2023-2025 fiscal biennium, moneys in the account may also be used for tribal capacity grant activities supporting climate resilience and adaptation, developing tribal clean energy projects, applying for state or federal grant funding, and other related work. Moneys in the account as described in this subsection must first be appropriated for the administration of the requirements of this chapter, in an amount not to exceed five percent of the total



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

receipt of funds from allowance auction proceeds under this chapter. Beginning July 1, 2023, and annually thereafter, the state treasurer shall distribute funds in the account that exceed the amounts appropriated for the purposes of this subsection (2) as follows:

(a) Seventy-five percent of the moneys to the climate commitment account created in RCW 70A.65.260; and

(b) Twenty-five percent of the moneys to the natural climate solutions account created in RCW 70A.65.270.

(3) The allocations specified in subsection (2)(a) and (b) of this section must be reviewed by the legislature on a biennial basis based on the changing needs of the state in meeting its clean economy and greenhouse gas reduction goals in a timely, economically advantageous, and equitable manner.

(4) During the 2023-2025 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the climate investment account to the carbon emissions reduction account, the climate commitment account, and the natural climate solutions account.

**Sec. 911.** RCW 70A.65.300 and 2021 c 316 s 46 are each amended to read as follows:

(1) The department shall prepare, post on the department website, and submit to the appropriate committees of the legislature an annual report that identifies all distributions of moneys from the accounts created in RCW 70A.65.240 through 70A.65.280.

(2) The report must identify, at a minimum, the recipient of the funding, the amount of the funding, the purpose of the funding, the actual end result or use of the funding, whether the project that received the funding produced any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions, and if so, the quantity of reduced greenhouse gas emissions, the cost per carbon dioxide equivalent metric ton of reduced greenhouse gas emissions, and a comparison to other greenhouse gas emissions reduction projects in order to facilitate the development of cost-benefit ratios for greenhouse gas emissions reduction projects.

(3) The department shall require by rule that recipients of funds from the accounts created in RCW 70A.65.240 through 70A.65.280 report to the department, in a form and manner prescribed by the department, the information required for the department to carry out the department's duties established in this section.

(4) The department shall update its website with the information described in subsection (2) of this section as appropriate but no less frequently than once per calendar year.

(5) The department shall submit its report to the appropriate committees of the legislature with the information described in subsection (2) of this section no later than September 30 of each year. For fiscal year 2025, the report must be submitted no later than November 30, 2024.

**Sec. 912.** RCW 74.46.485 and 2021 c 334 s 991 are each amended to read as follows:

(1) The legislature recognizes that staff and resources needed to adequately care for individuals with cognitive or behavioral impairments is not limited to support for activities of daily living. Therefore, the department shall:

(a) Employ the resource utilization group IV case mix classification methodology. The department shall use the fifty-seven group index maximizing model for the resource utilization group IV grouper version MDS 3.05, but in ~~((the 2021-2023 biennium))~~ fiscal year 2025 the department may revise or update the methodology used to establish case mix classifications to reflect advances or refinements in resident assessment or classification, as made available by the federal government. The

department may adjust by no more than thirteen percent the case mix index for resource utilization group categories beginning with PA1 through PB2 to any case mix index that aids in achieving the purpose and intent of RCW 74.39A.007 and cost-efficient care, excluding behaviors, and allowing for exceptions for limited placement options; and

(b) Implement minimum data set 3.0 under the authority of this section. The department must notify nursing home contractors twenty-eight days in advance the date of implementation of the minimum data set 3.0. In the notification, the department must identify for all semiannual rate settings following the date of minimum data set 3.0 implementation a previously established semiannual case mix adjustment established for the semiannual rate settings that will be used for semiannual case mix calculations in direct care until minimum data set 3.0 is fully implemented.

(2) The department is authorized to adjust upward the weights for resource utilization groups BA1-BB2 related to cognitive or behavioral health to ensure adequate access to appropriate levels of care.

(3) A default case mix group shall be established for cases in which the resident dies or is discharged for any purpose prior to completion of the resident's initial assessment. The default case mix group and case mix weight for these cases shall be designated by the department.

(4) A default case mix group may also be established for cases in which there is an untimely assessment for the resident. The default case mix group and case mix weight for these cases shall be designated by the department.

**Sec. 913.** RCW 74.46.501 and 2021 c 334 s 992 are each amended to read as follows:

(1) From individual case mix weights for the applicable quarter, the department shall determine two average case mix indexes for each medicaid nursing facility, one for all residents in the facility, known as the facility average case mix index, and one for medicaid residents, known as the medicaid average case mix index.

(2)(a) In calculating a facility's two average case mix indexes for each quarter, the department shall include all residents or medicaid residents, as applicable, who were physically in the facility during the quarter in question based on the resident assessment instrument completed by the facility and the requirements and limitations for the instrument's completion and transmission (January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, or October 1st through December 31st).

(b) The facility average case mix index shall exclude all default cases as defined in this chapter. However, the medicaid average case mix index shall include all default cases.

(3) Both the facility average and the medicaid average case mix indexes shall be determined by multiplying the case mix weight of each resident, or each medicaid resident, as applicable, by the number of days, as defined in this section and as applicable, the resident was at each particular case mix classification or group, and then averaging.

(4) In determining the number of days a resident is classified into a particular case mix group, the department shall determine a start date for calculating case mix grouping periods as specified by rule.

(5) The cut-off date for the department to use resident assessment data, for the purposes of calculating both the facility average and the medicaid average case mix indexes, and for establishing and updating a facility's direct care component rate, shall be one month and one day after the end of the quarter for which the resident assessment data applies.

(6)(a) Although the facility average and the medicaid average case mix indexes shall both be calculated quarterly, the cost-rebasing period facility average case mix index will be used throughout the applicable cost-rebasing period in combination with cost report data as specified by RCW 74.46.561, to establish a facility's allowable cost per case mix unit. To allow for the transition to minimum data set 3.0 and implementation of resource utilization group IV for July 1, 2015, through June 30, 2016, the department shall calculate rates using the medicaid average case mix scores effective for January 1, 2015, rates adjusted under RCW 74.46.485(1)(a), and the scores shall be increased each six months during the transition period by one-half of one percent. The July 1, 2016, direct care cost per case mix unit shall be calculated by utilizing 2014 direct care costs, patient days, and 2014 facility average case mix indexes based on the minimum data set 3.0 resource utilization group IV grouper 57. Otherwise, a facility's medicaid average case mix index shall be used to update a nursing facility's direct care component rate semiannually.

(b) Except during the 2021-2023 fiscal biennium, the facility average case mix index used to establish each nursing facility's direct care component rate shall be based on an average of calendar quarters of the facility's average case mix indexes from the four calendar quarters occurring during the cost report period used to rebase the direct care component rate allocations as specified in RCW 74.46.561.

(c) Except during ~~((the 2021-2023 fiscal biennium))~~ fiscal year 2025, the medicaid average case mix index used to update or recalibrate a nursing facility's direct care component rate semiannually shall be from the calendar six-month period commencing nine months prior to the effective date of the semiannual rate. For example, July 1, 2010, through December 31, 2010, direct care component rates shall utilize case mix averages from the October 1, 2009, through March 31, 2010, calendar quarters, and so forth.

(d) The department shall establish a methodology to use the case mix to set the direct care component ~~((F:\Journal\2024 Journal\Journal2024\LegDay057\rate.doc))~~ rate in ~~((the 2021-2023 fiscal biennium))~~ fiscal year 2025.

**NEW SECTION. Sec. 914.** 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. 915.** 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.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Robinson moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5950 and request of the House a conference thereon.

Senator Robinson spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Robinson that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5950 and request a conference thereon.

The motion by Senator Robinson carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5950 and requested of the House a conference thereon by voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No.5950 and the House amendment(s) thereto: Senators Robinson, Nguyen and Wilson, L.

#### MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6194 with the following amendment(s): 6194-S2.E AMH FITZ H3485.3

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 44.90.020 and 2022 c 283 s 3 are each amended to read as follows:

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

(1) "Collective bargaining" means the performance of the mutual obligations of the employer and the exclusive bargaining representative to meet at reasonable times, except that neither party may be compelled to negotiate during a legislative session or on committee assembly days, to confer and negotiate in good faith, and to execute a written agreement with respect to the subjects of bargaining specified under RCW 44.90.090. The obligation to bargain does not compel either party to agree to a proposal or to make a concession unless otherwise provided in this chapter.

(2) "Commission" means the legislative commission created in section 17 of this act at the public employment relations commission, until the legislative commission expires on December 31, 2029. After December 31, 2029, "commission" means the public employment relations commission created under RCW 41.58.010(1).

~~((2))~~ (3) "Confidential employee" means an employee designated by the employer: (a) To assist in a confidential capacity, or serve as counsel to, persons who formulate, determine, and effectuate employer policies with regard to labor relations and personnel matters; or (b) who has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies, strategies, or process to the extent that such access creates a conflict of interest; or (c) who assists or aids an employee with managerial authority; or (d) whose duties normally require access to confidential information that contributes to the development of the employer's collective bargaining policies or bargaining strategies. Such employees may include, but are not limited to, employees whose primary functions include supporting the offices of the secretary of the senate or chief clerk of the house of representatives, or conducting accounting, payroll, labor management, collective bargaining, or human resources activities.

(4) "Director" means the director of the office of state legislative labor relations.

~~((3))~~ (5)(a) "Employee" means:

(i) Any regular partisan employee of the house of representatives or the senate who is covered by this chapter; and

(ii) Any regular employee who is staff of the:

(A) Office of legislative support services;

(B) Legislative service center;

(C) Office of the code reviser who, during any legislative session, does not work full time on drafting and finalizing legislative bills to be included in the Revised Code of

Washington; and

(D) House of representatives and senate administrations.

(b) "Employee" also includes temporary staff hired to perform substantially similar work to that performed by employees included under (a) of this subsection.

(c) All other regular employees and temporary employees, including casual employees, interns, and pages, and employees in the office of program research and senate committee services work groups of the house of representatives and the senate are excluded from the definition of "employee" for the purposes of this chapter.

(6) "Employee organization" means any organization, union, or association in which employees participate and that exists for the purpose, in whole or in part, of collective bargaining with employers.

((4)) (7) "Employee with managerial authority" means any employee designated by the employer who, regardless of job title: (a) Directs the staff who work for a legislative chamber, caucus, agency, or subdivision thereof; (b) has substantial responsibility in personnel administration, or the preparation and administration of the employer's budgets; and (c) exercises authority that is not merely routine or clerical in nature and requires the use of independent judgment.

(8) "Employer" means:

(a) The chief clerk of the house of representatives, or the chief clerk's designee, for employees of the house of representatives;

(b) The secretary of the senate, or the secretary's designee, for employees of the senate; and

(c) The chief clerk of the house of representatives and the secretary of the senate, acting jointly, or their designees, for the regular employees who are staff of the office of legislative support services, the legislative service center, and the office of the code reviser.

(9) "Exclusive bargaining representative" means any employee organization that has been certified under this chapter as the representative of the employees in an appropriate bargaining unit.

((5)) (10) "Labor dispute" means any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment with respect to the subjects of bargaining provided in this chapter, regardless of whether the disputants stand in the proximate relation of employer and employee.

(11) "Legislative agencies" means the joint legislative audit and review committee, the statute law committee, the legislative ethics board, the legislative evaluation and accountability program committee, the office of the state actuary, the legislative service center, the office of legislative support services, the joint transportation committee, and the redistricting commission.

((6)) (12) "Office" means the office of state legislative labor relations.

(13) "Supervisor" means an employee designated by the employer to provide supervision to and have authority over legislative employees on an ongoing basis as part of the employee's regular and usual job duties. Supervision includes the authority to direct employees, approve and deny leave, and effectively recommend decisions to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, or to adjust employee grievances, when the exercise of the authority is not of a merely routine nature but requires the exercise of individual judgment.

NEW SECTION. Sec. 2. A new section is added to chapter 44.90 RCW to read as follows:

(1) This chapter does not apply to any legislative employee who has managerial authority, is a confidential employee, or who

does not meet the definition of employee for the purpose of collective bargaining.

(2) This chapter also does not apply to:

(a) Elected or appointed members of the legislature;

(b) Any person appointed to office under statute, ordinance, or resolution for a specific term of office as a member of a multimember board, commission, or committee;

(c) The deputy secretary of the senate and the deputy chief clerk of the house of representatives;

(d) The senate human resources officer, the human resources director of the house of representatives, and the human resources officers or directors of the legislative support services, legislative service center, and office of the code reviser;

(e) The senate director of accounting and the director of accounting for the house of representatives, and the directors of accounting for the legislative support services, legislative service center, and office of the code reviser;

(f) Caucus chiefs of staff and caucus deputy chiefs of staff;

(g) The speaker's attorney, house counsel, and leadership counsel to the minority caucus of the house of representatives; and

(h) The counsels for the senate that provide direct legal advice to the administration of the senate.

(3)(a) Notwithstanding any other provision of this chapter, the employer has the sole and exclusive authority to designate supervisors. Notwithstanding any other provision of this chapter, the employer also has the sole and exclusive authority to designate confidential employees and employees who have managerial authority, subject to the limitations in (b) of this subsection.

(b) The number of employees designated as confidential employees and employees with managerial authority may not exceed 20 percent of the total employees, as defined under RCW 44.90.020(5)(a)(i), of the employer. However, for the office of legislative support services, the legislative service center, and the office of the code reviser, the number of employees designated as confidential employees and employees with managerial authority may not exceed 20 percent of the total employees in each of those respective agencies.

**Sec. 3.** RCW 44.90.030 and 2022 c 283 s 2 are each amended to read as follows:

(1) The office of state legislative labor relations is created to assist the house of representatives, the senate, and legislative agencies in implementing and managing the process of collective bargaining for employees of the legislative branch of state government.

(2)(a) Subject to (b) of this subsection, the secretary of the senate and the chief clerk of the house of representatives shall employ a director of the office. The director serves at the pleasure of the secretary of the senate and the chief clerk of the house of representatives, who shall fix the director's salary.

(b) The secretary of the senate and the chief clerk of the house of representatives shall, before employing a director, consult with legislative employees, the senate facilities and operations committee, the house executive rules committee, and the human resources officers of the house of representatives, the senate, and legislative agencies.

(c) The director serves as the executive and administrative head of the office and may employ additional employees to assist in carrying out the duties of the office. The duties of the office include, but are not limited to, establishing bargaining teams and conducting negotiations on behalf of the employer.

~~((d) The director shall contract with an external consultant for the purposes of gathering input from legislative employees, taking into consideration RCW 42.52.020 and rules of the house~~

~~of representatives and the senate. The gathering of input must be in the form of, at a minimum, surveys.~~

~~(3) The director, in consultation with the secretary of the senate, the chief clerk of the house of representatives, and the administrative heads of legislative agencies shall:~~

~~(a) Examine issues related to collective bargaining for employees of the house of representatives, the senate, and legislative agencies; and~~

~~(b) After consultation with the external consultant, develop best practices and options for the legislature to consider in implementing and administering collective bargaining for employees of the house of representatives, the senate, and legislative agencies.~~

~~(4)(a) By December 1, 2022, the director shall submit a preliminary report to the appropriate committees of the legislature that provides a progress report on the director's considerations.~~

~~(b) By October 1, 2023, the director shall submit a final report to the appropriate committees of the legislature. At a minimum, the final report must address considerations on the following issues:~~

~~(i) Which employees of the house of representatives, the senate, and legislative agencies for whom collective bargaining may be appropriate;~~

~~(ii) Mandatory, permissive, and prohibited subjects of bargaining;~~

~~(iii) Who would negotiate on behalf of the house of representatives, the senate, and legislative agencies, and which entity or entities would be considered the employer for purposes of bargaining;~~

~~(iv) Definitions for relevant terms;~~

~~(v) Common public employee collective bargaining agreement frameworks related to grievance procedures and processes for disciplinary actions;~~

~~(vi) Procedures related to the commission certifying exclusive bargaining representatives, determining bargaining units, adjudicating unfair labor practices, determining representation questions, and coalition bargaining;~~

~~(vii) The efficiency and feasibility of coalition bargaining;~~

~~(viii) Procedures for approving negotiated collective bargaining agreements;~~

~~(ix) Procedures for submitting requests for funding to the appropriate legislative committees if appropriations are necessary to implement provisions of the collective bargaining agreements; and~~

~~(x) Approaches taken by other state legislatures that have authorized collective bargaining for legislative employees.~~

~~(5) The report must include a summary of any statutory changes needed to address the considerations listed in subsection (4) of this section related to the collective bargaining process for legislative employees.)~~

NEW SECTION. **Sec. 4.** A new section is added to chapter 44.90 RCW to read as follows:

(1) As provided by this chapter, the commission or the court shall determine all questions described by this chapter as under the commission's authority. However, such authority may not result in an order or rule that intrudes upon or interferes with the legislature's core function of efficient and effective law making or the essential operation of the legislature, including that an order or rule may not:

(a) Modify any matter relating to the qualifications and elections of members of the legislature, or the holding of office of members of the legislature;

(b) Modify any matter relating to the legislature or each house thereof choosing its officers, adopting rules for its proceedings, selecting committees necessary for the conduct of business, considering or enacting legislation, or otherwise exercising the

legislative power of this state;

(c) Modify any matter relating to legislative calendars, schedules, and deadlines of the legislature; or

(d) Modify laws, rules, policies, or procedures regarding ethics or conflicts of interest.

(2) No member of the legislature may be compelled by subpoena or other means to attend a proceeding related to matters covered by this chapter during a legislative session, committee assembly days, or for 15 days before commencement of each session.

**Sec. 5.** RCW 44.90.050 and 2022 c 283 s 5 are each amended to read as follows:

(1) Except as may be specifically limited by this chapter, legislative employees shall have the right to self-organization, to form, join, or assist employee organizations, and to bargain collectively through representatives of their own choosing for the purpose of collective bargaining free from interference, restraint, or coercion. Legislative employees shall also have the right to refrain from any or all such activities.

(2) Except as may be specifically limited by this chapter, the commission shall determine all questions pertaining to ascertaining exclusive bargaining representatives for legislative employees and collectively bargaining under this chapter. However, no employee organization shall be recognized or certified as the exclusive bargaining representative of a bargaining unit of employees of the legislative branch unless it receives the votes of a majority of employees in the petitioned for bargaining unit voting in a secret election (~~by mail ballot~~) administered by the commission. The commission's process must allow for an employee, group of employees, employee organizations, employer, or their agents to have the right to petition on any question concerning representation.

(3) ~~((The employer and the exclusive bargaining representative of a bargaining unit of legislative employees may not enter into a collective bargaining agreement that requires the employer to deduct, from the salary or wages of an employee, contributions for payments for political action committees sponsored by employee organizations with legislative employees as members.))~~ The commission must adopt rules that provide for at least the following:

(a) Secret balloting;

(b) Consulting with employee organizations;

(c) Access to lists of employees, job titles, work locations, and home mailing addresses;

(d) Absentee voting;

(e) Procedures for the greatest possible participation in voting;

(f) Campaigning on the employer's property during working hours; and

(g) Election observers.

(4)(a) If an employee organization has been certified as the exclusive bargaining representative of the employees of multiple bargaining units, the employee organization may act for and negotiate a master collective bargaining agreement that includes within the coverage of the agreement all covered employees in the bargaining units.

(b) If a master collective bargaining agreement is in effect for the newly certified exclusive bargaining representative, it applies to the bargaining unit for which the new certification has been issued. Nothing in this subsection (4)(b) requires the parties to engage in new negotiations during the term of that agreement.

(5) The certified exclusive bargaining representative is responsible for representing the interests of all the employees in the bargaining unit. This section may not be construed to limit an exclusive bargaining representative's right to exercise its discretion to refuse to process grievances of employees that are unmeritorious.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(6) No question concerning representation may be raised if:  
(a) Fewer than 12 months have elapsed since the last certification or election; or

(b) A valid collective bargaining agreement exists covering the unit, except for that period of no more than 120 calendar days nor less than 90 calendar days before the expiration of the contract.

**NEW SECTION. Sec. 6.** A new section is added to chapter 44.90 RCW to read as follows:

(1) The commission, after hearing upon reasonable notice to all interested parties, shall decide, in each application for certification as an exclusive bargaining representative, the unit appropriate for certification. In determining the new units or modifications of existing units, the commission must consider: The duties, skills, and working conditions of the employees; the history of collective bargaining; the extent of organization among the employees; the desires of the employees; and the avoidance of excessive fragmentation. However, a unit is not appropriate if it includes:

(a) Both supervisors and nonsupervisory employees. A unit that includes only supervisors may be considered appropriate if a majority of the supervisory employees indicates by vote that they desire to be included in such a unit;

(b) Both house of representatives and senate employees;

(c) Both partisan and nonpartisan employees;

(d) Employees of the majority party caucus and the minority party caucus, unless a majority of the employees of each caucus indicate by vote that they desire to be included together in the same unit; or

(e) Employees of the legislative service center, office of legislative support services, and the office of the code reviser, in any combination with each other or in any combination with employees of the house of representatives or employees of the senate.

(2) If a single employee organization is the exclusive bargaining representative for two or more units, upon petition by the employee organization, the units may be consolidated into a single larger unit if the commission considers the larger unit to be appropriate. If consolidation is appropriate, the commission shall certify the employee organization as the exclusive bargaining representative of the new unit.

**NEW SECTION. Sec. 7.** A new section is added to chapter 44.90 RCW to read as follows:

(1) The parties to a collective bargaining agreement must reduce the agreement to writing and both execute it.

(2) Except as provided in this chapter, a collective bargaining agreement must contain provisions that provide for a grievance procedure of all disputes arising over the interpretation or application of the collective bargaining agreement and that is valid and enforceable under its terms when entered into in accordance with this chapter.

(3) RCW 41.56.037 applies to this chapter.

(4)(a) If a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same bargaining units, the effective date of the collective bargaining agreement may be the day after the termination of the previous collective bargaining agreement, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with that effective date.

(b) If a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and the exclusive bargaining representative

representing different bargaining units, the effective date of the collective bargaining agreement may be the day after the termination date of whichever previous collective bargaining agreement covering one or more of the units terminated first, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with that effective date.

(5) The employer and the exclusive bargaining representative of a bargaining unit of legislative employees may not enter into a collective bargaining agreement that requires the employer to deduct, from the salary or wages of an employee, contributions for payments for political action committees sponsored by employee organizations with legislative employees as members.

**Sec. 8.** RCW 44.90.060 and 2022 c 283 s 6 are each amended to read as follows:

~~((During a legislative session or committee assembly days, nothing))~~ Nothing contained in this chapter permits or grants to any legislative employee the right to strike, participate in a work stoppage, or refuse to perform their official duties.

**Sec. 9.** RCW 44.90.070 and 2022 c 283 s 7 are each amended to read as follows:

(1) Collective bargaining negotiations under this chapter must commence no later than July 1st of each even-numbered year after a bargaining unit has been certified.

(2) The duration of any collective bargaining agreement shall not exceed one fiscal biennium.

(3)(a) The director must submit ratified collective bargaining agreements, with cost estimates, to the employer by October 1st before the legislative session at which the request for funds is to be considered. The transmission by the legislature to the governor under RCW 43.88.090 must include a request for funds necessary to implement the provisions of all collective bargaining agreements covering legislative employees.

(b) If the legislature or governor fails to provide the funds for a collective bargaining agreement for legislative employees, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in section 10 of this act.

(4) Negotiation for economic terms will be by a coalition of all exclusive bargaining representatives. Any such provisions agreed to by the employer and the coalition must be included in all collective bargaining agreements negotiated by the parties. The director and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of bargaining unit specific issues for inclusion in the collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This subsection does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(5) If a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties must immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

**NEW SECTION. Sec. 10.** A new section is added to chapter 44.90 RCW to read as follows:

(1) Should the parties fail to reach agreement in negotiating a collective bargaining agreement, either party may request of the commission the assistance of an impartial third party to mediate the negotiations. If a collective bargaining agreement previously negotiated under this chapter expires while negotiations are underway, the terms and conditions specified in the collective bargaining agreement remain in effect for a period not to exceed one year from the expiration date stated in the agreement.

Thereafter, the employer may unilaterally implement according to law.

(2) Nothing in this section may be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu of the commission.

(3) The commission shall bear costs for mediator services.

**Sec. 11.** RCW 44.90.080 and 2022 c 283 s 8 are each amended to read as follows:

(1) It is an unfair labor practice for an employer in the legislative branch of state government:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules adopted by the commission, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment;

(d) To discharge or discriminate otherwise against an employee because that employee has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the exclusive bargaining representatives of its employees.

(2) Notwithstanding any other law, the expression of any views, arguments, or opinions, or the dissemination thereof in any form, by a member of the legislature related to this chapter or matters within the scope of representation, shall not constitute, or be evidence of, an unfair labor practice unless the employer has authorized the member to express that view, argument, or opinion on behalf of the employer or as an employer.

(3) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce an employee in the exercise of the rights guaranteed by this chapter: PROVIDED, That this subsection shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership in the employee organization or to an employer in the selection of its representatives for the purpose of bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To discriminate against an employee because that employee has filed charges or given testimony under this chapter;

(d) To refuse to bargain collectively with an employer.

~~((3))~~ (4) The expressing of any views, arguments, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

**NEW SECTION. Sec. 12.** A new section is added to chapter 44.90 RCW to read as follows:

(1) The commission is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. However, a complaint may not be processed for any unfair labor practice occurring more than six months before the filing of the complaint with the commission or in Thurston county superior court. This power may not be affected or impaired by any means of adjustment, mediation, or conciliation in labor disputes that

have been or may hereafter be established by law.

(2) Except as may be specifically limited by this chapter, if the commission or court determines that any person has engaged in or is engaging in an unfair labor practice, the commission or court shall issue and cause to be served upon the person an order requiring the person to cease and desist from such unfair labor practice, and to take such affirmative action as will effectuate the purposes and policy of this chapter, such as the payment of damages.

(3) The commission may petition the Thurston county superior court for the enforcement of its order and for appropriate temporary relief.

**Sec. 13.** RCW 44.90.090 and 2022 c 283 s 9 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer shall not bargain over rights of management which, in addition to all powers, duties, and rights established by constitutional provision or statute, shall include, but not be limited to, the following:

(a) Any item listed in section 4(1) of this act;

(b) The functions and programs of the employer, the use of technology, and the structure of the organization, including the size and composition of standing committees;

~~((b))~~ (c) The employer's budget and the size of the employer's workforce, including determining the financial basis for layoffs;

~~((c))~~ (d) The right to direct and supervise employees;

~~((d))~~ (e) The hours of work during legislative session ~~(and the cutoff calendar for a legislative session)~~ and committee assembly days, and the hours of work during the 60 calendar days before the first day of legislative session and during the 20 calendar days after the last day of legislative session. This subsection (2)(e) does not prohibit bargaining over hours of work during any other period and bargaining over compensation for hours of work in excess of a 40-hour workweek, except that bargaining over hours of work during periods not otherwise prohibited and compensation for hours worked in excess of a 40-hour workweek may only occur for agreements that take effect after July 1, 2027; ~~((and~~

~~((e))~~ (f) The cutoff calendar for a legislative session;

(g) The employer's authority to: (i) Lay off employees when there has been a change to the number of members in, or the makeup of, a caucus due to an election or appointment that necessitates a change in the number of staff; (ii) lay off an employee following an election, appointment, or resignation of a legislator; and (iii) terminate an employee for engaging in partisan activities that are incompatible with the employee's job duties or position;

(h) Health care benefits and other employee insurance benefits. The amount paid by a legislative employee for health care premiums must be the same as that paid by a represented state employee covered by RCW 41.80.020(3);

(i) The right to take whatever actions are deemed necessary to carry out the mission of the legislature and its agencies during emergencies; and

(j) Retirement plans and retirement benefits.

~~((2))~~ (3) Except for an applicable code of conduct policy adopted by a chamber of the legislature or a legislative agency, if a conflict exists between policies adopted by the legislature relating to wages, hours, and terms and conditions of employment and a provision of a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with a statute or an applicable term of a code of conduct

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

policy adopted by a chamber of the legislature or a legislative agency is invalid and unenforceable.

**NEW SECTION. Sec. 14.** A new section is added to chapter 44.90 RCW to read as follows:

(1) Upon authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) An employee's written, electronic, or recorded voice authorization to have the employer deduct membership dues from the employee's salary must be made by the employee to the exclusive bargaining representative. If the employer receives a request for authorization of deductions, the employer must, as soon as practicable, forward the request to the exclusive bargaining representative.

(b) Upon receiving notice of the employee's authorization, the employer must deduct from the employee's salary membership dues and remit the amounts to the exclusive bargaining representative.

(c) The employee's authorization remains in effect until expressly revoked by the employee in accordance with the terms and conditions of the authorization.

(d) An employee's request to revoke authorization for payroll deductions must be in writing and submitted by the employee to the exclusive bargaining representative in accordance with the terms and conditions of the authorization.

(e) After the employer receives confirmation from the exclusive bargaining representative that the employee has revoked authorization for deductions, the employer must end the deduction no later than the second payroll after receipt of the confirmation.

(f) The employer must rely on information provided by the exclusive bargaining representative regarding the authorization and revocation of deductions.

**NEW SECTION. Sec. 15.** A new section is added to chapter 44.90 RCW to read as follows:

(1) If the parties to a collective bargaining agreement negotiated under this chapter agree to final and binding arbitration under grievance procedures allowed by section 7 of this act, the parties may agree on one or more permanent umpires to serve as arbitrator, or may agree on any impartial person to serve as arbitrator, or may agree to select arbitrators from any source available to them, including federal and private agencies, in addition to the staff and list of arbitrators maintained by the commission. If the parties cannot agree to the selection of an arbitrator, the commission must supply a list of names in accordance with the procedures established by the commission.

(2) The authority of an arbitrator shall be subject to the limits and restrictions specified under section 4 of this act.

(3) Except as limited by this chapter, an arbitrator may require any person to attend as a witness and to bring with them any book, record, document, or other evidence. The fees for such attendance must be paid by the party requesting issuance of the subpoena and must be the same as the fees of witnesses in the superior court. Arbitrators may administer oaths. Subpoenas must issue and be signed by the arbitrator and must be served in the same manner as subpoenas to testify before a court of record in this state. If any person so summoned to testify refuses or neglects to obey such subpoena, upon petition authorized by the arbitrator, the superior court may compel the attendance of the person before the arbitrator or punish the person for contempt in the same manner provided for the attendance of witnesses or the punishment of

them in the courts of this state.

(4) Except as limited by this chapter, the arbitrator shall appoint a time and place for the hearing and notify the parties thereof, and may adjourn the hearing from time to time as may be necessary, and, on application of either party and for good cause, may postpone the hearing to a time not extending beyond the date fixed by the collective bargaining agreement for making the award. The arbitration award must be in writing and signed by the arbitrator. The arbitrator must, promptly upon its rendition, serve a true copy of the award on each of the parties or their attorneys of record.

(5) If a party to a collective bargaining agreement negotiated under this chapter that includes final and binding arbitration refuses to submit a grievance for arbitration, the other party to the collective bargaining agreement may invoke the jurisdiction of the superior court of Thurston county and the court shall have jurisdiction to issue an order compelling arbitration. Disputes concerning compliance with grievance procedures shall be reserved for determination by the arbitrator. Arbitration shall be ordered if the grievance states a claim that on its face is covered by the collective bargaining agreement. Doubts as to the coverage of the arbitration clause shall be resolved in favor of arbitration.

(6) If a party to a collective bargaining agreement negotiated under this chapter that includes final and binding arbitration refuses to comply with the award of an arbitrator determining a grievance arising under the collective bargaining agreement, the other party to the collective bargaining agreement may invoke the jurisdiction of the superior court of Thurston county and the court shall have jurisdiction to issue an order enforcing the arbitration award.

**Sec. 16.** RCW 41.58.010 and 2012 c 117 s 89 are each amended to read as follows:

(1) There is hereby created the public employment relations commission (hereafter called the "commission") to administer the provisions of this chapter. ~~((The))~~ Notwithstanding section 17 of this act, the commission shall consist of three members who shall be citizens appointed by the governor by and with the advice and consent of the senate. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds. Commission members shall be eligible for reappointment. The governor shall designate one member to serve as chair of the commission. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members shall not be eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission.

(2) In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons knowledgeable in the area of labor relations in the state.

(3) A vacancy in the commission shall not impair the right of the remaining members to exercise all of the powers of the commission, and two members of the commission shall, at all times, constitute a quorum of the commission.

(4) The commission shall at the close of each fiscal year make a report in writing to the legislature and to the governor stating the cases it has heard, the decisions it has rendered, the names, salaries, and duties of all employees and officers in the employ or under the supervision of the commission, and an account of all moneys it has disbursed.

**NEW SECTION. Sec. 17.** A new section is added to chapter 41.58 RCW to read as follows:

(1)(a) There is established a legislative commission (hereafter called "the legislative commission") exclusively for the purpose of certification of bargaining representatives, adjusting and settling complaints, grievances, and disputes arising out of employer-employee relations, and otherwise carrying out the duties required of the commission under chapter 44.90 RCW.

(b) The legislative commission shall consist of three members who shall be appointed as follows:

(i) One member shall be appointed by the speaker of the house of representatives;

(ii) One member shall be appointed by the president of the senate;

(iii) By mutual consent, the two appointed members shall appoint the third member who shall be the chair of the legislative commission.

(c) All appointments must be made by September 30, 2024. The members of the legislative commission, and any person appointed to fill a vacancy, are appointed for the entire term until the legislative commission expires under subsection (9) of this section.

(d) Until all the members of the legislative commission are appointed, the duties required of the legislative commission under chapter 44.90 RCW shall be carried out by the commission created under RCW 41.58.010(1).

(2) The commission may delegate to the executive director authority with respect to, but not limited to, representation proceedings, unfair labor practice proceedings, mediation, and, if applicable, arbitration of disputes concerning the interpretation or application of a collective bargaining agreement. Such delegation shall not eliminate a party's right of appeal to the legislative commission.

(3) Unless specifically provided, the legislative commission shall not be considered part of the commission created under RCW 41.58.010(1). The powers and duties granted in this chapter to the commission created under RCW 41.58.010(1) do not apply to the legislative commission, unless specifically provided.

(4) A member of the legislative commission may be removed by the speaker of the house of representatives and the president of the senate acting jointly, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause.

(5) In making their appointments, the speaker of the house of representatives and the president of the senate shall be cognizant of the desirability of appointing a person who is knowledgeable in the area of labor relations and of the legislature.

(6) Members of the legislative commission are not eligible for state retirement under chapter 41.40 RCW by virtue of the member's service as a commissioner.

(7) The compensation and travel reimbursement provision under RCW 41.58.015(1) shall apply to members of the legislative commission.

(8) The legislative commission shall at the close of each fiscal year make a report in writing to the legislature stating the cases it has heard and decisions it has rendered.

(9)(a) The legislative commission expires December 31, 2029.

(b) After December 31, 2029, the duties required of the legislative commission under chapter 44.90 RCW shall be carried out by the commission created under RCW 41.58.010(1).

**Sec. 18.** RCW 41.58.015 and 1984 c 287 s 71 are each amended to read as follows:

(1) Each member of the commission shall be compensated in accordance with RCW 43.03.250. Members of the commission shall also be reimbursed for travel expenses incurred in the discharge of their official duties on the same basis as is provided in RCW 43.03.050 and 43.03.060.

(2) The commission shall appoint an executive director whose annual salary shall be determined under the provisions of RCW

43.03.028. The executive director shall perform such duties and have such powers as the commission shall prescribe in order to implement and enforce the provisions of this chapter. In addition to the performance of administrative duties, the commission may delegate to the executive director authority with respect to, but not limited to, representation proceedings, unfair labor practice proceedings, mediation of labor disputes, arbitration of disputes concerning the interpretation or application of a collective bargaining agreement, and, in certain cases, fact-finding or arbitration of disputes concerning the terms of a collective bargaining agreement. Such delegation shall not eliminate a party's right of appeal to the commission. The executive director, with such assistance as may be provided by the attorney general and such additional legal assistance consistent with chapter 43.10 RCW, shall have authority on behalf of the commission, when necessary to carry out or enforce any action or decision of the commission, to petition any court of competent jurisdiction for an order requiring compliance with the action or decision.

(3)(a) The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties, consistent with the provisions of this chapter.

(b) The employees of the commission shall also provide staff support to the legislative commission in carrying out the legislative commission's duties under chapter 44.90 RCW until the legislative commission expires on December 31, 2029, under section 17 of this act.

(4) The payment of all of the expenses of the commission, including travel expenses incurred by the members or employees of the commission under its orders, shall be subject to the provisions of RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 19.** A new section is added to chapter 44.90 RCW to read as follows:

(1) The following activities conducted by or on behalf of legislative employees related to collective bargaining under this chapter are exempt from the restrictions contained in RCW 42.52.020 and 42.52.160:

(a) Using paid time and public resources by an employee to negotiate or administer a collective bargaining agreement when the employee is assigned to negotiate or administer the collective bargaining agreement and the use of paid time and public resources does not include state-purchased supplies or equipment, does not interfere with or distract from the conduct of state business, and is consistent with the employer's policy on the use of paid time;

(b) Lobbying conducted by an employee organization, lobbyist, association, or third party on behalf of legislative employees concerning legislation that directly impacts legislative workplace conditions;

(c) Communication with a prospective employee organization during nonwork hours and without the use of public resources; or

(d) Conducting the day-to-day work of organizing and representing legislative employees in the workplace while serving in a legislative employee organization leadership position.

(2)(a) Nothing in this section affects the application of the prohibition against the use of special privileges under RCW 42.52.070, confidentiality requirements under RCW 42.52.050, or other applicable provisions of chapter 42.52 RCW to legislative employees.

(b) Nothing in this section permits any direct lobbying by a legislative employee.

(3) As used in this section, "lobby" and "lobbyist" have the meanings provided in RCW 42.17A.005.

**Sec. 20.** RCW 42.52.020 and 1996 c 213 s 2 are each amended to read as follows:

(1) No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties.

(2) This section does not apply to activities conducted by legislative employees authorized under section 19 of this act.

**Sec. 21.** RCW 42.52.160 and 2023 c 91 s 3 are each amended to read as follows:

(1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties. It is not a violation of this section for a legislator or an appropriate legislative staff designee to engage in activities listed under RCW 42.52.070(2) or 42.52.822.

(3) This section does not prohibit de minimis use of state facilities to provide employees with information about (a) medical, surgical, and hospital care; (b) life insurance or accident and health disability insurance; or (c) individual retirement accounts, by any person, firm, or corporation administering such program as part of authorized payroll deductions pursuant to RCW 41.04.020.

(4) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties.

(5) This section does not apply to activities conducted by legislative employees authorized under section 19 of this act.

**NEW SECTION. Sec. 22.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2024."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Stanford moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6194 and ask the House to recede therefrom.

Senator Stanford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Stanford that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6194 and ask the House to recede therefrom.

The motion by Senator Stanford carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6194 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 1, 2024

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5796 with the following amendment(s): 5796-S.E AMH HOUS H3345.1

Strike everything after the enacting clause and insert the following:

"PART I

**UNLAWFUL RESTRICTIONS IN GOVERNING DOCUMENTS**

**NEW SECTION. Sec. 101.** A new section is added to chapter 64.90 RCW to read as follows:

(1) The board of an association may, without a vote of the unit owners, amend the governing documents to remove an unlawful restriction.

(2) A unit owner may request, in a record that sufficiently identifies an unlawful restriction in the governing document, that the board exercise its authority under subsection (1) of this section. Not later than 90 days after the board receives the request, the board shall determine reasonably and in good faith whether the governing document includes the unlawful restriction. If the board determines the governing document includes the unlawful restriction, the board not later than 90 days after the determination shall amend the governing document to remove the unlawful restriction.

(3) Notwithstanding any provision of the governing document or other law of this state, the board may execute an amendment under this section.

(4) An amendment under this section is effective notwithstanding any provision of the governing document or other law of this state that requires a vote of the unit owners to amend the governing document.

(5) For purposes of this section and section 102 of this act:

(a) "Amendment" means a document that removes an unlawful restriction.

(b) "Document" means a record recorded or eligible to be recorded in land records.

(c) "Remove" means eliminate any apparent or purportedly continuing effect on title to real property.

(d) "Unlawful restriction" means a prohibition, restriction, covenant, or condition in a governing document that purports to interfere with or restrict the transfer, use, or occupancy of a unit:

(i) On the basis of race, color, religion, national origin, sex, familial status, disability, or other personal characteristics; and

(ii) In violation of other law of this state or federal law.

**NEW SECTION. Sec. 102.** A new section is added to chapter 64.90 RCW to read as follows:

(1) An amendment under section 101 of this act must identify the association of owners, the real property affected, and the document containing the unlawful restriction. The amendment must include a conspicuous statement in substantially the following form:

"This amendment removes from this deed or other document affecting title to real property an unlawful restriction as defined under RCW 64.90.--- (section 101 of this act). This amendment does not affect the validity or enforceability of a restriction that is not an unlawful restriction."

(2) The amendment must be executed and acknowledged in the manner required for recordation of a document in the land records. The amendment must be recorded in the land records of each county in which the document containing the unlawful restriction is recorded.

(3) The amendment does not affect the validity or enforceability of any restriction that is not an unlawful restriction.

(4) The amendment or a future conveyance of the affected real property is not a republication of a restriction that otherwise would expire by passage of time under other law of this state.

**PART II**

**2021 AMENDMENTS TO THE UNIFORM COMMON INTEREST OWNERSHIP ACT**

**Sec. 201.** RCW 64.90.085 and 2018 c 277 s 118 are each amended to read as follows:

Amendments to this chapter apply to all common interest communities (~~except those that (1) were created prior to July 1, 2018, and (2) have not subsequently amended their governing documents to provide that this chapter will apply to the common interest community pursuant to RCW 64.90.095~~) subject to this chapter, regardless of when the amendments become effective.

**Sec. 202.** RCW 64.90.105 and 2018 c 277 s 122 are each amended to read as follows:

This chapter does not apply to a common interest community located outside this state, but RCW 64.90.605 and 64.90.610, and, to the extent applicable, RCW 64.90.615 and 64.90.620, apply to a contract for the disposition of a unit in that common interest community signed in this state by any party unless exempt under RCW 64.90.600(2).

**Sec. 203.** RCW 64.90.300 and 2018 c 277 s 221 are each amended to read as follows:

(1) ~~(If the declaration provides that any of the powers described in RCW 64.90.405 are to be exercised by or may be delegated to a for-profit or nonprofit corporation or limited liability company that exercises those or other powers on behalf of one or more common interest communities or for the benefit of the unit owners of one or more common interest communities, aH) A declaration may:~~

(a) Delegate a power under RCW 64.90.405(1) from the unit owners association to a master association;

(b) Provide for exercise of the powers under RCW 64.90.405(1) by a master association that also serves as the unit owners association for the common interest community; and

(c) Reserve a special declarant right to make the common interest community subject to a master association.

(2) All provisions of this chapter applicable to unit owners associations apply to ((any such corporation or limited liability company)) the master association, except as modified by this section.

~~((2))~~ (3) A unit owners association may delegate a power under RCW 64.90.405(1) to a master association without amending the declaration. The board of the unit owners association shall give notice to the unit owners of a proposed delegation and include a statement that unit owners may object in a record to the delegation not later than 30 days after delivery of the notice. The delegation becomes effective if the board does not receive a timely objection from unit owners of units to which at least 10 percent of the votes in the association are allocated. If the board receives a timely objection by at least 10 percent of the votes, the delegation becomes effective only if the unit owners vote under RCW 64.90.455 to approve the delegation by a majority vote. The delegation is not effective until the master association accepts the delegation.

(4) A delegation under subsection (1)(a) of this section may be revoked only by an amendment to the declaration.

(5) At a meeting of the unit owners which lists in the notice of the meeting the subject of delegation of powers from the board to a master association, the unit owners may revoke the delegation by a majority of the votes cast at the meeting. The effect of revocation on the rights and obligations of parties under a contract between a unit owners association and a master association is determined by law of this state other than this chapter.

(6) Unless it is acting in the capacity of ((an)) a unit owners association ((described in RCW 64.90.400)), a master association may exercise the powers set forth in RCW 64.90.405(1)(b) only to the extent expressly permitted in the declarations of common interest communities that are part of the master association or expressly described in the delegations of power from those common interest communities to the master association.

~~((3) If the declaration of any common interest community provides that the board may delegate certain powers to a master~~

~~association, the board is not liable for the acts or omissions of the master association with respect to those powers following delegation.~~

~~(4))~~ (7) After a unit owners association delegates a power to a master association, the unit owners association, its board members, and its officers are not liable for an act or omission of the master association with respect to the delegated power.

(8) The rights and responsibilities of unit owners with respect to the unit owners association set forth in RCW 64.90.410, 64.90.445, 64.90.450, 64.90.455, 64.90.465, and 64.90.505 apply in the conduct of the affairs of a master association only to persons who elect the board of a master association, whether or not those persons are otherwise unit owners within the meaning of this chapter.

~~((5) If a master association is also an association described in RCW 64.90.400, the organizational documents of the master association and the declaration of each common interest community, the powers of which are assigned by the declaration or delegated to the master association, may provide that))~~ (9) Not later than 90 days after termination of a period of declarant control of the master association, the board of the master association must be elected ((after the period of declarant control)) in ((any)) one of the following ways:

(a) ~~(A)H)~~ The unit owners of all common interest communities subject to the master association may elect all members of the master association's board; or

(b) ~~((All board members of all common interest communities subject to the master association may elect all members of the master association's board;~~

~~(e) A)H)~~ The unit owners in, or the board of, each common interest community subject to the master association ((may)) elect ((specified)) one or more members of the master association's board((; or

~~(d) All board members of each common interest community subject to the master association may elect specified members of the master association's board))~~ if the instruments governing the master association apportion the seats on the board to each common interest community in a manner roughly proportional to the number of units in each common interest community.

(10) A period of declarant control of the master association under subsection (9) of this section terminates not later than the earlier of:

(a) The termination under RCW 64.90.415 of all periods of declarant control of all common interest communities subject to the master association under RCW 64.90.415; or

(b) 60 days after conveyance to unit owners other than a declarant of 75 percent of the units that may be created in all common interest communities subject to the master association.

**Sec. 204.** RCW 64.90.310 and 2018 c 277 s 223 are each amended to read as follows:

(1) Any two or more common interest communities ((of the same form of ownership, by agreement of the unit owners as provided in subsection (2) of this section,)) may be merged or consolidated under subsection (2) of this section into a single common interest community by agreement of the unit owners or exercise of a special declarant right. In the event of a merger or consolidation, unless the agreement otherwise provides, the resultant common interest community is the legal successor, for all purposes, of all of the preexisting common interest communities, and the operations and activities of all associations of the preexisting common interest communities are merged or consolidated into a single association that holds all powers, rights, obligations, assets, and liabilities of all preexisting associations.

(2) An agreement of two or more common interest communities to merge or consolidate pursuant to subsection (1) of this section must be evidenced by an agreement prepared,

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

executed, recorded, and certified by the president of the association of each of the preexisting common interest communities following approval by unit owners of units to which are allocated the percentage of votes in each common interest community required to terminate that common interest community. If a special declarant right is exercised in a common interest community, approval by the unit owners is not required and the declarant may execute the agreement on behalf of the common interest community. The agreement must be recorded in every county in which a portion of the common interest community is located and is not effective until recorded.

(3) Every merger or consolidation agreement, and every amendment providing for a merger or consolidation made by a declarant when exercising a special declarant right, must identify the declaration that will apply to the resultant common interest community and provide for the reallocation of allocated interests among the units of the resultant common interest community either (a) by stating the reallocations or the formulas upon which they are based or (b) by stating the percentage of overall allocated interests of the resultant common interest community that are allocated to all of the units comprising each of the preexisting common interest communities, and providing that the portion of the percentages allocated to each unit formerly comprising a part of the preexisting common interest community is equal to the percentages of allocated interests allocated to that unit by the declaration of the preexisting common interest community.

**NEW SECTION. Sec. 205.** A new section is added to chapter 64.90 RCW to read as follows:

A unit owner or person claiming through a unit owner may not acquire title by adverse possession to, or an easement by prescription in, a common element in derogation of the title of another unit owner or the association.

**Sec. 206.** RCW 64.90.450 and 2018 c 277 s 311 are each amended to read as follows:

(1) Unless the organizational documents provide otherwise, a quorum is present throughout any meeting of the unit owners if at the beginning of the meeting persons entitled to cast ~~((twenty))~~ 20 percent of the votes in the association ~~(=~~

~~(a) Are present~~) attend in person ~~((or))~~, by proxy ~~((at the beginning of the meeting~~

~~(b) Have voted by absentee ballot; or~~

~~(c) Are present by any combination of (a) and (b) of this subsection))~~, by means of communication under RCW 64.90.445(1) (e) or (f), or have voted by absentee ballot.

(2) Unless the organizational documents specify a larger number, a quorum of the board is present for purposes of determining the validity of any action taken at a meeting of the board only if individuals entitled to cast a majority of the votes on that board are present at the time a vote regarding that action is taken. If a quorum is present when a vote is taken, the affirmative vote of a majority of the board members present is the act of the board unless a greater vote is required by the organizational documents.

**Sec. 207.** RCW 64.90.480 and 2018 c 277 s 317 are each amended to read as follows:

(1)(a) Assessments for common expenses and those specially allocated expenses that are subject to inclusion in a budget must be made at least annually based on a budget adopted at least annually by the association in the manner provided in RCW 64.90.525.

(b) Assessments for common expenses and specially allocated expenses must commence on all units that have been created upon the conveyance of the first unit in the common interest community; however, the declarant may delay commencement of assessments for some or all common expenses or specially

allocated expenses, in which event the declarant must pay all of the common expenses or specially allocated expenses that have been delayed. In a common interest community in which units may be added pursuant to reserved development rights, the declarant may delay commencement of assessments for such units in the same manner.

(2) The declaration may provide that, upon closing of the first conveyance of each unit to a purchaser or first occupancy of a unit, whichever occurs first, the association may assess and collect a working capital contribution for such unit. The working capital contribution may be collected prior to the commencement of common assessments under subsection (1) of this section. A working capital contribution may not be used to defray expenses that are the obligation of the declarant.

(3) Except as provided otherwise in this section, all common expenses must be assessed against all the units in accordance with their common expense liabilities, subject to the right of the declarant to delay commencement of certain common expenses under subsections (1) and (2) of this section. Any past due assessment or installment of past due assessment bears interest at the rate established by the association pursuant to RCW 64.90.485.

(4) The declaration may provide that any of the following expenses of the association must be assessed against the units on some basis other than common expense liability. If and to the extent the declaration so provides, the association must assess:

(a) Expenses associated with the operation, maintenance, repair, or replacement of any specified limited common element against the units to which that limited common element is assigned, equally or in any other proportion that the declaration provides;

(b) Expenses specified in the declaration as benefiting fewer than all of the units or their unit owners exclusively against the units benefited in proportion to their common expense liability or in any other proportion that the declaration provides, but if the common expense is for the maintenance, repair, or replacement of a common element other than a limited common element, the expense may be assessed exclusively against them only if the declaration reasonably identifies the common expense by specific listing or category;

(c) The costs of insurance in proportion to risk; and

(d) The costs of one or more specified services or utilities in proportion to respective usage, whether metered, billed in bulk based on unit count, or reasonably estimated, or upon the same basis as such utility charges are made by the utility provider.

(5) Assessments to pay a judgment against the association may be made only against the units in the common interest community at the time the judgment was entered, in proportion to their common expense liabilities.

~~(6) ((To the extent that any expense of the association is caused by willful misconduct or gross negligence of any unit owner or that unit owner's tenant, guest, invitee, or occupant, the association may assess that expense against the unit owner's unit after notice and an opportunity to be heard, even if the association maintains insurance with respect to that damage or common expense.))~~ The association may assess exclusively against a unit owner's unit common expenses, including expenses relating to damage to or loss of property, caused by the:

(a) Willful misconduct or gross negligence of the unit owner or the unit owner's tenant, guest, invitee, or occupant;

(b) Failure of the unit owner to comply with a maintenance standard prescribed by the declaration or a rule, if the standard contains a statement that an owner may be liable for damage or loss caused by failure to comply with the standard; or

(c) Negligence of the unit owner or the unit owner's tenant,

guest, invitee, or occupant, if the declaration contains a statement that an owner may be liable for damage or loss caused by such negligence.

~~(7) ((If the declaration so provides, to the extent that any expense of the association is caused by the negligence of any unit owner or that unit owner's tenant, guest, invitee, or occupant, the association may assess that expense against the unit owner's unit after notice and an opportunity to be heard, to the extent of the association's deductible and any expenses not covered under an insurance policy issued to the association.)) Before an association makes an assessment under subsection (6) of this section, the association must give notice to the unit owner and provide an opportunity for a hearing. The assessment is limited to the expense the association incurred under subsection (6) of this section less any insured proceeds received by the association, whether the difference results from the application of a deductible or otherwise.~~

(8) In the event of a loss or damage to a unit that would be covered by the association's property insurance policy, excluding policies for earthquake, flood, or similar losses that have higher than standard deductibles, but that is within the deductible under that policy and if the declaration so provides, the association may assess the amount of the loss up to the deductible against that unit. This subsection does not prevent a unit owner from asserting a claim against another person for the amount assessed if that other person would be liable for the damages under general legal principles.

(9) If common expense liabilities are reallocated, assessments and any installment of assessments not yet due must be recalculated in accordance with the reallocated common expense liabilities.

**Sec. 208.** RCW 64.90.520 and 2018 c 277 s 325 are each amended to read as follows:

(1) Unit owners present in person, by proxy, by means of communication under RCW 64.90.445(1) (e) or (f), or by absentee ballot at any meeting of the unit owners at which a quorum is present, may remove any board member and any officer elected by the unit owners, with or without cause, if the number of votes in favor of removal cast by unit owners entitled to vote for election of the board member or officer proposed to be removed is at least the lesser of (a) a majority of the votes in the association held by such unit owners or (b) two-thirds of the votes cast by such unit owners at the meeting, but:

(i) A board member appointed by the declarant may not be removed by a unit owner vote during any period of declarant control;

(ii) A board member appointed under RCW ~~((64.90.420(3)))~~ 64.90.410(7) may be removed only by the person that appointed that member; and

(iii) The unit owners may not consider whether to remove a board member or officer at a meeting of the unit owners unless that subject was listed in the notice of the meeting.

(2) At any meeting at which a vote to remove a board member or officer is to be taken, the board member or officer being considered for removal must have a reasonable opportunity to speak before the vote.

(3) At any meeting at which a board member or officer is removed, the unit owners entitled to vote for the board member or officer may immediately elect a successor board member or officer consistent with this chapter.

(4) The board may, without a unit owner vote, remove from the board a board member or officer elected by the unit owners if (a) the board member or officer is delinquent in the payment of assessments more than ~~((sixty))~~ 60 days and (b) the board member or officer has not cured the delinquency within ~~((thirty))~~ 30 days after receiving notice of the board's intent to remove the board

member or officer. Unless provided otherwise by the governing documents, the board may remove an officer elected by the board at any time, with or without cause. The removal must be recorded in the minutes of the next board meeting.

### PART III

#### ADDITIONAL AMENDMENTS TO CHAPTER 64.90 RCW

**Sec. 301.** RCW 64.90.010 and 2019 c 238 s 201 are each amended to read as follows:

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

(1) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant. For purposes of this subsection:

(a) A person controls a declarant if the person:

(i) Is a general partner, managing member, officer, director, or employer of the declarant;

(ii) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than ~~((twenty))~~ 20 percent of the voting interest in the declarant;

(iii) Controls in any manner the election or appointment of a majority of the directors, managing members, or general partners of the declarant; or

(iv) Has contributed more than ~~((twenty))~~ 20 percent of the capital of the declarant.

(b) A person is controlled by a declarant if the declarant:

(i) Is a general partner, managing member, officer, director, or employer of the person;

(ii) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing more than ~~((twenty))~~ 20 percent of the voting interest in the person;

(iii) Controls in any manner the election or appointment of a majority of the directors, managing members, or general partners of the person; or

(iv) Has contributed more than ~~((twenty))~~ 20 percent of the capital of the person.

(c) Control does not exist if the powers described in this subsection (1) are held solely as security for an obligation and are not exercised.

(2) "Allocated interests" means the following interests allocated to each unit:

(a) In a condominium, the undivided interest in the common elements, the common expense liability, and votes in the association;

(b) In a cooperative, the common expense liability, the ownership interest, and votes in the association; and

(c) In a plat community and miscellaneous community, the common expense liability and the votes in the association, and also the undivided interest in the common elements if owned in common by the unit owners rather than an association.

(3) "Assessment" means all sums chargeable by the association against a unit, including any assessments levied pursuant to RCW 64.90.480, fines or fees levied or imposed by the association pursuant to this chapter or the governing documents, interest and late charges on any delinquent account, and all costs of collection incurred by the association in connection with the collection of a delinquent owner's account, including reasonable attorneys' fees.

(4) "Association" or "unit owners association" means the unit owners association organized under RCW 64.90.400 and, to the extent necessary to construe sections of this chapter made applicable to common interest communities pursuant to RCW

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

64.90.080 (as recodified by this act), 64.90.090, or 64.90.095 (as recodified by this act), the association organized or created to administer such common interest communities.

(5) "Ballot" means a record designed to cast or register a vote or consent in a form provided or accepted by the association.

(6) "Board" means the body, regardless of name, designated in the declaration, map, or organizational documents, with primary authority to manage the affairs of the association.

(7) "Common elements" means:

(a) In a condominium or cooperative, all portions of the common interest community other than the units;

(b) In a plat community or miscellaneous community, any real estate other than a unit within a plat community or miscellaneous community that is owned or leased either by the association or in common by the unit owners rather than an association; and

(c) In all common interest communities, any other interests in real estate for the benefit of any unit owners that are subject to the declaration.

(8) "Common expense" means any expense of the association, including allocations to reserves, allocated to all of the unit owners in accordance with common expense liability.

(9) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to RCW 64.90.235.

(10) "Common interest community" means real estate described in a declaration with respect to which a person, by virtue of the person's ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements, other units, or other real estate described in the declaration. "Common interest community" does not include an arrangement described in RCW 64.90.110 or 64.90.115. A common interest community may be a part of another common interest community.

(11) "Condominium" means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of those portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

(12) "Condominium notice" means the notice given to tenants pursuant to subsection (13)(c) of this section.

(13)(a) "Conversion building" means a building:

(i) That at any time before creation of the common interest community was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, who did not receive a condominium notice prior to entering into the rental agreement or lawfully taking occupancy, whichever event occurred first; or

(ii) That at any time within the ~~((twelve))~~ 12 months preceding the first acceptance of an agreement with the declarant to convey, or the first conveyance of, any unit in the building, whichever event occurred first, to any person who was not a declarant or dealer, or affiliate of a declarant or dealer, was lawfully occupied wholly or partially by a tenant or subtenant for residential purposes pursuant to a rental agreement, oral or written, express or implied, who did not receive a condominium notice prior to entering into the rental agreement or lawfully taking occupancy, whichever event occurred first.

(b) A building in a common interest community is a conversion building only if:

(i) The building contains more than two attached dwelling units as defined in RCW 64.55.010(1); and

(ii) Acceptance of an agreement to convey, or conveyance of, any unit in the building to any person who was not a declarant or dealer, or affiliate of a declarant or dealer, did not occur prior to July 1, 2018.

(c) The notice referred to in (a)(i) and (ii) of this subsection must be in writing and must state: "The unit you will be occupying is, or may become, part of a common interest community and subject to sale."

(14) "Convey" or "conveyance" means, with respect to a unit, any transfer of ownership of the unit, including a transfer by deed or by real estate contract and, with respect to a unit in a leasehold common interest community or a proprietary lease in a cooperative, a transfer by lease or assignment of the unit, but does not include the creation, transfer, or release of a security interest.

(15) "Cooperative" means a common interest community in which the real estate is owned by an association, each member of which is entitled by virtue of the member's ownership interest in the association and by a proprietary lease to exclusive possession of a unit.

(16) "Dealer" means a person who, together with such person's affiliates, owns or has a right to acquire either six or more units in a common interest community or ~~((fifty))~~ 50 percent or more of the units in a common interest community containing more than two units.

(17) "Declarant" means:

(a) Any person who executes as declarant a declaration;

(b) Any person who reserves or succeeds to any special declarant right in a declaration;

(c) Any person who exercises special declarant rights or to whom special declarant rights are transferred of record. The holding or exercise of rights to maintain sales offices, signs advertising the common interest community, and models, and related right of access, does not confer the status of being a declarant; or

(d) Any person who is the owner of a fee interest in the real estate that is subjected to the declaration at the time of the recording of an instrument pursuant to RCW 64.90.425 and who directly or through one or more affiliates is materially involved in the construction, marketing, or sale of units in the common interest community created by the recording of the instrument.

(18) "Declarant control" means the right of the declarant or persons designated by the declarant to appoint or remove any officer or board member of the association or to veto or approve a proposed action of any board or association, pursuant to RCW 64.90.415(1)(a).

(19) "Declaration" means the instrument, however denominated, that creates a common interest community, including any amendments to the instrument.

(20) "Development rights" means any right or combination of rights reserved by a declarant in the declaration to:

(a) Add real estate or improvements to a common interest community;

(b) Create units, common elements, or limited common elements within a common interest community;

(c) Subdivide or combine units or convert units into common elements;

(d) Withdraw real estate from a common interest community; or

(e) Reallocate limited common elements with respect to units that have not been conveyed by the declarant.

(21) "Effective age" means the difference between the useful life and remaining useful life.

(22) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

~~(23)~~ (23) "Electronic transmission" or "electronically transmitted" means any electronic communication (a) not directly involving the physical transfer of a record in a tangible medium and (b) that may be retained, retrieved, and reviewed by the sender and the recipient of the communication, and that may be directly reproduced in a tangible medium by a sender and recipient.

~~((23))~~ (24) "Eligible mortgagee" means the holder of a security interest on a unit that has filed with the secretary of the association a written request that it be given copies of notices of any action by the association that requires the consent of mortgagees.

~~((24))~~ (25) "Foreclosure" means a statutory forfeiture or a judicial or nonjudicial foreclosure of a security interest or a deed or other conveyance in lieu of a security interest.

~~((25))~~ (26) "Full funding plan" means a reserve funding goal of achieving ~~((one hundred))~~ 100 percent fully funded reserves by the end of the ~~((thirty))~~ 30-year study period described under RCW 64.90.550, in which the reserve account balance equals the sum of the estimated costs required to maintain, repair, or replace the deteriorated portions of all reserve components.

~~((26))~~ (27) "Fully funded balance" means the current value of the deteriorated portion, not the total replacement value, of all the reserve components. The fully funded balance for each reserve component is calculated by multiplying the current replacement cost of that reserve component by its effective age, then dividing the result by that reserve component's useful life. The sum total of all reserve components' fully funded balances is the association's fully funded balance.

~~((27))~~ (28) "Governing documents" means the organizational documents, map, declaration, rules, or other written instrument by which the association has the authority to exercise any of the powers provided for in this chapter or to manage, maintain, or otherwise affect the property under its jurisdiction.

~~((28))~~ (29) "Identifying number" means a symbol or address that identifies only one unit or limited common element in a common interest community.

~~((29))~~ (30) "Leasehold common interest community" means a common interest community in which all or a portion of the real estate is subject to a lease the expiration or termination of which will terminate the common interest community or reduce its size.

~~((30))~~ (31) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of RCW 64.90.210 (1)(b) or (3) for the exclusive use of one or more, but fewer than all, of the unit owners.

~~((31))~~ (32) "Map" means: (a) With respect to a plat community, the plat as defined in RCW 58.17.020 and complying with the requirements of Title 58 RCW, and (b) with respect to a condominium, cooperative, or miscellaneous community, a map prepared in accordance with the requirements of RCW 64.90.245.

~~((32))~~ (33) "Master association" means ~~((an organization described in RCW 64.90.300, whether or not it is also an association described in RCW 64.90.400));~~

(a) A unit owners association that serves more than one common interest community; or

(b) An organization that holds a power delegated under RCW 64.90.300(1)(a).

~~((33))~~ (34) "Miscellaneous community" means a common interest community in which units are lawfully created in a manner not inconsistent with chapter 58.17 RCW and that is not a condominium, cooperative, or plat community.

~~((34))~~ (35) "Nominal reserve costs" means that the current estimated total replacement costs of the reserve components are less than ~~((fifty))~~ 50 percent of the annual budgeted expenses of the association, excluding contributions to the reserve fund, for a condominium or cooperative containing horizontal unit boundaries, and less than ~~((seventy-five))~~ 75 percent of the annual

budgeted expenses of the association, excluding contributions to the reserve fund, for all other common interest communities.

~~((35))~~ (36) "Organizational documents" means the instruments filed with the secretary of state to create an entity and the instruments governing the internal affairs of the entity including, but not limited to, any articles of incorporation, certificate of formation, bylaws, and limited liability company or partnership agreement.

~~((36))~~ (37) "Person" means an individual, corporation, business trust, estate, the trustee or beneficiary of a trust that is not a business trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal entity.

~~((37))~~ (38) "Plat community" means a common interest community in which units have been created by subdivision or short subdivision as both are defined in RCW 58.17.020 and in which the boundaries of units are established pursuant to chapter 58.17 RCW.

~~((38))~~ (39) "Proprietary lease" means a written and recordable lease that is executed and acknowledged by the association as lessor and that otherwise complies with requirements applicable to a residential lease of more than one year and pursuant to which a member is entitled to exclusive possession of a unit in a cooperative. A proprietary lease governed under this chapter is not subject to chapter 59.18 RCW except as provided in the declaration.

~~((39))~~ (40) "Purchaser" means a person, other than a declarant or a dealer, which by means of a voluntary transfer acquires a legal or equitable interest in a unit other than as security for an obligation.

~~((40))~~ (41) "Qualified financial institution" means a bank, savings association, or credit union whose deposits are insured by the federal government.

~~((41))~~ (42) "Real estate" means any leasehold or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests that by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water.

~~((42))~~ (43) "Real estate contract" has the same meaning as defined in RCW 61.30.010.

~~((43))~~ (44) "Record," when used as a noun, means information inscribed on a tangible medium or contained in an electronic transmission.

~~((44))~~ (45) "Remaining useful life" means the estimated time, in years, before a reserve component will require major maintenance, repair, or replacement to perform its intended function.

~~((45))~~ (46) "Replacement cost" means the estimated total cost to maintain, repair, or replace a reserve component to its original functional condition.

~~((46))~~ (47) "Reserve component" means a physical component of the common interest community which the association is obligated to maintain, repair, or replace, which has an estimated useful life of less than ~~((thirty))~~ 30 years, and for which the cost of such maintenance, repair, or replacement is infrequent, significant, and impractical to include in an annual budget.

~~((47))~~ (48) "Reserve study professional" means an independent person who is suitably qualified by knowledge, skill, experience, training, or education to prepare a reserve study in accordance with RCW 64.90.545 and 64.90.550. For the purposes of this subsection, "independent" means a person who is not an employee, officer, or director, and has no pecuniary interest in the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

declarant, association, or any other party for whom the reserve study is prepared.

~~((48))~~ (49) "Residential purposes" means use for dwelling or recreational purposes, or both.

~~((49))~~ (50) "Rule" means a policy, guideline, restriction, procedure, or regulation of an association, however denominated, that is not set forth in the declaration or organizational documents ~~((and governs the conduct of persons or the use or appearance of property)).~~

~~((50))~~ (51) "Security interest" means an interest in real estate or personal property, created by contract or conveyance that secures payment or performance of an obligation. "Security interest" includes a lien created by a mortgage, deed of trust, real estate contract, lease intended as security, assignment of lease or rents intended as security, pledge of an ownership interest in an association, and any other consensual lien or title retention contract intended as security for an obligation.

~~((51))~~ (52) "Special declarant rights" means rights reserved for the benefit of a declarant to:

(a) Complete any improvements the declarant is not obligated to make that are indicated on the map or described in the declaration or the public offering statement ~~((pursuant to RCW 64.90.610(1)(h))~~);

(b) Exercise any development right, pursuant to RCW 64.90.250;

(c) Maintain sales offices, management offices, signs advertising the common interest community, and models, pursuant to RCW 64.90.275;

(d) Use easements through the common elements for the purpose of making improvements within the common interest community or within real estate that may be added to the common interest community, pursuant to RCW 64.90.280;

(e) Make the common interest community subject to a master association, pursuant to RCW 64.90.300;

(f) Merge or consolidate a common interest community with another common interest community ~~((of the same form of ownership))~~, pursuant to RCW 64.90.310;

(g) Appoint or remove any officer or board member of the association or any master association or to veto or approve a proposed action of any board or association, pursuant to RCW 64.90.415(1);

(h) Control any construction, design review, or aesthetic standards committee or process, pursuant to RCW 64.90.505(3);

(i) Attend meetings of the unit owners and, except during an executive session, the board, pursuant to RCW 64.90.445;

(j) Have access to the records of the association to the same extent as a unit owner, pursuant to RCW 64.90.495.

~~((52))~~ (53) "Specially allocated expense" means any expense of the association, including allocations to reserves, allocated ~~((to some or all of the unit owners))~~ on a basis other than the common expense liability pursuant to RCW 64.90.480 ~~((4) through (8))~~.

~~((53))~~ (54) "Survey" has the same meaning as defined in RCW 58.09.020.

~~((54))~~ (55) "Tangible medium" means a writing, copy of a writing, facsimile, or a physical reproduction, each on paper or on other tangible material.

~~((55))~~ (56) "Timeshare" has the same meaning as defined in RCW 64.36.010.

~~((56))~~ (57) "Transition meeting" means the meeting held pursuant to RCW 64.90.415(4).

~~((57))~~ (58)(a) "Unit" means a physical portion of the common interest community designated for separate ownership or occupancy, the boundaries of which are described pursuant to RCW 64.90.225(1)(d).

(b) If a unit in a cooperative is owned by a unit owner or is sold,

conveyed, voluntarily or involuntarily encumbered, or otherwise transferred by a unit owner, the interest in that unit that is owned, sold, conveyed, encumbered, or otherwise transferred is the right to possession of that unit under a proprietary lease, coupled with the allocated interests of that unit, and the association's interest in that unit is not affected.

(c) Except as provided in the declaration, a mobile home or manufactured home for which title has been eliminated pursuant to chapter 65.20 RCW is part of the unit described in the title elimination documents.

~~((58))~~ (59)(a) "Unit owner" means (i) a declarant or other person that owns a unit or (ii) a lessee of a unit in a leasehold common interest community whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the common interest community, but does not include a person having an interest in a unit solely as security for an obligation.

(b) "Unit owner" also means the vendee, not the vendor, of a unit under a recorded real estate contract.

(c) In a condominium, plat community, or miscellaneous community, the declarant is the unit owner of any unit created by the declaration. In a cooperative, the declarant is treated as the unit owner of any unit to which allocated interests have been allocated until that unit has been conveyed to another person.

~~((59))~~ (60) "Useful life" means the estimated time during which a reserve component is expected to perform its intended function without major maintenance, repair, or replacement.

~~((60))~~ (61) "Writing" does not include an electronic transmission.

~~((61))~~ (62) "Written" means embodied in a tangible medium.

**Sec. 302.** RCW 64.90.065 and 2018 c 277 s 114 are each amended to read as follows:

(1) From time to time the dollar amount specified in RCW 64.90.075(4) ~~(as recodified by this act)~~ and 64.90.640(2) must change, as provided in subsections (2) and (3) of this section, according to and to the extent of changes in the consumer price index for urban wage earners and clerical workers: ~~((U.S.))~~ United States city average, all items 1967 = 100, compiled by the bureau of labor statistics, United States department of labor, (the "index"). The index for December 1979, which was 230, is the reference base index.

(2) The dollar amounts specified in RCW 64.90.075(4) ~~(as recodified by this act)~~ and 64.90.640(2) and any amount stated in the declaration pursuant to RCW 64.90.075(4) ~~(as recodified by this act)~~ and 64.90.640(2) must change on July 1st of each year if the percentage of change, calculated to the nearest whole percentage point, between the index at the end of the preceding year and the reference base index, is ~~((ten))~~ 10 percent or more, but: (a) The portion of the percentage change in the index in excess of a multiple of ~~((ten))~~ 10 percent must be disregarded and the dollar amount may only change in multiples of ~~((ten))~~ 10 percent of the amount appearing in this chapter on July 1, 2018; (b) the dollar amount must not change if the amount required under this section is that currently in effect pursuant to this chapter as a result of earlier application of this section; and (c) the dollar amount must not be reduced below the amount appearing in this chapter on July 1, 2018.

(3) If the index is revised after December 1979, the percentage of change pursuant to this section must be calculated on the basis of the revised index. If the revision of the index changes the reference base index, a revised reference base index must be determined by multiplying the reference base index then applicable by the rebasing factor furnished by the bureau of labor statistics. If the index is superseded, the index referred to in this section is the one represented by the bureau of labor statistics as

reflecting most accurately the changes in the purchasing power of the dollar for consumers.

**NEW SECTION. Sec. 303.** A new section is added to chapter 64.90 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the governing documents may not vary a provision of this chapter that gives a right to or imposes an obligation or liability on a unit owner, declarant, association, or board.

(2) The governing documents may vary the following provisions as provided in the provision:

(a) RCW 64.90.020(1), concerning classification of a cooperative unit as real estate or personal property;

(b) RCW 64.90.030 (2) and (3), concerning reallocation of allocated interests and allocation of proceeds after a taking by eminent domain;

(c) RCW 64.90.075(4) (as recodified by this act), 64.90.095 (as recodified by this act), and 64.90.100, concerning elections regarding applicability of this chapter;

(d) RCW 64.90.210, concerning boundaries between units and common elements;

(e) RCW 64.90.240 (2) and (3), concerning reallocation of limited common elements;

(f) RCW 64.90.245(11), concerning horizontal boundaries of units;

(g) RCW 64.90.255, concerning alterations of units and common elements made by unit owners;

(h) RCW 64.90.260 (1) and (2), concerning relocation of boundaries between units;

(i) RCW 64.90.265 (1) and (2), concerning subdivision and combination of units;

(j) RCW 64.90.275, concerning sales offices, management offices, models, and signs maintained by a declarant;

(k) RCW 64.90.280 (1) and (3), concerning easements through, and rights to use, common elements;

(l) RCW 64.90.285 (1), (6), and (9), concerning the percentage of votes and consents required to amend the declaration;

(m) RCW 64.90.290 (1) and (8), concerning the percentage of votes required to terminate a common interest community and priority of creditors of a cooperative;

(n) RCW 64.90.405 (2)(p), (4)(c), and (5)(c), concerning an association's assignment of rights to future income, the number of votes required to reject a proposal to borrow funds, and the right to terminate a lease or evict a tenant;

(o) RCW 64.90.410 (1) and (2), concerning the board acting on behalf of the association and the election of officers by the board;

(p) RCW 64.90.440 (1) and (4), concerning responsibility for maintenance, repair, and replacement of units and common elements and treatment of income or proceeds from real estate subject to development rights;

(q) RCW 64.90.445, concerning meetings;

(r) RCW 64.90.450, concerning quorum requirements for meetings;

(s) RCW 64.90.455, concerning unit owner voting;

(t) RCW 64.90.465 (1), (2), and (7), concerning the percentage of votes required to convey or encumber common elements and the effect of conveyance or encumbrance of common elements;

(u) RCW 64.90.470, concerning insurance for a nonresidential common interest community;

(v) RCW 64.90.475(2), concerning payment of surplus funds of the association;

(w) RCW 64.90.485 (7) and (20), concerning priority and foreclosure of liens held by two or more associations and additional remedies for collection of assessments as permitted by law;

(x) RCW 64.90.520(4), concerning the board's ability to remove an officer elected by the board;

(y) RCW 64.90.545(2), concerning applicability of reserve study requirements to certain types of common interest communities; and

(z) RCW 64.90.525(1), concerning the percentage of votes required to reject a budget.

**Sec. 304.** RCW 64.90.100 and 2018 c 277 s 121 are each amended to read as follows:

(1) A plat community, miscellaneous community, or cooperative in which all the units are restricted exclusively to nonresidential use is not subject to this chapter except to the extent the declaration provides that:

(a) This entire chapter applies to the community;

(b) RCW 64.90.010 through 64.90.325 and 64.90.900 apply to the community; or

(c) Only RCW 64.90.020, 64.90.025, and 64.90.030 apply to the community.

(2) A condominium in which all the units are restricted exclusively to nonresidential use is subject to this chapter, but the declaration may provide that only RCW 64.90.010 through ~~((64.90.330))~~ 64.90.325 and 64.90.900 apply to the community.

(3) If this entire chapter applies to a common interest community in which all the units are restricted exclusively to nonresidential use, the declaration may also require, subject to RCW 64.90.050, that:

(a) Any management, maintenance, operations, or employment contract, lease of recreational or parking areas or facilities, and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Purchasers of units must execute proxies, powers of attorney, or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.

(4) A common interest community that contains both units restricted to nonresidential purposes and units that may be used for residential purposes is not subject to this chapter unless the units that may be used for residential purposes would comprise a common interest community subject to this chapter in the absence of such nonresidential units or the declaration provides that this chapter applies as provided in subsection (2) or (3) of this section.

**Sec. 305.** RCW 64.90.225 and 2019 c 238 s 206 are each amended to read as follows:

(1) The declaration must contain:

(a) The names of the common interest community and the association and, immediately following the initial recital of the name of the community, a statement that the common interest community is a condominium, cooperative, plat community, or miscellaneous community;

(b) A legal description of the real estate included in the common interest community;

(c) A statement of the number of units that the declarant has created and, if the declarant has reserved the right to create additional units, the maximum number of such additional units;

(d) In all common interest communities, a reference to the recorded map creating the units and common elements, if any, subject to the declaration, and in a common interest community other than a plat community, the identifying number of each unit created by the declaration, a description of the boundaries of each unit if and to the extent they are different from the boundaries stated in RCW 64.90.210(1)(a), and with respect to each existing unit, and if known at the time the declaration is recorded, the (i) approximate square footage, (ii) number of whole or partial bathrooms, (iii) number of rooms designated primarily as bedrooms, and (iv) level or levels on which each unit is located. The data described in this subsection (1)(d)(ii) and (iii) may be omitted with respect to units restricted to nonresidential use;

(e) A description of any limited common elements, other than



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

those specified in RCW 64.90.210 (1)(b) and (3);

(f) A description of any real estate, except real estate subject to development rights, that may be allocated subsequently by the declarant as limited common elements, other than limited common elements specified in RCW 64.90.210 (1)(b) and (3), together with a statement that they may be so allocated;

(g) A description of any development right and any other special declarant rights reserved by the declarant, ~~((and, if the boundaries of the real estate subject to those rights are fixed in the declaration pursuant to (h)(i) of this subsection, a description of the real property affected by those rights, and))~~ a time limit within which each of those rights must be exercised, and a legal description of the real property to which each development right applies;

(h) If any development right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with:

(i) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each development right or a statement that no assurances are made in those regards; and

(ii) A statement as to whether, if any development right is exercised in any portion of the real estate subject to that development right, that development right must be exercised in all or in any other portion of the remainder of that real estate;

(i) Any other conditions or limitations under which the rights described in (g) of this subsection may be exercised or will lapse;

(j) An allocation to each unit of the allocated interests in the manner described in RCW 64.90.235;

(k) Any restrictions on alienation of the units, including any restrictions on leasing that exceed the restrictions on leasing units that boards may impose pursuant to RCW 64.90.510~~((9))~~ (10)(c) and on the amount for which a unit may be sold or on the amount that may be received by a unit owner on sale, condemnation, or casualty loss to the unit or to the common interest community, or on termination of the common interest community;

(l) A cross-reference by recording number to the map for the units created by the declaration;

(m) Any authorization pursuant to which the association may establish and enforce construction and design criteria and aesthetic standards as provided in RCW 64.90.505;

(n) All matters required under RCW 64.90.230, 64.90.235, 64.90.240, 64.90.275, 64.90.280, and 64.90.410;

(o) A statement on the first page of the declaration whether the common interest community is subject to this chapter.

(2) All amendments to the declaration must contain a cross-reference by recording number to the declaration and to any prior amendments to the declaration. All amendments to the declaration adding units must contain a cross-reference by recording number to the map relating to the added units and set forth all information required under subsection (1) of this section with respect to the added units.

(3) The declaration may contain any other matters the declarant considers appropriate, including any restrictions on the uses of a unit or the number or other qualifications of persons who may occupy units.

**Sec. 306.** RCW 64.90.240 and 2018 c 277 s 209 are each amended to read as follows:

(1)(a) Except for the limited common elements described in RCW 64.90.210 (1)(b) and (3), the declaration must specify to which unit or units each limited common element is allocated.

(b) An allocation of a limited common element may not be altered without the consent of the owners of the units from which and to which the limited common element is allocated.

(2)(a) Except in the case of a reallocation being made by a declarant pursuant to a development right reserved in the declaration, a limited common element may be reallocated between units only with the approval of the board and by an amendment to the declaration executed by the unit owners between or among whose units the reallocation is made.

(b) The board must approve the request of the unit owner or owners under this subsection (2) within ~~((thirty))~~ 30 days, or within such other period provided by the declaration, unless the proposed reallocation does not comply with this chapter or the declaration. The failure of the board to act upon a request within such period is deemed an approval of the request. If approved, the unit owners must provide the proposed amendment to the association for review and approval before execution. The association may require revisions to ensure correctness, clarity, and compliance with this chapter or the declaration. Unless otherwise agreed by the unit owners and association, all costs of preparing, revising, executing, and recording the amendment shall be borne by the affected unit owners.

(c) ~~The ((amendment must be executed and recorded by the association and be recorded in the name of the common interest community))~~ unit owners executing the amendment shall provide a copy of the amendment to the association, and the association shall record the amendment in accordance with the requirements of subsection (4) of this section.

(3) ~~((Unless provided otherwise in the declaration, the unit owners of units to which at least sixty seven percent of the votes are allocated, including the unit owner of the unit to which the common element or limited common element will be assigned or incorporated, must agree to reallocate a common element as a limited common element or to incorporate a common element or a limited common element into an existing unit. Such reallocation or incorporation must be reflected in an amendment to the declaration and the map.))~~ (a) A common element not previously allocated as a limited common element may be so allocated only by an amendment to the declaration. A unit owner may request the board to amend the declaration to allocate all or part of a common element as a limited common element for the exclusive use of the owner's unit. The board may prescribe in the amendment a condition or obligation, including an obligation to maintain the new limited common element or pay a fee or charge to the association.

(b) If the board approves the amendment, the board shall give notice to all unit owners of its action and include a statement that unit owners may object in a record to the amendment not later than 30 days after delivery of the notice. The amendment becomes effective if the board does not receive a timely objection.

(c) If the board receives a timely objection, the amendment becomes effective only if the unit owners of units to which at least 67 percent of the votes are allocated, including at least 67 percent of the votes that are allocated to units not owned by the declarant, vote under RCW 64.90.455 to approve the amendment.

(d) If the amendment becomes effective, the association and the owner of the benefited unit shall execute the amendment.

(4) The association shall record the amendment as provided in RCW 64.90.285. If the amendment changes information shown in a map concerning a common element or limited common element other than a common wall between units, the association shall prepare and record a revised map.

**Sec. 307.** RCW 64.90.260 and 2018 c 277 s 213 are each amended to read as follows:

(1) Subject to the provisions of the declaration, RCW 64.90.255, and other provisions of law, the boundaries between adjoining units may be relocated upon application to the board by the unit owners of those units and upon approval by the board

pursuant to this section. The application must include plans showing the relocated boundaries and such other information as the board may require. If the unit owners of the adjoining units have specified a reallocation between their units of their allocated interests, the application must state the proposed reallocations. Unless the board determines, after receipt of all required information, that the reallocations are unreasonable or that the proposed boundary relocation does not comply with the declaration, RCW 64.90.255, or other provisions of law, the board must approve the application and prepare any amendments to the declaration and map in accordance with the requirements of subsection (3) of this section.

~~(2)(a) ((Subject to the provisions of the declaration and other provisions of law, boundaries between units and common elements may be relocated to incorporate common elements within a unit by an amendment to the declaration upon application to the association by the unit owner of the unit who proposes to relocate a boundary. The amendment may be approved only if the unit owner of the unit, the boundary of which is being relocated, and, unless the declaration provides otherwise, persons entitled to cast at least sixty seven percent of the votes in the association, including sixty seven percent of the votes allocated to units not owned by the declarant, agree.~~

~~(b) The association may require payment to the association of a one time fee or charge or continuing fees or charges payable by the unit owners of the units whose boundaries are being relocated to include common elements))~~ The boundary of a unit may be relocated only by an amendment to the declaration. A unit owner may request the board to amend the declaration to include all or part of a common element within the unit owner's unit. The board may prescribe in the amendment a fee or charge payable by the unit owner to the association in connection with the relocation.

(b) The board may approve the amendment only if the unit owners of units to which at least 67 percent of the votes are allocated, including at least 67 percent of the votes that are allocated to units not owned by the declarant, vote under RCW 64.90.455 to approve the amendment.

~~(3)((a))~~ The association ((must prepare any)) and the owners of the units whose boundaries are relocated must execute an amendment ((to the declaration in accordance with the requirements of RCW 64.90.225 and any amendment to the map in accordance with the requirements of RCW 64.90.245)) under this section. The amendment must contain words of conveyance between the parties. The association shall record the amendment as provided in RCW 64.90.285. The association:

(a) In a condominium, plat community, or miscellaneous community shall prepare and record an amendment to the map necessary to show ((or describe)) the altered boundaries of affected units and their dimensions and identifying numbers; and

(b) In a cooperative shall prepare and record amendments to the declaration, including any amendment to the map necessary to show or describe the altered boundaries of affected units, and their dimensions and identifying numbers.

~~((b) The amendment to the declaration must be executed by the unit owner of the unit, the boundaries of which are being relocated, and by the association, contain words of conveyance between them, and be recorded in the names of the unit owner or owners and the association, as grantor or grantee, as appropriate and as required under RCW 64.90.285(3). The amendments are effective upon recording.))~~

(4) All costs, including reasonable attorneys' fees, incurred by the association for preparing and recording amendments to the declaration and map under this section must be assessed to the unit, the boundaries of which are being relocated.

**Sec. 308.** RCW 64.90.270 and 2018 c 277 s 215 are each amended to read as follows:

~~((1) The physical boundaries of a unit located in a building containing or comprising that unit constructed or reconstructed in substantial accordance with the map, or amendment to the map, are its boundaries rather than any boundaries shown on the map, regardless of settling or lateral movement of the unit or of any building containing or comprising the unit, or of any minor variance between boundaries of the unit or any building containing or comprising the unit shown on the map.~~

~~(2) This section does not relieve a unit owner from liability in case of the unit owner's willful misconduct or relieve a declarant or any other person from liability for failure to adhere to the map.))~~ (1) Except as provided in subsection (2) of this section, if the construction, reconstruction, or alteration of a building or the vertical or lateral movement of a building results in an encroachment due to a divergence between the existing physical boundaries of a unit and the boundaries described in the declaration under RCW 64.90.225(1)(d), the existing physical boundaries of the unit are its legal boundaries, rather than the boundaries described in the declaration.

(2) Subsection (1) of this section does not apply if the encroachment:

(a) Extends beyond five feet, as measured from any point on the common boundary along a line perpendicular to the boundary; or

(b) Results from willful misconduct of the unit owner that claims a benefit under subsection (1) of this section.

(3) This section does not relieve a declarant or other person of liability for failure to adhere to the map or a representation in the public offering statement.

**Sec. 309.** RCW 64.90.285 and 2019 c 238 s 208 are each amended to read as follows:

~~(1)(a) Except in cases of amendments that may be executed by: A declarant under subsection ((4)) (9) of this section, RCW 64.90.240(2), 64.90.245(12), 64.90.250, or 64.90.415(2)(d); the association under RCW 64.90.030, 64.90.230(5), ((64.90.240(3)), 64.90.260((1)), ((or)) 64.90.265, or section 101 of this act or subsection ((14)) (10) of this section; or certain unit owners under RCW 64.90.240 (2) or (3), ((64.90.260(1)), 64.90.265(2), or 64.90.290(2), and except as limited by subsections (4), (6), (7), ((8)), and ((12)) (11) of this section, the declaration may be amended only by vote or agreement of unit owners of units to which at least ((sixty seven)) 67 percent of the votes in the association are allocated, unless the declaration specifies a different percentage not to exceed ((ninety)) 90 percent for all amendments or for specific subjects of amendment. For purposes of this section, "amendment" means any change to the declaration, including adding, removing, or modifying restrictions contained in a declaration.~~

~~(b) If the declaration requires the approval of another person as a condition of its effectiveness, the amendment is not valid without that approval((; however, any right of approval may not result in an expansion of special declarant rights reserved in the declaration or violate any other section of this chapter, including RCW 64.90.015, 64.90.050, 64.90.055, and 64.90.060)).~~

(2) In the absence of fraud, any action to challenge the validity of an amendment adopted by the association may not be brought more than one year after the amendment is recorded.

(3) Every amendment to the declaration must be recorded in every county in which any portion of the common interest community is located and is effective only upon recordation. An amendment((, except an amendment pursuant to RCW 64.90.260(1)), must be indexed in the grantee's index in the name of the common interest community and the association and in the grantor's index in the name of the parties executing the amendment.

(4) Except to the extent expressly permitted or required under

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

this chapter, an amendment may not create or increase special declarant rights, increase the number of units, change the boundaries of any unit, or change the allocated interests of a unit without the consent of unit owners to which at least ~~((ninety))~~ 90 percent of the votes in the association are allocated, including the consent of any unit owner of a unit, the boundaries of which or allocated interest of which is changed by the amendment.

(5) Amendments to the declaration required to be executed by the association must be executed by any authorized officer of the association who must certify in the amendment that it was properly adopted.

~~(6) ((The declaration may require a higher percentage of unit owner approval for an amendment that is intended to prohibit or materially restrict the uses of units permitted under the applicable zoning ordinances, or to protect the interests of members of a defined class of owners, or to protect other legitimate interests of the association or its members. Subject to subsection (13) of this section, a declaration may not require, as a condition for amendment, approval by more than ninety percent of the votes in the association or by all but one unit owner, whichever is less. An amendment approved under this subsection must provide reasonable protection for a use permitted at the time the amendment was adopted.~~

~~((7))~~ The time limits specified in the declaration pursuant to RCW 64.90.225(1)(g) within which reserved development rights must be exercised may be extended, and additional development rights may be created, if persons entitled to cast at least ~~((eighty))~~ 80 percent of the votes in the association, including ~~((eighty))~~ 80 percent of the votes allocated to units not owned by the declarant, agree to that action. The agreement is effective ~~((thirty))~~ 30 days after an amendment to the declaration reflecting the terms of the agreement is recorded unless all the persons holding the affected special declarant rights, or security interests in those rights, record a written objection within the ~~((thirty))~~ 30-day period, in which case the amendment is void, or consent in writing at the time the amendment is recorded, in which case the amendment is effective when recorded.

~~((8))~~ (7) A provision in the declaration creating special declarant rights that have not expired may not be amended without the consent of the declarant.

~~((9))~~ (8) If any provision of this chapter or the declaration requires the consent of a holder of a security interest in a unit as a condition to the effectiveness of an amendment to the declaration, the consent is deemed granted if a refusal to consent in a record is not received by the association within ~~((sixty))~~ 60 days after the association delivers notice of the proposed amendment to the holder at an address for notice provided by the holder or mails the notice to the holder by certified mail, return receipt requested, at that address. If the holder has not provided an address for notice to the association, the association must provide notice to the address in the security interest of record.

~~((10))~~ (9) Upon ~~((thirty))~~ 30-day advance notice to unit owners, the declarant may, without a vote of the unit owners or approval by the board, unilaterally adopt, execute, and record a corrective amendment or supplement to the governing documents to correct a mathematical mistake, an inconsistency, or a scrivener's error, or clarify an ambiguity in the governing documents with respect to an objectively verifiable fact including, without limitation, recalculating the undivided interest in the common elements, the liability for common expenses, or the number of votes in the unit owners association appertaining to a unit, within five years after the recordation or adoption of the governing document containing or creating the mistake, inconsistency, error, or ambiguity. Any such amendment or supplement may not materially reduce what the obligations of the

declarant would have been if the mistake, inconsistency, error, or ambiguity had not occurred.

~~((11))~~ (10) Upon ~~((thirty))~~ 30-day advance notice to unit owners, the association may, upon a vote of two-thirds of the members of the board, without a vote of the unit owners, adopt, execute, and record an amendment to the declaration for the following purposes:

(a) To correct or supplement the governing documents as provided in subsection ~~((10))~~ (9) of this section;

~~((To remove language and otherwise amend as necessary to effect the removal of language purporting to forbid or restrict the conveyance, encumbrance, occupancy, or lease to: Individuals of a specified race, creed, color, sex, or national origin; individuals with sensory, mental, or physical disabilities; and families with children or any other legally protected classification;~~

~~((e))~~ To remove language and otherwise amend as necessary to effect the removal of language that purports to impose limitations on the power of the association beyond the limit authorized in RCW 64.90.405(3)(a) to deal with the declarant that are more restrictive than the limitations imposed on the power of the association to deal with other persons; and

~~((d))~~ (c) To remove any other language and otherwise amend as necessary to effect the removal of language purporting to limit the rights of the association or its unit owners in direct conflict with this chapter.

~~((12))~~ (11) If the declaration requires that amendments to the declaration may be adopted only if the amendment is signed by a specified number or percentage of unit owners and if the common interest community contains more than ~~((twenty))~~ 20 units, such requirement is deemed satisfied if the association obtains such signatures or the vote or agreement of unit owners holding such number or percentage.

~~((13))~~ (12)(a) If the declaration requires that amendments to the declaration may be adopted only by the vote or agreement of unit owners of units to which more than ~~((sixty-seven))~~ 67 percent of the votes in the association are allocated, and the percentage required is otherwise consistent with this chapter, the amendment is approved if:

(i) The approval of the percentage specified in the declaration is obtained;

(ii)(A) Unit owners of units to which at least ~~((sixty-seven))~~ 67 percent of the votes in the association are allocated vote for or agree to the proposed amendment;

(B) A unit owner does not vote against the proposed amendment; and

(C) Notice of the proposed amendment, including notice that the failure of a unit owner to object may result in the adoption of the amendment, is delivered to the unit owners holding the votes in the association that have not voted or agreed to the proposed amendment and no written objection to the proposed amendment is received by the association within ~~((sixty))~~ 60 days after the association delivers notice; or

(iii)(A) Unit owners of units to which at least ~~((sixty-seven))~~ 67 percent of the votes in the association are allocated vote for or agree to the proposed amendment;

(B) At least one unit owner objects to the proposed amendment; and

(C) Pursuant to an action brought by the association in the county in which the common interest community is situated against all objecting unit owners, the court finds, under the totality of circumstances including, but not limited to, the subject matter of the amendment, the purpose of the amendment, the percentage voting to approve the amendment, and the percentage objecting to the amendment, that the amendment is reasonable.

(b) If the declaration requires the affirmative vote or approval

of any particular unit owner or class of unit owners as a condition of its effectiveness, the amendment is not valid without that vote or approval.

**Sec. 310.** RCW 64.90.290 and 2018 c 277 s 219 are each amended to read as follows:

(1) Except for a taking of all the units by condemnation, foreclosure against an entire cooperative of a security interest that has priority over the declaration, or in the circumstances described in RCW 64.90.325, a common interest community may be terminated only by agreement of unit owners of units to which at least ~~((eighty)) 80~~ percent of the votes in the association are allocated, ~~((or any larger percentage the declaration specifies))~~ including at least 80 percent of the votes allocated to units not owned by the declarant, and with any other approvals required by the declaration. The declaration may require a larger percentage of total votes in the association for approval, but termination requires approval by at least 80 percent of the votes allocated to units not owned by the declarant. The declaration may specify ~~((a))~~ smaller percentages only if all of the units are restricted exclusively to nonresidential uses.

(2) An agreement to terminate must be evidenced by the execution of a termination agreement, or ratifications of the agreement, in the same manner as a deed, by the requisite number of unit owners. The termination agreement must specify a date after which the agreement is void unless it is recorded before that date. A termination agreement and all ratifications of the agreement must be recorded in every county in which a portion of the common interest community is situated and is effective only upon recordation. An agreement to terminate may only be amended by complying with the requirements of this subsection and subsection (1) of this section.

~~(3)((a) In the case of a condominium, plat community, or miscellaneous community containing only units having horizontal boundaries between units, a)~~ A termination agreement may provide ~~((that))~~ for the sale of some or all of the common elements and units of the common interest community ~~((must be sold))~~ following termination. If, pursuant to the agreement, any real estate in the common interest community is to be sold following termination, the termination agreement must set forth the minimum purchase price, manner of payment, and outside closing date, and may include any other terms of the sale.

~~((b) In the case of a condominium, plat community, or miscellaneous community containing no units having horizontal boundaries between units, a termination agreement may provide for sale of the common elements that are not necessary for the habitability of a unit, but it may not require that any unit be sold following termination, unless the declaration as originally recorded provided otherwise or all the unit owners consent to the sale. If, pursuant to the agreement, any real estate in the common interest community is to be sold following termination, the termination agreement must set forth the minimum purchase price, manner of payment, and outside closing date, and may include any other terms of sale.~~

~~(c) In the case of a condominium, plat community, or miscellaneous community containing some units having horizontal boundaries between units and some units without horizontal boundaries between units, a termination agreement may provide for sale of the common elements that are not necessary for the habitability of a unit, but it may not require that any unit be sold following termination, unless the declaration as originally recorded provided otherwise or all the unit owners of units in the building to be sold consent to the sale. If, pursuant to the agreement, any real estate in the common interest community is to be sold following termination, the termination agreement must set forth the minimum purchase price, manner of payment, and outside closing date, and may include any other terms of~~

~~sale.))~~

(4)(a) The association, on behalf of the unit owners, may contract for the sale of real estate in a common interest community, but the contract is not binding on the unit owners until approved pursuant to subsections (1) and (2) of this section. If any real estate is to be sold following termination, title to that real estate ~~((, upon termination,))~~ not already owned by the association vests on termination in the association as trustee for the holders of all interests in the units. Thereafter, the association has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds of the sale distributed, the association continues in existence with all powers it had before termination.

(b) Proceeds of the sale must be distributed to unit owners and lienholders as their interests may appear, in accordance with subsections ~~((6) and))~~ (7), (8), (9), and (13) of this section. Unless otherwise specified in the termination agreement, as long as the association holds title to the real estate, each unit owner and the unit owner's successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit. During the period of that occupancy, each unit owner and the unit owner's successors in interest remain liable for all assessments and other obligations imposed on unit owners under this chapter or the declaration.

~~(5) ((In a condominium, plat community, or miscellaneous community, if any portion of the real estate constituting the common interest community is not to be sold following termination, title to those portions of the real estate constituting the common elements and, in a common interest community containing units having horizontal boundaries between units described in the declaration, title to all the real estate containing such boundaries in the common interest community vests in the unit owners upon termination as tenants in common in proportion to their respective interests as provided in subsection (8) of this section, and liens on the units shift accordingly. While the tenancy in common exists, each unit owner and the unit owner's successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit.))~~ Termination does not change title to a unit or common element not to be sold following termination unless the termination agreement otherwise provides.

~~((b))~~ (6)((a)) Following termination of the common interest community, the proceeds of a sale of real estate, together with the assets of the association, are held by the association as trustee for unit owners and holders of liens on the units as their interests may appear.

~~((b))~~ (7)(a) Following termination of a condominium, plat community, or miscellaneous community, creditors of the association holding liens on the units that were recorded or perfected under RCW 4.64.020 before termination may enforce those liens in the same manner as any lienholder.

~~((e))~~ (b) All other creditors of the association are to be treated as if they had perfected liens on the units immediately before termination.

~~((7))~~ (8) In a cooperative, the declaration may provide that all creditors of the association have priority over any interests of unit owners and creditors of unit owners. In that event, following termination, creditors of the association holding liens on the cooperative that were recorded or perfected under RCW 4.64.020 before termination may enforce their liens in the same manner as any lienholder, and any other creditor of the association is to be treated as if the creditor had perfected a lien against the cooperative immediately before termination. Unless the declaration provides that all creditors of the association have that priority:

(a) The lien of each creditor of the association that was

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

perfected against the association before termination becomes, upon termination, a lien against each unit owner's interest in the unit as of the date the lien was perfected;

(b) Any other creditor of the association must be treated, upon termination, as if the creditor had perfected a lien against each unit owner's interest immediately before termination;

(c) The amount of the lien of an association's creditor described in (a) and (b) of this subsection against each of the unit owners' interest must be proportionate to the ratio that each unit's common expense liability bears to the common expense liability of all of the units;

(d) The lien of each creditor of each unit owner that was perfected before termination continues as a lien against that unit owner's unit as of the date the lien was perfected;

(e) The assets of the association must be distributed to all unit owners and all lienholders as their interests may appear in the order described in this subsection; and

(f) Creditors of the association are not entitled to payment from any unit owner in excess of the amount of the creditor's lien against that unit owner's interest.

~~((8))~~ (9) The respective interests of unit owners referred to in subsections (4), (5), (6), ~~((and))~~ (7), (8), and (13) of this section are as follows:

(a) Except as otherwise provided in ~~((b))~~ (d) of this subsection, the respective interests of unit owners are the fair market values of their units, allocated interests, and any limited common elements immediately before the termination, as determined by appraisal made by one or more independent appraisers selected by the association. The ~~((decision of the independent appraisers))~~ appraisal must be distributed to the unit owners and becomes final unless ~~((disapproved within thirty))~~;

(i) Disapproved not later than 30 days after distribution by unit owners of units to which ~~((twenty-five))~~ at least 25 percent of the votes in the association are allocated; or

(ii) A unit owner objects in a record not later than 30 days after distribution to the determination of value of the unit owner's unit.

(b) A unit owner that objects under (a)(ii) of this subsection may select an appraiser to represent the owner and make an appraisal of the unit owner's unit. If the association's appraisal and the unit owner's appraisal of the fair market value of the unit owner's interest differ, a panel consisting of an appraiser selected by the association, the unit owner's appraiser, and a third appraiser mutually selected by the first two appraisers shall determine, by majority vote, the value of the unit owner's interest. The determination of value by the panel is final.

(c) The proportion of any unit owner's interest to that of all unit owners is determined by dividing the fair market value of that unit owner's unit and its allocated interests by the total fair market values of all the units and their allocated interests.

~~((b))~~ (d) If any unit or any limited common element is destroyed to the extent that an appraisal of the fair market value of the unit or limited common element before destruction cannot be made, the interests of all unit owners are:

(i) In a condominium, their respective common element interests immediately before the termination;

(ii) In a cooperative, their respective ownership interests immediately before the termination; and

(iii) In a plat community or miscellaneous community, their respective common expense liabilities immediately before the termination.

~~((9))~~ (10) In a condominium, plat community, or miscellaneous community, except as otherwise provided in subsection ~~((10))~~ (11) of this section, foreclosure or enforcement of a lien or encumbrance against the entire common interest community does not terminate the common interest

community, and foreclosure or enforcement of a lien or encumbrance against a portion of the common interest community, other than withdrawable real estate, does not withdraw that portion from the common interest community. Foreclosure or enforcement of a lien or encumbrance against withdrawable real estate, or against common elements that have been subjected to a security interest by the association under RCW 64.90.465, does not withdraw that real estate from the common interest community, but the person taking title to the real estate may require from the association, upon request, an amendment excluding the real estate from the common interest community.

~~((10))~~ (11) In a condominium, plat community, or miscellaneous community, if a lien or encumbrance against a portion of the real estate comprising the common interest community has priority over the declaration and the lien or encumbrance has not been partially released, the parties foreclosing the lien or encumbrance, upon foreclosure, may record an instrument excluding the real estate subject to that lien or encumbrance from the common interest community.

~~((11))~~ (12) The right of partition under chapter 7.52 RCW is suspended if an agreement to sell property is provided for in the termination agreement pursuant to subsection (3)~~((a), (b), or (e))~~ of this section. The suspension of the right to partition continues unless a binding obligation to sell does not exist three months after the recording of the termination agreement, the binding sale agreement is terminated, or one year after the termination agreement is recorded, whichever occurs first.

(13) A termination agreement complying with this section may provide for termination of fewer than all of the units in a common interest community, subject to the following:

(a) In addition to the approval required by subsection (1) of this section, the termination agreement must be approved by at least 80 percent of the votes allocated to the units being terminated;

(b) The termination agreement must reallocate under RCW 64.90.235 the allocated interests for the units that remain in the common interest community after termination;

(c) The aggregate values of the units and common elements being terminated must be determined under subsection (9) of this section. The termination agreement must specify the allocation of the proceeds of sale for the units and common elements being terminated and sold;

(d) Security interests and liens on remaining units and remaining common elements continue, and security interests and liens on units being terminated no longer extend to any remaining common elements;

(e) The unit owners association continues as the association for the remaining units; and

(f) The association shall record with the termination agreement under subsection (2) of this section an amendment to the declaration or an amended and restated declaration, and, if necessary, an amendment to the map or an amended and restated map.

**Sec. 311.** RCW 64.90.405 and 2019 c 238 s 209 are each amended to read as follows:

(1) An association must:

(a) Adopt organizational documents;

(b) Adopt budgets as provided in RCW 64.90.525;

(c) Impose assessments for common expenses and specially allocated expenses on the unit owners as provided in RCW ~~((64.90.080))~~ 64.90.480(1) and 64.90.525;

(d) Prepare financial statements as provided in RCW 64.90.530; and

(e) Deposit and maintain the funds of the association in accounts as provided in RCW 64.90.530.

(2) Except as provided otherwise in subsection (4) of this section and subject to the provisions of the declaration, the association may:

(a) Amend organizational documents and adopt and amend rules;

(b) Amend budgets under RCW 64.90.525;

(c) Hire and discharge managing agents and other employees, agents, and independent contractors;

(d) Institute, defend, or intervene in litigation or in arbitration, mediation, or administrative proceedings or any other legal proceeding in its own name on behalf of itself or two or more unit owners on matters affecting the common interest community;

(e) Make contracts and incur liabilities subject to subsection (4) of this section;

(f) Regulate the use, maintenance, repair, replacement, and modification of common elements;

(g) Cause additional improvements to be made as a part of the common elements;

(h) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real estate or personal property, but:

(i) Common elements in a condominium, plat community, or miscellaneous community may be conveyed or subjected to a security interest pursuant to RCW 64.90.465 only; and

(ii) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest pursuant to RCW 64.90.465 only;

(i) Grant easements, leases, and licenses~~((, and concessions))~~ through or over the common elements, but a grant to a unit owner that benefits the unit owner's unit is allowed only by reallocation under RCW 64.90.240(3) of the common elements to a limited common element, and petition for or consent to the vacation of streets and alleys. Notwithstanding the foregoing, a reallocation shall not be required in regard to the installation of an electric vehicle charging station on the common elements;

(j) Impose and collect any reasonable payments, fees, or charges for:

(i) The use, rental, or operation of the common elements, other than limited common elements described in RCW 64.90.210 (1)(b) and (3);

(ii) Services provided to unit owners; and

(iii) Moving in, moving out, or transferring title to units to the extent provided for in the declaration;

(k) Collect assessments and impose and collect reasonable charges for late payment of assessments;

(l) Enforce the governing documents and, after notice and opportunity to be heard, impose and collect reasonable fines for violations of the governing documents in accordance with a previously established schedule of fines adopted by the board of directors and furnished to the owners pursuant to the requirements for notice in RCW 64.90.505;

(m) Impose and collect reasonable charges for the preparation and recordation of amendments to the declaration, resale certificates required under RCW 64.90.640, lender questionnaires, or statements of unpaid assessments;

(n) Provide for the indemnification of its officers and board members, to the extent provided in RCW 23B.17.030;

(o) Maintain directors' and officers' liability insurance;

(p) Subject to subsection (4) of this section, assign its right to future income, including the right to receive assessments;

(q) Join in a petition for the establishment of a parking and business improvement area, participate in the ratepayers' board or other advisory body set up by the legislative authority for operation of a parking and business improvement area, and pay special assessments levied by the legislative authority on a parking and business improvement area encompassing the condominium property for activities and projects that benefit the

condominium directly or indirectly;

(r) Establish and administer a reserve account as described in RCW 64.90.535;

(s) Prepare a reserve study as described in RCW 64.90.545;

(t) Exercise any other powers conferred by the declaration or organizational documents;

(u) Exercise all other powers that may be exercised in this state by the same type of entity as the association;

(v) Exercise any other powers necessary and proper for the governance and operation of the association;

(w) Require that disputes between the association and unit owners or between two or more unit owners regarding the common interest community, other than those governed by chapter 64.50 RCW, be submitted to nonbinding alternative dispute resolution as a prerequisite to commencement of a judicial proceeding; and

(x) Suspend any right or privilege of a unit owner who fails to pay an assessment which suspension may be imposed for a reasonable amount of time not to exceed one business day after the association receives full payment of the delinquent assessment and the board has received confirmation of payment and cleared funds, but may not:

(i) Deny a unit owner or other occupant access to the owner's unit, or any limited common elements allocated only to that unit, or any common elements necessary to access the unit;

(ii) Suspend a unit owner's right to vote; or

(iii) Withhold services provided to a unit or a unit owner by the association if the effect of withholding the service would be to endanger the health, safety, or property of any person.

(3) The declaration may not limit the power of the association beyond the limit authorized in subsection (2)(w) of this section to:

(a) Deal with the declarant if the limit is more restrictive than the limit imposed on the power of the association to deal with other persons; or

(b) Institute litigation or an arbitration, mediation, or administrative proceeding against any person, subject to the following:

(i) The association must comply with chapter 64.50 RCW, if applicable, before instituting any proceeding described in chapter 64.50 RCW in connection with construction defects; and

(ii) The board must promptly provide notice to the unit owners of any legal proceeding in which the association is a party other than proceedings involving enforcement of rules or to recover unpaid assessments or other sums due the association.

(4) Any borrowing by an association that is to be secured by an assignment of the association's right to receive future income pursuant to subsection (2)(e) and (p) of this section requires ratification by the unit owners as provided in this subsection.

(a) The board must provide notice of the intent to borrow to all unit owners. The notice must include the purpose and maximum amount of the loan, the estimated amount and term of any assessments required to repay the loan, a reasonably detailed projection of how the money will be expended, and the interest rate and term of the loan.

(b) In the notice, the board must set a date for a meeting of the unit owners, which must not be less than ~~((fourteen))~~ 14 and no more than ~~((fifty))~~ 50 days after mailing of the notice, to consider ratification of the borrowing.

(c) Unless at that meeting, whether or not a quorum is present, unit owners holding a majority of the votes in the association or any larger percentage specified in the declaration reject the proposal to borrow funds, the association may proceed to borrow the funds in substantial accordance with the terms contained in the notice.

(5) If a tenant of a unit owner violates the governing

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

documents, in addition to exercising any of its powers against the unit owner, the association may:

(a) Exercise directly against the tenant the powers described in subsection (2)(l) of this section;

(b) After giving notice to the tenant and the unit owner and an opportunity to be heard, levy reasonable fines against the tenant and unit owner for the violation; and

(c) Enforce any other rights against the tenant for the violation that the unit owner as the landlord could lawfully have exercised under the lease or that the association could lawfully have exercised directly against the unit owner, or both; but the association does not have the right to terminate a lease or evict a tenant unless permitted by the declaration. The rights referred to in this subsection (5)(c) may be exercised only if the tenant or unit owner fails to cure the violation within ~~((ten))~~ 10 days after the association notifies the tenant and unit owner of that violation.

(6) Unless a lease otherwise provides, this section does not:

(a) Affect rights that the unit owner has to enforce the lease or that the association has under other law; or

(b) Permit the association to enforce a lease to which it is not a party in the absence of a violation of the governing documents.

(7) The board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commencing an action for a violation of the governing documents, including whether to compromise any claim for unpaid assessments or other claim made by or against it.

(8) The board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction, or rule being enforced is, or is likely to be construed as, inconsistent with law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

(9) The board's decision under subsections (7) and (8) of this section to not pursue enforcement under one set of circumstances does not prevent the board from taking enforcement action under another set of circumstances, but the board may not be arbitrary or capricious in taking enforcement action.

**Sec. 312.** RCW 64.90.410 and 2019 c 238 s 101 are each amended to read as follows:

(1)(a) Except as provided otherwise in the governing documents, subsection (4) of this section, or other provisions of this chapter, the board may act on behalf of the association.

(b) In the performance of their duties, officers and board members must exercise the degree of care and loyalty to the association required of an officer or director of a corporation organized, are subject to the conflict of interest rules governing directors and officers, and are entitled to the immunities from liability available to officers and directors under chapter 24.06 RCW. The standards of care and loyalty, and conflict of interest rules and immunities described in this section apply regardless of the form in which the association is organized.

(2)(a) Except as provided otherwise in RCW 64.90.300(~~((5))~~) (9), effective as of the transition meeting held in accordance with RCW 64.90.415(4), the board must be comprised of at least three members, at least a majority of whom must be unit owners. However, the number of board members need not exceed the number of units then in the common interest community.

(b) Unless the declaration or organizational documents provide for the election of officers by the unit owners, the board must elect the officers.

(c) Unless provided otherwise in the declaration or organizational documents, board members and officers must take office upon adjournment of the meeting at which they were elected or appointed or, if not elected or appointed at a meeting, at the time of such election or appointment, and must serve until their successor takes office.

(d) In determining the qualifications of any officer or board member of the association, "unit owner" includes, unless the declaration or organizational documents provide otherwise, any board member, officer, member, partner, or trustee of any person, who is, either alone or in conjunction with another person or persons, a unit owner.

(e) Any officer or board member of the association who would not be eligible to serve as such if he or she were not a board member, officer, partner in, or trustee of such a person is disqualified from continuing in office if he or she ceases to have any such affiliation with that person or that person would have been disqualified from continuing in such office as a natural person.

(3) Except when voting as a unit owner, the declarant may not appoint or elect any person or to serve itself as a voting, ex officio or nonvoting board member following the transition meeting.

(4) The board may not, without vote or agreement of the unit owners:

(a) Amend the declaration, except as provided in RCW 64.90.285;

(b) Amend the organizational documents of the association;

(c) Terminate the common interest community;

(d) Elect members of the board, but may fill vacancies in its membership not resulting from removal for the unexpired portion of any term or, if earlier, until the next regularly scheduled election of board members; or

(e) Determine the qualifications, powers, duties, or terms of office of board members.

(5) The board must adopt budgets as provided in RCW 64.90.525.

(6) Except for committees appointed by the declarant pursuant to special declarant rights, all committees of the association must be appointed by the board. Committees authorized to exercise any power reserved to the board must include at least two board members who have exclusive voting power for that committee. Committees that are not so composed may not exercise the authority of the board and are advisory only.

(7) A declaration may provide for the appointment of specified positions on the board by persons other than the declarant or an affiliate of the declarant during or after the period of declarant control. It also may provide a method for filling vacancies in those positions, other than by election by the unit owners. However, after the period of declarant control, appointed members:

(a) May not comprise more than one-third of the board; and

(b) Have no greater authority than any other board member.

**NEW SECTION. Sec. 313.** A new section is added to chapter 64.90 RCW to read as follows:

(1) Notwithstanding any contrary provision in the declaration or organizational documents, prior to an election of board members, the association must provide notice to all unit owners of the following:

(a) The number of board positions that may be filled;

(b) The qualifications to be a board candidate, if any; and

(c) The process, manner, and deadline for submitting nominations.

(2) If the board determines that any nominee is not a qualified candidate, the board shall notify the nominee of the basis for the disqualification, and the procedure for appealing the disqualification.

**Sec. 314.** RCW 64.90.420 and 2018 c 277 s 305 are each amended to read as follows:

(1) No later than ~~((thirty))~~ 30 days following the date of the transition meeting held pursuant to RCW 64.90.415(4), the declarant must deliver or cause to be delivered to the board elected at the transition meeting all property of the unit owners and association as required by the declaration or this chapter including, but not limited to:

(a) The original or a copy of the recorded declaration and each amendment to the declaration;

(b) The organizational documents of the association;

(c) The minute books, including all minutes, and other books and records of the association;

(d) Current rules and regulations that have been adopted;

(e) Resignations of officers and members of the board who are required to resign because the declarant is required to relinquish control of the association;

(f) The financial records, including canceled checks, bank statements, and financial statements of the association, and source documents from the time of formation of the association through the date of transfer of control to the unit owners;

(g) Association funds or the control of the funds of the association;

(h) Originals or copies of any recorded instruments of conveyance for any common elements included within the common interest community but not appurtenant to the units;

(i) All tangible personal property of the association;

(j) Except for alterations to a unit done by a unit owner other than the declarant, a copy of the most recent plans and specifications used in the construction or remodeling of the common interest community, except for buildings containing fewer than three units;

(k) Originals or copies of insurance policies for the common interest community and association;

(l) Originals or copies of any certificates of occupancy that may have been issued for the common interest community;

(m) Originals or copies of any other permits obtained by or on behalf of the declarant and issued by governmental bodies applicable to the common interest community;

(n) Originals or copies of all written warranties that are still in effect for the common elements, or any other areas or facilities that the association has the responsibility to maintain and repair, from the contractor, subcontractors, suppliers, and manufacturers and all owners' manuals or instructions furnished to the declarant with respect to installed equipment or building systems;

(o) A roster of unit owners and eligible mortgagees and their addresses and telephone numbers, if known, as shown on the declarant's records and the date of closing of the first sale of each unit sold by the declarant;

(p) Originals or copies of any leases of the common elements and other leases to which the association is a party;

(q) Originals or photocopies of any employment contracts or service contracts in which the association is one of the contracting parties or service contracts in which the association or the unit owners have an obligation or a responsibility, directly or indirectly, to pay some or all of the fee or charge of the person performing the service;

(r) Originals or copies of any qualified warranty issued to the association as provided for in RCW 64.35.505; ~~((and))~~

(s) Originals or copies of all other contracts to which the association is a party; and

(t) Originals or copies of the most recent reserve study prepared pursuant to RCW 64.90.545, if one exists.

(2) Within ~~((sixty))~~ 60 days of the transition meeting, the board must retain the services of a certified public accountant to audit the records of the association as the date of the transition meeting

in accordance with generally accepted auditing standards unless the unit owners, other than the declarant, to which a majority of the votes are allocated elect to waive the audit. The cost of the audit must be a common expense unless otherwise provided in the declaration. The accountant performing the audit must examine supporting documents and records, including the cash disbursements and related paid invoices, to determine if expenditures were for association purposes and the billings, cash receipts, and related records to determine if the declarant was charged for and paid the proper amount of assessments.

~~((3) A declaration may provide for the appointment of specified positions on the board by persons other than the declarant or an affiliate of the declarant during or after the period of declarant control. It also may provide a method for filling vacancies in those positions, other than by election by the unit owners. However, after the period of declarant control, appointed members:~~

~~(a) May not comprise more than one third of the board; and~~

~~(b) Have no greater authority than any other board member.)~~

**Sec. 315.** RCW 64.90.425 and 2018 c 277 s 306 are each amended to read as follows:

(1) ~~((Except as provided in subsection (3) of this section, a special declarant right created or reserved under this chapter may be transferred only by an instrument effecting the transfer and executed by the transferor, to be recorded in every county in which any portion of the common interest community is located. The transferee must provide the association with a copy of the recorded instrument, but the failure to furnish the copy does not invalidate the transfer.~~

~~(2) Upon transfer of any special declarant right, the liability of a transferor declarant is as follows:~~

~~(a) A transferor is not relieved of any obligation or liability arising before the transfer and remains liable for such warranty obligations arising before the transfer imposed upon the transferor under this chapter. Lack of privity does not deprive any unit owner of standing to maintain an action to enforce any obligation of the transferor.~~

~~(b) If a successor to any special declarant right is an affiliate of a declarant the transferor is jointly and severally liable with the successor for any obligations or liabilities of the successor relating to the common interest community.~~

~~(c) If a transferor retains any special declarant rights, but transfers other special declarant rights to a successor who is not an affiliate of the declarant, the transferor is liable for any obligations or liabilities imposed on a declarant under this chapter or by the declaration relating to the retained special declarant rights, whether arising before or after the transfer.~~

~~(d) A transferor is not liable for any act or omission or any breach of a contractual or warranty obligation by a successor declarant who is not an affiliate of the transferor.~~

~~(3) Upon foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale, or sale under bankruptcy code or receivership proceedings of any unit owned by a declarant or real property in a common interest community that is subject to any special declarant rights, a person acquiring title to the real property being foreclosed or sold succeeds to all of the special declarant rights related to that real property held by that declarant and to any rights reserved in the declaration pursuant to RCW 64.90.275 and held by that declarant to maintain models, sales offices, and signs except to the extent the judgment or instrument effecting the transfer states otherwise.~~

~~(4) Upon foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale, or sale under bankruptcy code or receivership proceedings of all interests in a common interest community owned by a~~



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

~~declarant, any special declarant rights that are not transferred as stated in subsection (3) of this section terminate.~~

~~(5) The liabilities and obligations of a person who succeeds to special declarant rights are as follows:~~

~~(a) A successor to any special declarant right who is an affiliate of a declarant is subject to all obligations and liabilities imposed on the transferor under this chapter or by the declaration.~~

~~(b) A successor to any special declarant right, other than a successor who is an affiliate of a declarant, is subject to the obligations and liabilities imposed under this chapter or the declaration:~~

~~(i) On a declarant that relate to the successor's exercise of special declarant rights; and~~

~~(ii) On the declarant's transferor, other than:~~

~~(A) Misrepresentations by any previous declarant;~~

~~(B) Any warranty obligations pursuant to RCW 64.90.670 (1) through (3) on improvements made or contracted for, or units sold by, a previous declarant or that were made before the common interest community was created;~~

~~(C) Breach of any fiduciary obligation by any previous declarant or the previous declarant's appointees to the board; or~~

~~(D) Any liability or obligation imposed on the transferor as a result of the transferor's acts or omissions after the transfer.~~

~~(c) A successor to only a right reserved in the declaration to maintain models, sales offices, and signs may not exercise any other special declarant right, and is not subject to any liability or obligation as a declarant, except the obligation to provide a public offering statement and any liability arising as a result of such reserved rights.~~

~~(6) This section does not subject any successor to a special declarant right to any claims against or other obligations of a transferor declarant, other than claims and obligations arising under this chapter or the declaration.)) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Involuntary transfer" means a transfer by foreclosure of a mortgage, deed in lieu of foreclosure, tax sale, judicial sale, or sale in a bankruptcy or receivership proceeding of real estate owned by a declarant.~~

~~(b) "Nonaffiliate successor" means a person that succeeds to a special declarant right and is not an affiliate of the declarant that transferred the special declarant right to the person.~~

~~(2) A special declarant right is an interest in real estate. The interest is appurtenant to:~~

~~(a) All units owned by the declarant; and~~

~~(b) Real estate that is subject to a development right.~~

~~(3) A declarant that no longer owns a unit or a development right ceases to have any special declarant rights.~~

~~(4) A declarant may voluntarily transfer part or all of a special declarant right only by an instrument that describes the special declarant right being transferred. The transfer becomes effective when recorded in every county in which any portion of the common interest community is located.~~

~~(5) Except as otherwise provided in subsection (8), (9), (11), or (12) of this section, a successor to a special declarant right is subject to all obligations and liabilities imposed on the transferor by this chapter or the declaration.~~

~~(6) If a declarant transfers a special declarant right to an affiliate of the declarant, the transferor and the successor are jointly and severally liable for all obligations and liabilities imposed on either person by this chapter or the declaration. Lack of privity does not deprive a unit owner of standing to maintain an action to enforce any obligation or liability of the transferor or successor.~~

~~(7) A declarant that transfers a special declarant right to a~~

~~nonaffiliate successor:~~

~~(a) Remains liable for an obligation or liability imposed by this chapter or the declaration, including a warranty obligation, that arose before the transfer; and~~

~~(b) Is not liable for an obligation or liability imposed on the successor by this chapter or the declaration that arose after the transfer.~~

~~(8) A nonaffiliate successor that succeeds to fewer than all special declarant rights held by the transferor is not subject to an obligation or liability that relates to a special declarant right not transferred to the successor.~~

~~(9) A nonaffiliate successor is not liable for an obligation or liability imposed by this chapter or the declaration that relates to:~~

~~(a) A misrepresentation by a previous declarant;~~

~~(b) A warranty obligation on an improvement made by a previous declarant or before the common interest community was created;~~

~~(c) Breach of a fiduciary obligation by a previous declarant or the previous declarant's appointees to the board; or~~

~~(d) An obligation or liability imposed on the transferor as a result of the transferor's act or omission after the transfer.~~

~~(10) If an involuntary transfer includes a special declarant right, the transferee may elect to acquire or reject the special declarant right. A transferee that elects to acquire the special declarant right is a successor declarant. The election is effective only if the judgment or instrument conveying title describes the special declarant right. If the judgment or instrument does not describe the special declarant right, the transferee will be presumed to have elected to accept the special declarant right.~~

~~(11) A successor to a special declarant right by an involuntary transfer may declare in a recorded instrument the successor's intent to hold the right solely for transfer to another person. After recording the instrument, the successor may not exercise a special declarant right, other than a right under RCW 64.90.415(1)(a) to control the board, and an attempt to exercise a special declarant right in violation of this subsection is void. A successor that complies with this subsection is not liable for an obligation or liability imposed by this chapter or the declaration other than liability for the successor's act or omission under RCW 64.90.415(1)(a).~~

~~(12) This section does not subject a successor to a special declarant right to a claim against or obligation of a transferor, other than a claim or obligation imposed by this chapter or the declaration.~~

**Sec. 316.** RCW 64.90.445 and 2021 c 227 s 13 are each amended to read as follows:

(1) The following requirements apply to unit owner meetings:

(a) A meeting of the association must be held at least once each year. Failure to hold an annual meeting does not cause a forfeiture or give cause for dissolution of the association and does not affect otherwise valid association acts.

(b)(i) An association must hold a special meeting of unit owners to address any matter affecting the common interest community or the association if its president, a majority of the board, or unit owners having at least ~~((twenty))~~ 20 percent, or any lower percentage specified in the organizational documents, of the votes in the association request that the secretary call the meeting.

(ii) If the association does not provide notice to unit owners of a special meeting within ~~((thirty))~~ 30 days after the requisite number or percentage of unit owners request the secretary to do so, the requesting members may directly provide notice to all the unit owners of the meeting. ~~((Only matters described in the meeting notice required in (c) of this subsection may be considered at a special meeting.))~~ The unit owners may discuss at

a special meeting a matter not described in the notice under (c) of this subsection but may not take action on the matter without the consent of all unit owners.

(c) An association must provide notice to unit owners of the time, date, and place of each annual and special unit owners meeting not less than ~~((fourteen))~~ 14 days and not more than ~~((fifty))~~ 50 days before the meeting date. Notice may be by any means described in RCW 64.90.515. The notice of any meeting must state the time, date, and place of the meeting and the items on the agenda, including:

(i) The text of any proposed amendment to the declaration or organizational documents;

(ii) Any changes in the previously approved budget that result in a change in the assessment obligations; and

(iii) Any proposal to remove a board member or officer.

~~(d) ((The minimum time to provide notice required in (c) of this subsection may be reduced or waived for a meeting called to deal with an emergency.~~

~~(e))~~ Unit owners must be given a reasonable opportunity at any meeting to comment regarding any matter affecting the common interest community or the association.

~~((f) Except as otherwise restricted by the declaration or organizational documents, meetings of unit owners may be conducted by telephonic, video, or other conferencing process, if the process is consistent with subsection (2)(i) of this section.))~~

(e) A meeting of unit owners is not required to be held at a physical location if:

(i) The meeting is conducted by a means of communication that enables owners in different locations to communicate in real time to the same extent as if they were physically present in the same location, provided that such means of communication must have an option for owners to communicate by telephone; and

(ii) The declaration or organizational documents do not require that the owners meet at a physical location.

(f) In the notice for a meeting held at a physical location, the board may notify all unit owners that they may participate remotely in the meeting by a means of communication described in (e) of this subsection.

(2) The following requirements apply to meetings of the board and committees authorized to act for the board:

(a) Meetings must be open to the unit owners except during executive sessions, but the board may expel or prohibit attendance by any person who, after warning by the chair of the meeting, disrupts the meeting. The board and those committees may hold an executive session only during a regular or special meeting of the board or a committee. A final vote or action may not be taken during an executive session.

(b) An executive session may be held only to:

(i) Consult with the association's attorney concerning legal matters;

(ii) Discuss existing or potential litigation or mediation, arbitration, or administrative proceedings;

(iii) Discuss labor or personnel matters;

(iv) Discuss contracts, leases, and other commercial transactions to purchase or provide goods or services currently being negotiated, including the review of bids or proposals, if premature general knowledge of those matters would place the association at a disadvantage; or

(v) Prevent public knowledge of the matter to be discussed if the board or committee determines that public knowledge would violate the privacy of any person.

(c) For purposes of this subsection, a gathering of members of the board or committees at which the board or committee members do not conduct association business is not a meeting of the board or committee. Board members and committee members may not use incidental or social gatherings to evade the open

meeting requirements of this subsection.

(d) During the period of declarant control, the board must meet at least four times a year. At least one of those meetings must be held at the common interest community or at a place convenient to the community. After the transition meeting, all board meetings must be at the common interest community or at a place convenient to the common interest community unless the unit owners amend the bylaws to vary the location of those meetings.

(e) At each board meeting, the board must provide a reasonable opportunity for unit owners to comment regarding matters affecting the common interest community and the association.

(f) Unless the meeting is included in a schedule given to the unit owners ~~((or the meeting is called to deal with an emergency)),~~ the secretary or other officer specified in the organizational documents must provide notice of each board meeting to each board member and to the unit owners. The notice must be given at least ~~((fourteen))~~ 14 days before the meeting and must state the time, date, place, and agenda of the meeting.

(g) If any materials are distributed to the board before the meeting, the board must make copies of those materials reasonably available to the unit owners, except that the board need not make available copies of unapproved minutes or materials that are to be considered in executive session.

(h) Unless the organizational documents provide otherwise, fewer than all board members may participate in a regular or special meeting by or conduct a meeting through the use of any means of communication by which all board members participating can hear each other during the meeting. A board member participating in a meeting by these means is deemed to be present in person at the meeting.

(i) Unless the organizational documents provide otherwise, the board may meet by participation of all board members by telephonic, video, or other conferencing process if:

(i) The meeting notice states the conferencing process to be used and provides information explaining how unit owners may participate in the conference directly or by meeting at a central location or conference connection; and

(ii) The process provides all unit owners the opportunity to hear or perceive the discussion and to comment as provided in (e) of this subsection.

(j) After the transition meeting, unit owners may amend the organizational documents to vary the procedures for meetings described in (i) of this subsection.

~~(k) ((Instead of))~~ Prior to the transition meeting, without a meeting, the board may act by unanimous consent as documented in a record by all its members. Actions taken by unanimous consent must be kept as a record of the association with the meeting minutes. After the transition meeting, the board may act by unanimous consent only to undertake ministerial actions, actions subject to ratification by the unit owners, or to implement actions previously taken at a meeting of the board.

(l) A board member who is present at a board meeting at which any action is taken is presumed to have assented to the action taken unless the board member's dissent or abstention to such action is lodged with the person acting as the secretary of the meeting before adjournment of the meeting or provided in a record to the secretary of the association immediately after adjournment of the meeting. The right to dissent or abstain does not apply to a board member who voted in favor of such action at the meeting.

(m) A board member may not vote by proxy or absentee ballot.

(n) Even if an action by the board is not in compliance with this section, it is valid unless set aside by a court. ~~((A challenge to the validity of an action of the board for failure))~~ An action seeking relief for failure of the board to comply with this section may not be brought more than ~~((ninety))~~ 90 days after the minutes of the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

board of the meeting at which the action was taken are approved or the record of that action is distributed to unit owners, whichever is later.

(3) Minutes of all unit owner meetings and board meetings, excluding executive sessions, must be maintained in a record. The decision on each matter voted upon at a board meeting or unit owner meeting must be recorded in the minutes.

**Sec. 317.** RCW 64.90.455 and 2018 c 277 s 312 are each amended to read as follows:

(1) ~~((Unit owners may vote at a meeting in person, by absentee ballot pursuant to subsection (3)(d) of this section, or by a proxy pursuant to subsection (5) of this section.))~~ Unit owners may vote at a meeting under subsection (2) or (3) of this section or, when a vote is conducted without a meeting, by ballot in the manner provided in subsection (4) of this section.

(2) ~~((When a vote is conducted without a meeting, unit owners may vote by ballot pursuant to subsection (6) of this section.))~~

~~(3))~~ At a meeting of unit owners the following requirements apply:

(a) ~~((Unit owners or their proxies who are present in person))~~ Unless the declaration or bylaws otherwise provide, and except as provided in subsection (9) of this section, unit owners or their proxy holders may vote by voice vote, show of hands, standing, written ballot, or any other method ((for determining the votes of unit owners, as designated by the person presiding)) authorized at the meeting.

(b) ~~((If only one of several unit owners of a unit is present, that unit owner is entitled to cast all the votes allocated to that unit. If more than one of the unit owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the unit owners, unless the declaration expressly provides otherwise. There is a majority agreement if any one of the unit owners casts the votes allocated to the unit without protest being made promptly to the person presiding over the meeting by any of the other unit owners of the unit.))~~ If unit owners attend the meeting by a means of communication under RCW 64.90.445(1) (e) or (f), the association shall implement reasonable measures to verify the identity of each unit owner attending remotely.

(c) ~~((Unless a greater number or fraction of the votes in the association is required under this chapter or the declaration or organizational documents, a majority of the votes cast determines the outcome of any action of the association.))~~

~~(d))~~ Whenever proposals or board members are to be voted upon at a meeting, a unit owner may vote by duly executed absentee ballot if:

(i) The name of each candidate and the text of each proposal to be voted upon are set forth in a writing accompanying or contained in the notice of meeting; and

(ii) A ballot is provided by the association for such purpose.

~~((4))~~ (d) When a unit owner votes by absentee ballot under (c) of this subsection, the association must be able to verify that the ballot is cast by the unit owner having the right to do so.

~~((5) Except as provided otherwise in))~~ (3) Unless the declaration or organizational documents otherwise provide, unit owners may vote by proxy subject to the following requirements ((apply with respect to proxy voting)):

(a) Votes allocated to a unit may be cast pursuant to a directed or undirected proxy duly executed by a unit owner in the same manner as provided in RCW 24.06.110.

(b) ~~((If a unit is owned by more than one person, each unit owner of the unit may vote or register protest to the casting of votes by the other unit owners of the unit through a duly executed proxy.))~~ When a unit owner votes by proxy, the association shall implement reasonable measures to verify the identity of the unit

owner and the proxy holder.

(c) A unit owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the secretary or the person presiding over a meeting of the association or by delivery of a subsequent proxy. The death or disability of a unit owner does not revoke a proxy given by the unit owner unless the person presiding over the meeting has actual notice of the death or disability.

(d) A proxy is void if it is not dated or purports to be revocable without notice.

(e) Unless stated otherwise in the proxy, a proxy terminates ~~((eleven))~~ 11 months after its date of issuance.

~~((6))~~ (4) ~~((prohibited or limited by))~~ Unless otherwise provide, an association may conduct a vote without a meeting. ~~((In that event, the))~~ The following requirements apply:

(a) The association must notify the unit owners that the vote will be taken by ballot without a meeting.

(b) The notice under (a) of this subsection must state:

(i) The time and date by which a ballot must be delivered to the association to be counted, which may not be fewer than ~~((fourteen))~~ 14 days after the date of the notice, and which deadline may be extended in accordance with (g) of this subsection;

(ii) ~~((The percent of votes necessary to meet the quorum requirements;~~

~~((iii))~~ The percent of votes necessary to approve each matter other than election of board members; and

~~((iv))~~ (iii) The time, date, and manner by which unit owners wishing to deliver information to all unit owners regarding the subject of the vote may do so.

(c) The association must deliver ~~((a ballot to every unit owner))~~ with the notice under (a) of this subsection:

(i) Instructions for casting a ballot;

(ii) A ballot in a tangible medium to every unit owner except a unit owner that has consented in a record to electronic voting; and

(iii) If the association allows electronic voting, instructions for electronic voting.

(d) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(e) A unit owner may revoke a ballot cast pursuant to this section ~~((may be revoked))~~ before the date and time under (b) of this subsection by which the ballot must be delivered to the association only by actual notice to the association of revocation. The death or disability of a unit owner does not revoke a ballot unless the association has actual notice of the death or disability prior to the date set forth in (b)(i) of this subsection.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

(g) If the association does not receive a sufficient number of votes to constitute a quorum or to approve the proposal by the date and time established for return of ballots, the board may extend the deadline for a reasonable period not to exceed ~~((eleven))~~ 11 months upon further notice to all members in accordance with (b) of this subsection. In that event, all votes previously cast on the proposal must be counted unless subsequently revoked as provided in this section.

(h) A ballot or revocation is not effective until received by the association.

(i) The association must give notice to unit owners of any action taken pursuant to this subsection within a reasonable time after the action is taken.

(j) When an action is taken pursuant to this subsection, a record of the action, including the ballots or a report of the persons

appointed to tabulate such ballots, must be kept with the minutes of meetings of the association.

~~((7))~~ (k) The association shall implement reasonable measures to verify that each ballot in a tangible medium and electronic ballot is cast by the unit owner having a right to do so.

(l) A unit owner consents to electronic voting by delivering to the association a record indicating such consent or by casting an electronic ballot.

(m) An association that allows electronic ballots shall create a record of electronic votes capable of retention, retrieval, and review.

(5) If the governing documents require that votes on specified matters affecting the common interest community be cast by lessees rather than unit owners of leased units:

(a) This section applies to lessees as if they were unit owners;

(b) Unit owners that have leased their units to other persons may not cast votes on those specified matters; and

(c) Lessees are entitled to notice of meetings, access to records, and other rights respecting those matters as if they were unit owners.

~~((8))~~ (6) Unit owners must also be given notice~~(, in the manner provided in RCW 64.90.515,)~~ of all meetings at which lessees may be entitled to vote.

~~((9))~~ (7) In any vote of the unit owners, votes allocated to a unit owned by the association must be cast in the same proportion as the votes cast on the matter by unit owners other than the association.

(8)(a) Unless a different number or fraction of the votes in an association is required by this chapter or the declaration, a majority of the votes cast determines the outcome of a vote taken at a meeting or without a meeting.

(b) If a unit is owned by more than one person and:

(i) Only one owner casts a vote, that vote must be counted as casting all votes allocated to the unit by the declaration; and

(ii) More than one owner casts a vote for the unit, no vote from any owner of the unit may be counted unless the declaration provides a manner for allocating votes cast by multiple owners of a unit.

(9) Notwithstanding any other law or provision of the governing documents, the following votes of unit owners shall be conducted by secret ballot: (a) Election of board members; (b) removal of board members or officers; (c) amendments to the declaration or governing documents; or (d) unit owner approval of an amendment to the declaration for the reallocation of a common element as a limited common element for the exclusive use of an owner's unit pursuant to RCW 64.90.240.

**Sec. 318.** RCW 64.90.485 and 2023 c 214 s 7 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the

security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed \$2,000 or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within 60 days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the

units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(e) No member of the association's board, or their immediate family members or affiliates, are eligible to bid for or purchase, directly or indirectly, any interest in a unit at a foreclosure of the association's lien. For the purposes of this subsection, "immediate family member" includes spouses, domestic partners, children, siblings, parents, parents-in-law, and stepfamily members; and "affiliate" of a board member includes any person controlled by the board member, including any entity in which the board member is a general partner, managing member, majority member, officer, or director. Nothing in this subsection prohibits an association from bidding for or purchasing interest in a unit at a foreclosure of the association's lien.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of

the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for

collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY.**

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

**REFER TO THE CONTACTS BELOW** for sources of assistance.

#### SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(22) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

owner has provided to the association, a second notice of delinquency, which must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed;

(c) At least 180 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 319.** RCW 64.90.485 and 2023 c 214 s 8 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed \$2,000 or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

- (A) Name of the borrower;
- (B) Recording date of the trust deed or mortgage;
- (C) Recording information;
- (D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;
- (E) Amount of unpaid assessment; and

(F) A statement that failure to, within 60 days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or

authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(e) No member of the association's board, or their immediate family members or affiliates, are eligible to bid for or purchase, directly or indirectly, any interest in a unit at a foreclosure of the association's lien. For the purposes of this subsection, "immediate family member" includes spouses, domestic partners, children, siblings, parents, parents-in-law, and stepfamily members; and "affiliate" of a board member includes any person controlled by the board member, including any entity in which the board member is a general partner, managing member, majority member, officer, or director. Nothing in this subsection prohibits an association from bidding for or purchasing interest in a unit at a foreclosure of the association's lien.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was

on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit.



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

**THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.**

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

**REFER TO THE CONTACTS BELOW** for sources of assistance.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(22) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) \$2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

**Sec. 320.** RCW 64.90.495 and 2023 c 409 s 4 are each amended to read as follows:

(1) An association must retain the following:

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

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

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

(d) Its original or restated declaration, organizational

documents, all amendments to the declaration and organizational documents, and all rules currently in effect;

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

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

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

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

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

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

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

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

(m) Any current warranties provided to the association;

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

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

(p) Originals or copies of any plans and specifications delivered by the declarant pursuant to RCW 64.90.420(1);

(q) Originals or copies of any instruments of conveyance for any common elements included within the common interest community but not appurtenant to the units delivered by the declarant pursuant to RCW 64.90.420(1); and

(r) Originals or copies of any permits or certificates of occupancy for the common elements in the common interest community delivered by the declarant pursuant to RCW 64.90.420(1).

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

(i) During reasonable business hours and at the offices of the association or its managing agent, or at a mutually convenient time and location; and

(ii) ~~((At the offices of the association or its managing agent))~~ Upon 10 days' notice unless the size of the request or need to redact information reasonably requires a longer time, but in no event later than 21 days without a court order allowing a longer time.

(b) The list of unit owners required to be retained by an association under subsection (1)(c) of this section is not required to ~~((be))~~:

(i) Be made available for examination and copying by holders of mortgages on the units; or

(ii) Contain the electronic addresses of unit owners who have elected to keep such addresses confidential pursuant to RCW 64.90.515(3)(a).

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

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

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

(c) Existing or potential litigation or mediation, arbitration, or

administrative proceedings;

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

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

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

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

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

(i) Unlisted telephone number ~~((☎))~~ of any unit owner or resident, electronic address of any unit owner that elects to keep such electronic address confidential, or electronic address of any resident;

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

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

(l) Any information which would compromise the secrecy of a ballot cast under RCW 64.90.455(9).

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

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

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

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

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

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

(9) An association's managing agent must deliver all of the association's original books and records to the association ~~((immediately))~~ upon termination of its management relationship with the association, or upon such other demand as is made by the board. Electronic records must be provided within five business days of termination or the board's demand and written records must be provided within 10 business days of termination or the board's demand. An association managing agent may keep copies of the association records at its own expense.

NEW SECTION. Sec. 321. A new section is added to chapter 64.90 RCW to read as follows:

(1) In this section, "emergency" means an event or condition or a state of emergency declared by a government for an area that includes the common interest community that constitutes an imminent:

(a) Threat to the health or safety of the public or residents of the common interest community;

(b) Threat to the habitability of units; or

(c) Risk of substantial economic loss to the association.

(2) In an emergency, this section governs the authority of a

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

board to respond to the emergency. If another provision of this chapter is inconsistent with this section, this section prevails.

(3) The board may call a unit owner's meeting to respond to an emergency by giving notice to the unit owners in a manner that is practicable and appropriate under the circumstances.

(4) The board may call a board meeting to respond to an emergency by giving notice to the unit owners and board members in a manner that is practicable and appropriate under the circumstances. A quorum is not required for a meeting under this subsection. After giving notice under this subsection, the board may take action by vote without a meeting.

(5) In an emergency, the board may, without regard to limitations in the governing documents, take action it considers necessary, as a result of the emergency, to protect the interests of the unit owners and other persons holding interests in the common interest community, acting in a manner reasonable under the circumstances.

(6) If, under subsection (5) of this section, the board determines by a two-thirds vote that a special assessment is necessary:

(a) The assessment becomes effective immediately or in accordance with the terms of the vote; and

(b) The board may spend funds paid on the assessment only in accordance with the action taken by the board.

(7) The board may use funds of the association, including reserves, to pay the reasonable costs of an action under subsection (5) of this section.

(8) After taking an action under this section, the board shall promptly notify the unit owners of the action in a manner that is practicable and appropriate under the circumstances.

**Sec. 322.** RCW 64.90.510 and 2018 c 277 s 323 are each amended to read as follows:

(1)(a) An association may not prohibit display of the flag of the United States, or the flag of Washington state, on or within a unit or a limited common element, except that an association may adopt reasonable restrictions pertaining to the time, place, or manner of displaying the flag of the United States necessary to protect a substantial interest of the association.

(b) The association may not prohibit the installation of a flagpole for the display of the flag of the United States, or the flag of Washington state, on or within a unit or a limited common element, except that an association may adopt reasonable rules and regulations pertaining to the location and the size of the flagpole.

(c) For purposes of this section, "flag of the United States" means the flag of the United States as described in 4 U.S.C. Sec. 1 et seq. that is made of fabric, cloth, or paper. "Flag of the United States" does not mean a flag, depiction, or emblem made of lights, paint, roofing, siding, paving materials, flora, or balloons, or of any similar building, landscaping, or decorative components.

(2) ~~(The)~~ An association may not prohibit display of signs, including outdoor signs, regarding candidates for public or association office, or ballot issues, on or within a unit or limited common element, but ~~(the)~~ an association may adopt reasonable rules ((governing)) pertaining to the ((time, place, size, number,)) placement and manner of those displays.

(3) The association may not prohibit the installation of a solar energy panel on or within a unit so long as the solar panel:

(a) Meets applicable health and safety standards and requirements imposed by state and local permitting authorities;

(b) If used to heat water, is certified by the solar rating certification corporation or another nationally recognized certification agency. Certification must be for the solar energy panel and for installation; and

(c) If used to produce electricity, meets all applicable safety and performance standards established by the national electric

code, the institute of electrical and electronics engineers, accredited testing laboratories, such as underwriters laboratories, and, where applicable, rules of the utilities and transportation commission regarding safety and reliability.

(4) The association may not prohibit a unit owner from storing containers for municipal or private collection, such as compost, garbage, and recycling receptacles, in any private garage, side yard, or backyard reserved for the exclusive use of a unit. However, the association may adopt and enforce rules requiring that such receptacles be screened from view and establishing acceptable dates and times that such receptacles may be presented for collection.

(5) The governing documents may:

(a) Prohibit the visibility of any part of a roof-mounted solar energy panel above the roof line;

(b) Permit the attachment of a solar energy panel to the slope of a roof facing a street only if:

(i) The solar energy panel conforms to the slope of the roof; and

(ii) The top edge of the solar energy panel is parallel to the roof ridge; and

(c) Require:

(i) A solar energy panel frame, a support bracket, or any visible piping or wiring to be painted to coordinate with the roofing material;

(ii) A unit owner or resident to shield a ground-mounted solar energy panel if shielding the panel does not prohibit economic installation of the solar energy panel or degrade the operational performance quality of the solar energy panel by more than ~~((ten))~~ 10 percent; and

(iii) Unit owners or residents who install solar energy panels to indemnify or reimburse the association or its members for loss or damage caused by the installation, maintenance, or use of a solar energy panel.

~~((5))~~ (6) The governing documents may include other reasonable rules regarding the placement and manner of a solar energy panel.

~~((6))~~ (7) For purposes of this section, "solar energy panel" means a panel device or system or combination of panel devices or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in:

(a) The heating or cooling of a structure or building;

(b) The heating or pumping of water;

(c) Industrial, commercial, or agricultural processes; or

(d) The generation of electricity.

~~((7))~~ (8) This section must not be construed to permit installation by a unit owner of a solar panel on or in common elements without approval of the board.

~~((8))~~ (9) Unit owners may peacefully assemble on the common elements to consider matters related to the common interest community, but the association may adopt rules governing the time, place, and manner of those assemblies.

~~((9))~~ (10) An association may adopt rules that affect the use or occupancy of or behavior in units that may be used for residential purposes, only to:

(a) Implement a provision of the declaration;

(b) Regulate any behavior in or occupancy of a unit that violates the declaration or adversely affects the use and enjoyment of other units or the common elements by other occupants; and

(c) Restrict the leasing of residential units to the extent those rules are reasonably designed to meet underwriting requirements of institutional lenders that regularly make loans secured by first mortgages on units in comparable common interest communities

or that regularly purchase those mortgages.

**Sec. 323.** RCW 64.90.515 and 2018 c 277 s 324 are each amended to read as follows:

(1) Notice to the association, board, or any owner or occupant of a unit under this chapter must be provided in the form of a record.

(2) Notice provided in a tangible medium may be transmitted by mail, private carrier, or personal delivery; telegraph or teletype; or telephone, wire, or wireless equipment that transmits a facsimile of the notice.

(a) Notice in a tangible medium to an association may be addressed to the association's registered agent at its registered office, to the association at its principal office shown in its most recent annual report or provided by notice to the unit owners, or to the president or secretary of the association at the address shown in the association's most recent annual report or provided by notice to the unit owners.

(b) Notice in a tangible medium to a unit owner or occupant must be addressed to the unit address unless the unit owner or occupant has requested, in a record delivered to the association, that notices be sent to an alternate address or by other method allowed by this section and the governing documents.

(3) Notice may be provided in an electronic transmission as follows:

(a) Notice to unit owners or board members by electronic transmission is effective only upon unit owners and board members who have consented, in the form of a record, to receive electronically transmitted notices under this chapter and have designated in the consent the address, location, or system to which such notices may be electronically transmitted, provided that such notice otherwise complies with any other requirements of this chapter and applicable law. An owner's consent under this subsection (3)(a), and any other notice in the form of a record delivered to the association from time to time, may indicate whether the owner elects to keep the owner's electronic address confidential and exempt from disclosure by the association pursuant to RCW 64.90.495(2). Failure to deliver such notice permits disclosure by the association.

(b) Notice to unit owners or board members under this subsection includes material that this chapter or the governing documents requires or permits to accompany the notice.

(c) A unit owner or board member who has consented to receipt of electronically transmitted notices may revoke this consent by delivering a revocation to the association in the form of a record.

(d) The consent of any unit owner or board member is revoked if: The association is unable to electronically transmit two consecutive notices given by the association in accordance with the consent, and this inability becomes known to the secretary of the association or any other person responsible for giving the notice. The inadvertent failure by the association to treat this inability as a revocation does not invalidate any meeting or other action.

(e) Notice to unit owners or board members who have consented to receipt of electronically transmitted notices may be provided by posting the notice on an electronic network and delivering to the unit owner or board member a separate record of the posting, together with comprehensible instructions regarding how to obtain access to the posting on the electronic network.

(f) Notice to an association in an electronic transmission is effective only with respect to an association that has designated in a record an address, location, or system to which the notices may be electronically transmitted.

(4) Notice may be given by any other method reasonably calculated to provide notice to the recipient.

(5) Notice is effective as follows:

(a) Notice provided in a tangible medium is effective as of the

date of hand delivery, deposit with the carrier, or when sent by fax.

(b) Notice provided in an electronic transmission is effective as of the date it:

(i) Is electronically transmitted to an address, location, or system designated by the recipient for that purpose; or

(ii) Has been posted on an electronic network and a separate record of the posting has been sent to the recipient containing instructions regarding how to obtain access to the posting on the electronic network.

(6) The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

(7) If this chapter prescribes different or additional notice requirements for particular circumstances, those requirements govern.

**Sec. 324.** RCW 64.90.570 and 2023 c 203 s 4 are each amended to read as follows:

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

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

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

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

(i) Be licensed under chapter 43.216 RCW;

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

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

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

pay any costs or expenses, including insurance costs, arising from the operation of the facility.

(3) A unit owners association that willfully violates this section is liable to the family day care provider or the child day care

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

center for actual damages, and shall pay a civil penalty to the family day care provider or the child day care center in an amount not to exceed \$1,000.

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

**NEW SECTION. Sec. 325.** A new section is added to chapter 64.90 RCW to read as follows:

(1) A unit owners association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, provision of a governing document, or master deed provision that effectively prohibits or unreasonably restricts the use of a unit as an adult family home, except as provided in subsection (2) of this section.

(2)(a) Nothing in this section prohibits a unit owners association from imposing reasonable rules on an adult family home including, but not limited to, architectural standards, as long as those rules are identical to those applied to all other units restricted to similar uses within the same common interest community as an adult family home.

(b) An association may require that only a unit with direct access may be used as an adult family home. A unit has direct access if it is accessible from public property or through publicly accessible common elements.

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

- (i) Be licensed under chapter 70.128 RCW;
- (ii) Indemnify and hold harmless the association against all claims, whether brought by judicial or administrative action, relating to the operation of the adult family home, excluding claims arising from the condition of a common element that the association is solely responsible for maintaining;
- (iii) Obtain a signed waiver of liability releasing the association from legal claims directly related to the operation of an adult family home from each resident, or resident's guardian, being cared for by the adult family home. However, an association may not require that a waiver of liability under this subsection be notarized;
- (iv) Obtain liability insurance as required by rule of the department of social and health services; and
- (v) Pay any costs or expenses, including insurance costs, arising from the operation of the facility.

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

(4) For the purposes of this section, "adult family home" has the same meaning as in RCW 70.128.010.

**Sec. 326.** RCW 64.90.600 and 2018 c 277 s 401 are each amended to read as follows:

(1) RCW 64.90.605 through 64.90.695 apply to all units subject to this chapter, except as provided in subsections (2) ~~((and (3)))~~ through (4) of this section.

(2) RCW 64.90.605 through 64.90.695 do not apply in the case of:

- (a) A conveyance by gift, devise, or descent;
- (b) A conveyance pursuant to court order;
- (c) A conveyance by a government or governmental agency;
- (d) A conveyance by foreclosure;
- (e) A conveyance of all of the units in a common interest community in a single transaction;
- (f) A conveyance to other than a purchaser;
- (g) An agreement to convey that may be canceled at any time and for any reason by the purchaser without penalty;

(h) A conveyance of a unit restricted to nonresidential uses, except and to the extent otherwise agreed to in writing by the seller and purchaser of that unit.

(3) RCW 64.90.665, 64.90.670, 64.90.675, 64.90.680, 64.90.690, and 64.90.695 apply only to condominiums created under this chapter, and do not apply to other common interest communities.

(4) RCW 64.90.640 does not apply where the purchaser has expressly waived the receipt of a resale certificate and has not waived receipt of the seller disclosure statement under RCW 64.06.010.

**Sec. 327.** RCW 64.90.605 and 2023 c 337 s 7 are each amended to read as follows:

(1) Except as ~~((provided))~~ otherwise provided in subsection (2) of this section, a declarant ~~((required to deliver a public offering statement pursuant to subsection (3) of this section must)), before offering any interest in a unit to the public, shall~~ prepare a public offering statement conforming to the requirements of RCW 64.90.610, 64.90.615, and 64.90.620.

(2) A declarant may transfer responsibility for preparation of all or a part of the public offering statement to a successor declarant or to a dealer who intends to offer units in the common interest community. In the event of any such transfer the transferor shall provide the transferee with any information necessary to enable the transferee to fulfill the requirements of subsection (1) of this section.

(3)(a) Any declarant or dealer who offers ~~((to convey))~~ a unit ~~((for the person's own account))~~ to a purchaser ~~((must provide the purchaser of the unit with a copy of))~~ shall deliver a public offering statement ~~((and all material amendments to the public offering statement before conveyance of that unit))~~ in the manner prescribed in RCW 64.90.635.

(b) Any agent, attorney, or other person assisting the declarant or dealer in preparing the public offering statement may rely upon information provided by the declarant or dealer without independent investigation. The agent, attorney, or other person is not liable for any material misrepresentation in or omissions of material facts from the public offering statement unless the person had actual knowledge of the misrepresentation or omission at the time the public offering statement was prepared.

(c) The declarant or dealer who prepared all or part of the public offering statement is liable for any misrepresentation contained in the public offering statement or for any omission of material fact from the public offering statement if the declarant or dealer had actual knowledge of the misrepresentation or omission or, in the exercise of reasonable care, should have known of the misrepresentation or omission.

(4) If a unit is part of a common interest community and is part of any other real estate regime in connection with the sale of which the delivery of a public offering statement is required under the laws of this state, a single public offering statement conforming to the requirements of RCW 64.90.610, 64.90.615, and 64.90.620 as those requirements relate to each regime in which the unit is located, and to any other requirements imposed under the laws of this state, may be prepared and delivered in lieu of providing two or more public offering statements.

(5) A declarant or dealer is not required to ~~((prepare and))~~ deliver a public offering statement in connection with the sale of any unit ~~((owned by the declarant))~~, or to obtain for or provide to the purchaser a report or statement required under RCW 64.90.610(1)(oo), 64.90.620(1), or 64.90.655, upon the later of:

- (a) The termination or expiration of all special declarant rights;
- (b) The expiration of all periods within which claims or actions for a breach of warranty arising from defects involving the common elements under RCW 64.90.680 must be filed or

commenced, respectively, by the association against the declarant; or

(c) The time when the declarant or dealer ceases to meet the definition of a dealer under RCW 64.90.010.

(6) After the last to occur of any of the events described in subsection (5) of this section, a declarant or dealer must deliver to the purchaser of a unit (~~owned by the declarant~~) a resale certificate under RCW 64.90.640(2) together with:

(a) The identification of any real property not in the common interest community that unit owners have a right to use and a description of the terms of such use;

(b) A brief description or a copy of any express construction warranties to be provided to the purchaser;

(c) A statement of any litigation brought by an owners<sup>(3)</sup> association, unit owner, or governmental entity in which the declarant or dealer or any affiliate of the declarant or dealer has been a defendant arising out of the construction, sale, or administration of any common interest community within the state of Washington within the previous five years, together with the results of the litigation, if known;

(d) Whether timesharing is permitted or prohibited, and, if permitted, a statement that the purchaser of a timeshare unit is entitled to receive the disclosure document required under chapter 64.36 RCW; and

(e) Any other information and cross-references that the declarant or dealer believes will be helpful in describing the common interest community to the purchaser, all of which may be included or not included at the option of the declarant or dealer.

(7) A declarant or dealer is not liable to a purchaser for the failure or delay of the association to provide the resale certificate in a timely manner, but the purchase contract is voidable by the purchaser of a unit sold by the declarant or dealer until the resale certificate required under RCW 64.90.640(2) and the information required under subsection (6) of this section have been provided and for five days thereafter or until conveyance, whichever occurs first.

**Sec. 328.** RCW 64.90.610 and 2019 c 238 s 212 are each amended to read as follows:

(1) A public offering statement must contain the following information:

(a) The name and address of the declarant;

(b) The name and address or location of the management company, if any;

(c) The relationship of the management company to the declarant, if any;

(d) The name and address of the common interest community;

(e) A statement whether the common interest community is a condominium, cooperative, plat community, or miscellaneous community;

(f) A list, current as of the date the public offering statement is prepared, of up to the five most recent common interest communities in which at least one unit was sold by the declarant or an affiliate of the declarant within the past five years, including the names of the common interest communities and their addresses;

(g) The nature of the interest being offered for sale;

(h) A general description of the common interest community, including to the extent known to the declarant, the types and number of buildings that the declarant anticipates including in the common interest community and the declarant's schedule of commencement and completion of such buildings and principal common amenities;

(i) The status of construction of the units and common elements, including estimated dates of completion if not completed;

(j) The number of existing units in the common interest

community;

(k) Brief descriptions of (i) the existing principal common amenities, (ii) those amenities that will be added to the common interest community, and (iii) those amenities that may be added to the common interest community;

(l) A brief description of the limited common elements, other than those described in RCW 64.90.210 (1)(b) and (3), that may be allocated to the units being offered for sale;

(m) The identification of any rights of persons other than unit owners to use any of the common elements, and a description of the terms of such use;

(n) The identification of any real property not in the common interest community that unit owners have a right to use and a description of the terms of such use;

(o) Any services the declarant provides or expenses that the declarant pays that are not reflected in the budget, but that the declarant expects may become at any subsequent time a common expense of the association, and the projected common expense attributable to each of those services or expenses;

(p) An estimate of any assessment or payment required by the declaration to be paid by the purchaser of a unit at closing;

(q) A brief description of any liens or monetary encumbrances on the title to the common elements that will not be discharged at closing;

(r) A brief description or a copy of any express construction warranties to be provided to the purchaser;

(s) A statement, as required under RCW 64.35.210, as to whether the units or common elements of the common interest community are covered by a qualified warranty;

(t) If applicable to the common interest community, a statement whether the common interest community contains any multiunit residential building subject to chapter 64.55 RCW and, if so, whether:

(i) The building enclosure has been designed and inspected to the extent required under RCW 64.55.010 through 64.55.090; and

(ii) Any repairs required under RCW 64.55.090 have been made;

(u) A statement of any unsatisfied judgments or pending suits against the association and the status of any pending suits material to the common interest community of which the declarant has actual knowledge;

(v) A statement of any litigation brought by an owners<sup>(3)</sup> association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant arising out of the construction, sale, or administration of any common interest community within the previous five years, together with the results of the litigation, if known;

(w) A brief description of:

(i) Any restrictions on use or occupancy of the units contained in the governing documents;

(ii) Any restrictions on the renting or leasing of units by the declarant or other unit owners contained in the governing documents;

(iii) Any rights of first refusal to lease or purchase any unit or any of the common elements contained in the governing documents; and

(iv) Any restriction on the amount for which a unit may be sold or on the amount that may be received by a unit owner on sale;

(x) A description of the insurance coverage provided for the benefit of unit owners;

(y) Any current or expected fees or charges not included in the common expenses to be paid by unit owners for the use of the common elements and other facilities related to the common interest community, together with any fees or charges not included in the common expenses to be paid by unit owners to any master or other association;

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(z) The extent, if any, to which bonds or other assurances from third parties have been provided for completion of all improvements that the declarant is obligated to build pursuant to RCW 64.90.695;

(aa) In a cooperative, a statement whether the unit owners are entitled, for federal, state, and local income tax purposes, to a pass-through of any deductions for payments made by the association for real estate taxes and interest paid to the holder of a security interest encumbering the cooperative;

(bb) In a cooperative, a statement as to the effect on every unit owner's interest in the cooperative if the association fails to pay real estate taxes or payments due to the holder of a security interest encumbering the cooperative;

(cc) In a leasehold common interest community, a statement whether the expiration or termination of any lease may terminate the common interest community or reduce its size, the recording number of any such lease or a statement of where the complete lease may be inspected, the date on which such lease is scheduled to expire, a description of the real estate subject to such lease, a statement whether the unit owners have a right to redeem the reversion, a statement whether the unit owners have a right to remove any improvements at the expiration or termination of such lease, a statement of any rights of the unit owners to renew such lease, and a reference to the sections of the declaration where such information may be found;

(dd) A summary of, and information on how to obtain a full copy of, any reserve study and a statement as to whether or not it was prepared in accordance with RCW 64.90.545 and 64.90.550 or the governing documents;

(ee) A brief description of any arrangement described in RCW 64.90.110 binding the association;

(ff) The estimated current common expense liability for the units being offered;

(gg) Except for real property taxes, real property assessments and utility liens, any assessments, fees, or other charges known to the declarant and which, if not paid, may constitute a lien against any unit or common elements in favor of any governmental agency;

(hh) A brief description of any parts of the common interest community, other than the owner's unit, which any owner must maintain;

(ii) Whether timesharing is permitted or prohibited, and, if permitted, a statement that the purchaser of a timeshare unit is entitled to receive the disclosure document required under chapter 64.36 RCW;

(jj) If the common interest community is subject to any special declarant rights, the information required under RCW 64.90.615;

(kk) Any liens on real estate to be conveyed to the association required to be disclosed pursuant to RCW 64.90.650(3)(b);

(ll) A list of any physical hazards known to the declarant that particularly affect the common interest community or the immediate vicinity in which the common interest community is located and which are not readily ascertainable by the purchaser;

(mm) Any building code violation of which the declarant has actual knowledge and which has not been corrected;

(nn) If the common interest community contains one or more conversion buildings, the information required under RCW 64.90.620 and 64.90.655(6)(a);

(oo) If the public offering statement is related to conveyance of a unit in a multiunit residential building as defined in RCW 64.55.010, for which the final certificate of occupancy was issued more than ~~((sixty))~~ 60 calendar months prior to the preparation of the public offering statement either: A copy of a report prepared by an independent, licensed architect or engineer or a statement by the declarant based on such report that describes, to the extent

reasonably ascertainable, the present condition of all structural components and mechanical and electrical installations of the conversion buildings material to the use and enjoyment of the conversion buildings;

(pp) Any other information and cross-references that the declarant believes will be helpful in describing the common interest community to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant; ~~((and))~~

(qq) A description of any age-related occupancy restrictions affecting the common interest community; and

(rr) In a condominium, plat community, or miscellaneous community containing a unit not having horizontal boundaries described in the declaration, a statement whether the unit may be sold without consent of all the unit owners after termination of the common interest community under RCW 64.90.290.

(2) The public offering statement must begin with notices substantially in the following forms and in conspicuous type:

(a) "RIGHT TO CANCEL. (1) You are entitled to receive a copy of this public offering statement and all material amendments to this public offering statement before conveyance of your unit. Under RCW 64.90.635, you have the right to cancel your contract for the purchase of your unit within seven days after first receiving this public offering statement. If this public offering statement is first provided to you more than seven days before you sign your contract for the purchase of your unit, you have no right to cancel your contract. If this public offering statement is first provided to you seven days or less before you sign your contract for the purchase of your unit, you have the right to cancel, before conveyance of the unit, the executed contract by delivering, no later than the seventh day after first receiving this public offering statement, a notice of cancellation pursuant to section (3) of this notice. If this public offering statement is first provided to you less than seven days before the closing date for the conveyance of your unit, you may, before conveyance of your unit to you, extend the closing date to a date not more than seven days after you first received this public offering statement, so that you may have seven days to cancel your contract for the purchase of your unit.

(2) You have no right to cancel your contract upon receipt of an amendment to this public offering statement; however, this does not eliminate any right to rescind your contract, due to the disclosure of the information in the amendment, that is otherwise available to you under generally applicable contract law.

(3) If you elect to cancel your contract pursuant to this notice, you may do so by hand-delivering notice of cancellation, or by mailing notice of cancellation by prepaid United States mail, to the seller at the address set forth in this public offering statement or at the address of the seller's registered agent for service of process. The date of such notice is the date of receipt, if hand-delivered, or the date of deposit in the United States mail, if mailed. Cancellation is without penalty, and all payments made to the seller by you before cancellation must be refunded promptly."

(b) "OTHER DOCUMENTS CREATING BINDING LEGAL OBLIGATIONS. This public offering statement is a summary of some of the significant aspects of purchasing a unit in this common interest community. The governing documents and the purchase agreement are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel."

(c) "OTHER REPRESENTATIONS. You may not rely on any statement, promise, model, depiction, or description unless it is (1) contained in the public offering statement delivered to you or (2) made in writing signed by the declarant or dealer or the

declarant's or dealer's agent identified in the public offering statement. A statement of opinion, or a commendation of the real estate, its quality, or its value, does not create a warranty, and a statement, promise, model, depiction, or description does not create a warranty if it discloses that it is only proposed, is not representative, or is subject to change."

(d) "MODEL UNITS. Model units are intended to provide you with a general idea of what a finished unit might look like. Units being offered for sale may vary from the model unit in terms of floor plan, fixtures, finishes, and equipment. You are advised to obtain specific information about the unit you are considering purchasing."

(e) "RESERVE STUDY. The association F:\Journal\2024 Journal\Journal2024\LegDay057\does.doc have a current reserve study. Any reserve study should be reviewed carefully. It may not include all reserve components that will require major maintenance, repair, or replacement in future years, and may not include regular contributions to a reserve account for the cost of such maintenance, repair, or replacement. You may encounter certain risks, including being required to pay as a special assessment your share of expenses for the cost of major maintenance, repair, or replacement of a reserve component, as a result of the failure to: (1) Have a current reserve study or fully funded reserves, (2) include a component in a reserve study, or (3) provide any or sufficient contributions to a reserve account for a component."

(f) "DEPOSITS AND PAYMENTS. Only earnest money and reservation deposits are required to be placed in an escrow or trust account. Any other payments you make to the seller of a unit are at risk and may be lost if the seller defaults."

(g) "CONSTRUCTION DEFECT CLAIMS. Chapter 64.50 RCW contains important requirements you must follow before you may file a lawsuit for defective construction against the seller or builder of your home. Forty-five days before you file your lawsuit, you must deliver to the seller or builder a written notice of any construction conditions you allege are defective and provide your seller or builder the opportunity to make an offer to repair or pay for the defects. You are not obligated to accept any offer made by the builder or seller. There are strict deadlines and procedures under state law, and failure to follow them may affect your ability to file a lawsuit."

(h) "ASSOCIATION INSURANCE. The extent to which association insurance provides coverage for the benefit of unit owners (including furnishings, fixtures, and equipment in a unit) is determined by the provisions of the declaration and the association's insurance policy, which may be modified from time to time. You and your personal insurance agent should read the declaration and the association's policy prior to closing to determine what insurance is required of the association and unit owners, unit owners' rights and duties, what is and is not covered by the association's policy, and what additional insurance you should obtain."

(i) "QUALIFIED WARRANTY. Your unit F:\Journal\2024 Journal\Journal2024\LegDay057\is.doc covered by a qualified warranty under chapter 64.35 RCW."

(j) "THIS UNIT IS LOCATED WITHIN A COMMON INTEREST COMMUNITY AND IS SUBJECT TO THE DECLARATION, BYLAWS, RULES, AND OTHER WRITTEN INSTRUMENTS GRANTING AUTHORITY TO THE ASSOCIATION AS ADOPTED (THE "GOVERNING DOCUMENTS")."

THE PURCHASER OF THIS UNIT WILL BE REQUIRED TO BE A MEMBER OF THE ASSOCIATION AND WILL BE SUBJECT TO THE GOVERNING DOCUMENTS.

THE GOVERNING DOCUMENTS WILL IMPOSE FINANCIAL OBLIGATIONS UPON THE OWNER OF THE

UNIT, INCLUDING AN OBLIGATION TO PAY ASSESSMENTS TO THE ASSOCIATION WHICH MAY INCLUDE REGULAR AND SPECIAL ASSESSMENTS, FINES, FEES, INTEREST, LATE CHARGES, AND COSTS OF COLLECTION, INCLUDING REASONABLE ATTORNEYS' FEES.

THE ASSOCIATION HAS A STATUTORY LIEN ON EACH INDIVIDUAL UNIT FOR ANY UNPAID ASSESSMENT FROM THE TIME IT IS DUE. FAILURE TO PAY ASSESSMENTS COULD RESULT IN THE FILING OF A LIEN ON THE UNIT AND LOSS OF THE UNIT THROUGH FORECLOSURE.

THE GOVERNING DOCUMENTS MAY PROHIBIT OWNERS FROM MAKING CHANGES TO THE UNIT WITHOUT REVIEW AND THE APPROVAL OF THE ASSOCIATION, AND MAY ALSO IMPOSE RESTRICTIONS ON THE USE OF UNIT, DISPLAY OF SIGNS, CERTAIN BEHAVIORS, AND OTHER ITEMS.

PURCHASERS OF THIS UNIT SHOULD CAREFULLY REVIEW THE FINANCIAL OBLIGATIONS OF MEMBERS OF THE ASSOCIATION, THE CURRENT STATE OF THE ASSOCIATION'S FINANCES, THE CURRENT RESERVE STUDY, IF ANY, THE GOVERNING DOCUMENTS, AND THE OTHER INFORMATION AVAILABLE IN THE RESALE CERTIFICATE. THE GOVERNING DOCUMENTS CONTAIN IMPORTANT INFORMATION AND CREATE BINDING LEGAL OBLIGATIONS. YOU SHOULD CONSIDER SEEKING THE ASSISTANCE OF LEGAL COUNSEL."

(3) The public offering statement must include copies of each of the following documents: The declaration; the map; the organizational documents; the rules, if any; the current or proposed budget for the association; a dated balance sheet of the association; any inspection and repair report or reports prepared in accordance with the requirements of RCW 64.55.090; and any qualified warranty provided to a purchaser by a declarant together with a history of claims under the qualified warranty. If any of these documents are not in final form, the documents must be marked "draft" and, before closing the sale of a unit, the purchaser must be given notice of any material changes to the draft documents.

(4) A declarant must promptly amend the public offering statement to reflect any material change in the information required under this section.

**Sec. 329.** RCW 64.90.635 and 2018 c 277 s 408 are each amended to read as follows:

(1) A person required to deliver a public offering statement pursuant to 64.90.605(3)(a) shall provide a purchaser with a copy of the public offering statement and all amendments thereto before conveyance of the unit, and not later than the date of any contract of sale. The purchaser may cancel a contract for the purchase of the unit within seven days after first receiving the public offering statement. If the public offering statement is first provided to a purchaser more than seven days before execution of a contract for the purchase of a unit, the purchaser does not have the right under this section to cancel the executed contract. If the public offering statement is first provided to a purchaser seven days or less before the purchaser signs a contract for the purchase of a unit, the purchaser, before conveyance of the unit to the purchaser, may cancel the contract by delivering, no later than the seventh day after first receiving the public offering statement, a notice of cancellation, delivered pursuant to subsection (3) of this section. If the public offering statement is first provided to a purchaser less than seven days before the closing date for the conveyance of that unit, the purchaser may, before conveyance of the unit to the purchaser, extend the closing date to a date not more than seven days after the purchaser first received the public



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

offering statement.

(2) A purchaser does not have the right under this section to cancel a contract upon receipt of an amendment to a public offering statement. This subsection (~~must not be construed to~~) does not eliminate any right that is otherwise available to the purchaser under generally applicable contract law to rescind the contract due to (~~the disclosure of~~) a material change in the information disclosed in the amendment.

(3) If a purchaser elects to cancel a contract under subsection (1) of this section, the purchaser may do so by hand-delivering notice of cancellation, or by mailing notice of cancellation by prepaid United States mail, to the declarant at the address set forth in the public offering statement or at the address of the declarant's registered agent for service of process. The date of such notice is the date of receipt of delivery, if hand-delivered, or the date of deposit in the United States mail, if mailed. Cancellation is without penalty, and all payments made to the seller by the purchaser before cancellation must be refunded promptly. There is no liability for failure to deliver any amendment unless such failure would have entitled the purchaser under generally applicable legal principles to cancel the contract for the purchase of the unit had the undisclosed information been evident to the purchaser before the closing of the purchase.

(4) The language of the notice required under RCW 64.90.610(2)(a) must not be construed to modify the rights set forth in this section.

**Sec. 330.** RCW 64.90.640 and 2022 c 27 s 6 are each amended to read as follows:

(1) Except in the case of a sale when delivery of a public offering statement is required, or unless exempt under RCW 64.90.600(2), or unless the purchaser has expressly waived receipt of the resale certificate under RCW 64.90.600(4) and has not waived receipt of the seller disclosure statement under RCW 64.06.010, a unit owner must furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;

(b) With respect to the selling unit owner's unit, a statement setting forth the amount of any assessment currently due, any delinquent assessments, and a statement of any special assessments that have been levied and have not been paid even though not yet due;

(c) A statement, which must be current to within 45 days, of any assessments against any unit in the condominium that are past due over 30 days;

(d) A statement, which must be current to within 45 days, of any monetary obligation of the association that is past due over 30 days;

(e) A statement of any other fees payable to the association by unit owners;

(f) A statement of any expenditure or anticipated repair or replacement cost reasonably anticipated to be in excess of five percent of the board-approved annual budget of the association, regardless of whether the unit owners are entitled to approve such cost;

(g) A statement whether the association does or does not have a reserve study prepared in accordance with RCW 64.90.545 and 64.90.550;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately

preceding the current year;

(i) The most recent balance sheet and revenue and expense statement, if any, of the association;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any legal actions in which the association is a party or a claimant as defined in RCW 64.50.010;

(l) A statement describing any insurance coverage carried by the association and contact information for the association's insurance broker or agent;

(m) A statement as to whether the board has given or received notice in a record that any existing uses, occupancies, alterations, or improvements in or to the seller's unit or to the limited common elements allocated to the unit violate any provision of the governing documents;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether the board has received notice in a record from a governmental agency of any violation of environmental, health, or building codes with respect to the seller's unit, the limited common elements allocated to that unit, or any other portion of the common interest community that has not been cured;

(p) A statement of the remaining term of any leasehold estate affecting the common interest community and the provisions governing any extension or renewal of the leasehold estate;

(q) A statement of any restrictions in the declaration affecting the amount that may be received by a unit owner upon sale;

(r) In a cooperative, an accountant's statement, if any was prepared, as to the deductibility for federal income tax purposes by the unit owner of real estate taxes and interest paid by the association;

(s) A statement describing any pending sale or encumbrance of common elements;

(t) A statement disclosing the effect on the unit to be conveyed of any restriction~~(s)~~ on the ~~(owners)~~ right to use or occupy the unit ~~(or to)~~, including a restriction on a lease or other rental of the unit ~~(to another person)~~;

(u) A copy of the declaration, the organizational documents, the rules or regulations of the association, the minutes of board meetings and association meetings, except for any information exempt from disclosure under RCW 64.90.495(3), for the last 12 months, a summary of the current reserve study for the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration, or the department of housing and urban development is deemed reasonable if the information is reasonably available to the association;

(v) A statement whether the units or common elements of the common interest community are covered by a qualified warranty under chapter 64.35 RCW and, if so, a history of claims known to the association as having been made under any such warranty;

(w) A description of any age-related occupancy restrictions affecting the common interest community;

(x) A statement describing any requirements related to electric vehicle charging stations located in the unit or the limited common elements allocated to the unit, including application status, insurance information, maintenance responsibilities, and any associated costs; ~~(and)~~

(y) If the association does not have a reserve study that has been prepared in accordance with RCW 64.90.545 and 64.90.550 or its

governing documents, the following disclosure:

"This association does not have a current reserve study. The lack of a current reserve study poses certain risks to you, the purchaser. Insufficient reserves may, under some circumstances, require you to pay on demand as a special assessment your share of common expenses for the cost of major maintenance, repair, or replacement of a common element."; and

(z) The resale certificate must include a notice in substantially the following form and in conspicuous type:

"THIS UNIT IS LOCATED WITHIN A COMMON INTEREST COMMUNITY AND IS SUBJECT TO THE DECLARATION, BYLAWS, RULES, AND OTHER WRITTEN INSTRUMENTS GRANTING AUTHORITY TO THE ASSOCIATION AS ADOPTED (THE "GOVERNING DOCUMENTS").

THE PURCHASER OF THIS UNIT WILL BE REQUIRED TO BE A MEMBER OF THE ASSOCIATION AND WILL BE SUBJECT TO THE GOVERNING DOCUMENTS.

THE GOVERNING DOCUMENTS WILL IMPOSE FINANCIAL OBLIGATIONS UPON THE OWNER OF THE UNIT, INCLUDING AN OBLIGATION TO PAY ASSESSMENTS TO THE ASSOCIATION WHICH MAY INCLUDE REGULAR AND SPECIAL ASSESSMENTS, FINES, FEES, INTEREST, LATE CHARGES, AND COSTS OF COLLECTION, INCLUDING REASONABLE ATTORNEYS' FEES.

THE ASSOCIATION HAS A STATUTORY LIEN ON EACH INDIVIDUAL UNIT FOR ANY UNPAID ASSESSMENT FROM THE TIME IT IS DUE. FAILURE TO PAY ASSESSMENTS COULD RESULT IN THE FILING OF A LIEN ON THE UNIT AND LOSS OF THE UNIT THROUGH FORECLOSURE.

THE GOVERNING DOCUMENTS MAY PROHIBIT OWNERS FROM MAKING CHANGES TO THE UNIT WITHOUT REVIEW AND THE APPROVAL OF THE ASSOCIATION, AND MAY ALSO IMPOSE RESTRICTIONS ON THE USE OF UNIT, DISPLAY OF SIGNS, CERTAIN BEHAVIORS, AND OTHER ITEMS. PURCHASERS OF THIS UNIT SHOULD CAREFULLY REVIEW THE FINANCIAL OBLIGATIONS OF MEMBERS OF THE ASSOCIATION, THE CURRENT STATE OF THE ASSOCIATION'S FINANCES, THE CURRENT RESERVE STUDY, IF ANY, THE GOVERNING DOCUMENTS, AND THE OTHER INFORMATION AVAILABLE IN THE RESALE CERTIFICATE. THE GOVERNING DOCUMENTS CONTAIN IMPORTANT INFORMATION AND CREATE BINDING LEGAL OBLIGATIONS. YOU SHOULD CONSIDER SEEKING THE ASSISTANCE OF LEGAL COUNSEL."

(2) The association, within 10 days after a request by a unit owner, and subject to the payment of any fees imposed pursuant to RCW 64.90.405(2)(m), must furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed \$275. The association may charge a unit owner a nominal fee not to exceed \$100 for updating a resale certificate within six months of the unit owner's request. A unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate.

(3)(a) A purchaser is not liable for any unpaid assessment or fee greater than the amount set forth in the certificate prepared by the association.

(b) A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchase contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

#### PART IV CONFORMING AMENDMENTS

**Sec. 401.** RCW 7.60.025 and 2021 c 176 s 5201 and 2021 c 65 s 6 are each reenacted and amended to read as follows:

(1) A receiver may be appointed by the superior court of this state in the following instances, but except in any case in which a receiver's appointment is expressly required by statute, or any case in which a receiver's appointment is sought by a state agent whose authority to seek the appointment of a receiver is expressly conferred by statute, or any case in which a receiver's appointment with respect to real property is sought under (b)(ii) of this subsection, a receiver shall be appointed only if the court additionally determines that the appointment of a receiver is reasonably necessary and that other available remedies either are not available or are inadequate:

(a) On application of any party, when the party is determined to have a probable right to or interest in property that is a subject of the action and in the possession of an adverse party, or when the property or its revenue-producing potential is in danger of being lost or materially injured or impaired. A receiver may be appointed under this subsection (1)(a) whether or not the application for appointment of a receiver is combined with, or is ancillary to, an action seeking a money judgment or other relief;

(b) Provisionally, after commencement of any judicial action or nonjudicial proceeding to foreclose upon any lien against or for forfeiture of any interest in real or personal property, on application of any person, when the interest in the property that is the subject of such an action or proceeding of the person seeking the receiver's appointment is determined to be probable and either:

(i) The property or its revenue-producing potential is in danger of being lost or materially injured or impaired; or

(ii) The appointment of a receiver with respect to the real or personal property that is the subject of the action or proceeding is provided for by agreement or is reasonably necessary to effectuate or enforce an assignment of rents or other revenues from the property. For purposes of this subsection (1)(b), a judicial action is commenced as provided in superior court civil rule 3(a), a nonjudicial proceeding is commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8), and a proceeding for forfeiture is commenced under chapter 61.30 RCW upon the recording of the notice of intent to forfeit described in RCW 61.30.060;

(c) After judgment, in order to give effect to the judgment;

(d) To dispose of property according to provisions of a judgment dealing with its disposition;

(e) To the extent that property is not exempt from execution, at the instance of a judgment creditor either before or after the issuance of any execution, to preserve or protect it, or prevent its transfer;

(f) If and to the extent that property is subject to execution to satisfy a judgment, to preserve the property during the pendency of an appeal, or when an execution has been returned unsatisfied, or when an order requiring a judgment debtor to appear for proceedings supplemental to judgment has been issued and the judgment debtor fails to submit to examination as ordered;

(g) Upon an attachment of real or personal property when the property attached is of a perishable nature or is otherwise in danger of waste, impairment, or destruction, or where the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

abandoned property's owner has absconded with, secreted, or abandoned the property, and it is necessary to collect, conserve, manage, control, or protect it, or to dispose of it promptly, or when the court determines that the nature of the property or the exigency of the case otherwise provides cause for the appointment of a receiver;

(h) In an action by a transferor of real or personal property to avoid or rescind the transfer on the basis of fraud, or in an action to subject property or a fund to the payment of a debt;

(i) In an action against any person who is not an individual if the object of the action is the dissolution of that person, or if that person has been dissolved, or if that person is insolvent or is not generally paying the person's debts as those debts become due unless they are the subject of bona fide dispute, or if that person is in imminent danger of insolvency;

(j) In accordance with RCW 7.08.030 (4) and (6), in cases in which a general assignment for the benefit of creditors has been made;

(k) In quo warranto proceedings under chapter 7.56 RCW;

(l) As provided under RCW 11.64.022;

(m) In an action by the department of licensing under RCW 18.35.220(3) with respect to persons engaged in the business of dispensing of hearing aids, RCW 18.85.430 in the case of persons engaged in the business of a real estate broker, associate real estate broker, or real estate salesperson, or RCW 19.105.470 with respect to persons engaged in the business of camping resorts;

(n) In an action under RCW 18.44.470 or 18.44.490 in the case of persons engaged in the business of escrow agents;

(o) Upon a petition with respect to a nursing home in accordance with and subject to receivership provisions under chapter 18.51 RCW;

(p) In connection with a proceeding for relief with respect to a voidable transfer as to a present or future creditor under RCW 19.40.041 or a present creditor under RCW 19.40.051;

(q) Under RCW 19.100.210(1), in an action by the attorney general or director of financial institutions to restrain any actual or threatened violation of the franchise investment protection act;

(r) In an action by the attorney general or by a prosecuting attorney under RCW 19.110.160 with respect to a seller of business opportunities;

(s) In an action by the director of financial institutions under RCW 21.20.390 in cases involving actual or threatened violations of the securities act of Washington or under RCW 21.30.120 in cases involving actual or threatened violations of chapter 21.30 RCW with respect to certain businesses and transactions involving commodities;

(t) In an action for or relating to dissolution of a business corporation under RCW 23B.14.065, 23B.14.300, 23B.14.310, or 23B.14.320, for dissolution of a nonprofit corporation under RCW 24.03A.936, for dissolution of a mutual corporation under RCW 24.06.305, or in any other action for the dissolution or winding up of any other entity provided for by Title 23, 23B, 24, or 25 RCW;

(u) In any action in which the dissolution of any public or private entity is sought, in any action involving any dispute with respect to the ownership or governance of such an entity, or upon the application of a person having an interest in such an entity when the appointment is reasonably necessary to protect the property of the entity or its business or other interests;

(v) Under RCW 25.05.215, in aid of a charging order with respect to a partner's interest in a partnership;

(w) Under and subject to RCW 30A.44.100, 30A.44.270, and 30A.56.030, in the case of a state commercial bank, RCW 30B.44B.100, in the case of a state trust company, RCW 32.24.070, 32.24.073, 32.24.080, and 32.24.090, in the case of a

state savings bank;

(x) Under and subject to RCW 31.12.637 and 31.12.671 through 31.12.724, in the case of credit unions;

(y) Upon the application of the director of financial institutions under RCW 31.35.090 in actions to enforce chapter 31.35 RCW applicable to agricultural lenders, under RCW 31.40.120 in actions to enforce chapter 31.40 RCW applicable to entities engaged in federally guaranteed small business loans, under RCW 31.45.160 in actions to enforce chapter 31.45 RCW applicable to persons licensed as check cashers or check sellers, or under RCW 19.230.230 in actions to enforce chapter 19.230 RCW applicable to persons licensed under the uniform money services act;

(z) Under RCW 35.82.090 or 35.82.180, with respect to a housing project;

(aa) Under RCW 39.84.160 or 43.180.360, in proceedings to enforce rights under any revenue bonds issued for the purpose of financing industrial development facilities or bonds of the Washington state housing finance commission, or any financing document securing any such bonds;

(bb) Under and subject to RCW 43.70.195, in an action by the secretary of health or by a local health officer with respect to a public water system;

(cc) As contemplated by RCW 61.24.030, with respect to real property that is the subject of nonjudicial foreclosure proceedings under chapter 61.24 RCW;

(dd) As contemplated by RCW 61.30.030(3), with respect to real property that is the subject of judicial or nonjudicial forfeiture proceedings under chapter 61.30 RCW;

~~(ee) ((Under RCW 64.32.200(2), in an action or proceeding commenced under chapter 61.12 or 61.24 RCW to foreclose upon a lien for common expenses against a dwelling unit subject to the horizontal property regimes act, chapter 64.32 RCW. For purposes of this subsection (1)(ee), a judicial action is commenced as provided in superior court civil rule 3(a) and a nonjudicial proceeding is commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8);~~

~~(ff) Under RCW 64.34.364(10), in an action or proceeding commenced under chapter 61.12 or 61.24 RCW by a unit owners' association to foreclose a lien for nonpayment of delinquent assessments against condominium units. For purposes of this subsection (1)(ff), a judicial action is commenced as provided in superior court civil rule (3)(a) and a nonjudicial proceeding is commenced under chapter 61.24 RCW upon the service of notice of default described in RCW 61.24.030(8);~~

~~(gg)) Under RCW 64.90.485(15), in an action by an association to collect assessments or to foreclose a lien on a unit;~~

~~(ff) Upon application of the attorney general under RCW 64.36.220(3), in aid of any writ or order restraining or enjoining violations of chapter 64.36 RCW applicable to timeshares;~~

~~((hh)) (gg) Under RCW 70A.210.070(3), in aid of the enforcement of payment or performance of municipal bonds issued with respect to facilities used to abate, control, or prevent pollution;~~

~~((ii)) (hh) Upon the application of the department of social and health services under RCW 74.42.580, in cases involving nursing homes;~~

~~((jj)) (ii) Upon the application of the utilities and transportation commission under RCW 80.28.040, with respect to a water company or wastewater company that has failed to comply with an order of such commission within the time deadline specified therein;~~

~~((kk)) (jj) Under RCW 87.56.065, in connection with the dissolution of an irrigation district;~~

~~((kk))~~ (kk) Upon application of the attorney general or the department of licensing, in any proceeding that either of them are authorized by statute to bring to enforce Title 18 or 19 RCW; the securities act of Washington, chapter 21.20 RCW; the Washington commodities act, chapter 21.30 RCW; the land development act, chapter 58.19 RCW; or under chapter 64.36 RCW relating to the regulation of timeshares;

~~((ll))~~ (ll) Upon application of the director of financial institutions in any proceeding that the director of financial institutions is authorized to bring to enforce chapters 31.35, 31.40, and 31.45 RCW; or

~~((mm))~~ (mm) In such other cases as may be provided for by law, or when, in the discretion of the court, it may be necessary to secure ample justice to the parties.

(2) The superior courts of this state shall appoint as receiver of property located in this state a person who has been appointed by a federal or state court located elsewhere as receiver with respect to the property specifically or with respect to the owner's property generally, upon the application of the person or of any party to that foreign proceeding, and following the appointment shall give effect to orders, judgments, and decrees of the foreign court affecting the property in this state held by the receiver, unless the court determines that to do so would be manifestly unjust or inequitable. The venue of such a proceeding may be any county in which the person resides or maintains any office, or any county in which any property over which the receiver is to be appointed is located at the time the proceeding is commenced.

(3) At least seven days' notice of any application for the appointment of a receiver must be given to the owner of property to be subject thereto and to all other parties in the action, and to other parties in interest as the court may require. If any execution by a judgment creditor under Title 6 RCW or any application by a judgment creditor for the appointment of a receiver, with respect to property over which the receiver's appointment is sought, is pending in any other action at the time the application is made, then notice of the application for the receiver's appointment also must be given to the judgment creditor in the other action. The court may shorten or expand the period for notice of an application for the appointment of a receiver upon good cause shown.

(4) The order appointing a receiver in all cases must reasonably describe the property over which the receiver is to take charge, by category, individual items, or both if the receiver is to take charge of less than all of the owner's property. If the order appointing a receiver does not expressly limit the receiver's authority to designated property or categories of property of the owner, the receiver is a general receiver with the authority to take charge over all of the owner's property, wherever located.

(5) The court may condition the appointment of a receiver upon the giving of security by the person seeking the receiver's appointment, in such amount as the court may specify, for the payment of costs and damages incurred or suffered by any person should it later be determined that the appointment of the receiver was wrongfully obtained.

**Sec. 402.** RCW 7.60.110 and 2011 c 34 s 4 are each amended to read as follows:

(1) Except as otherwise ordered by the court, the entry of an order appointing a general receiver or a custodial receiver with respect to all of a person's property shall operate as a stay, applicable to all persons, of:

(a) The commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the person over whose property the receiver is appointed that was or could have been commenced before the entry of the order of appointment, or to recover a claim against the person that arose before the entry of the order of

appointment;

(b) The enforcement, against the person over whose property the receiver is appointed or any estate property, of a judgment obtained before the order of appointment;

(c) Any act to obtain possession of estate property from the receiver, or to interfere with, or exercise control over, estate property;

(d) Any act to create, perfect, or enforce any lien or claim against estate property except by exercise of a right of setoff, to the extent that the lien secures a claim against the person that arose before the entry of the order of appointment; or

(e) Any act to collect, assess, or recover a claim against the person that arose before the entry of the order of appointment.

(2) The stay shall automatically expire as to the acts specified in subsection (1)(a), (b), and (e) of this section sixty days after the entry of the order of appointment unless before the expiration of the sixty-day period the receiver, for good cause shown, obtains an order of the court extending the stay, after notice and a hearing. A person whose action or proceeding is stayed by motion to the court may seek relief from the stay for good cause shown. Any judgment obtained against the person over whose property the receiver is appointed or estate property following the entry of the order of appointment is not a lien against estate property unless the receivership is terminated prior to a conveyance of the property against which the judgment would otherwise constitute a lien.

(3) The entry of an order appointing a receiver does not operate as a stay of:

(a) The continuation of a judicial action or nonjudicial proceeding of the type described in RCW 7.60.025(1) (b)~~((:))~~ or ~~((e))~~~~((-or ((ff)))~~), if the action or proceeding was initiated by the party seeking the receiver's appointment;

(b) The commencement or continuation of a criminal proceeding against the person over whose property the receiver is appointed;

(c) The commencement or continuation of an action or proceeding to establish paternity, or to establish or modify an order for alimony, maintenance, or support, or to collect alimony, maintenance, or support under any order of a court;

(d) Any act to perfect, or to maintain or continue the perfection of, an interest in estate property if the interest perfected would be effective against a creditor of the person over whose property the receiver is appointed holding at the time of the entry of the order of appointment either a perfected nonpurchase money security interest under chapter 62A.9A RCW against the property involved, or a lien by attachment, levy, or the like, whether or not such a creditor exists. If perfection of an interest would require seizure of the property involved or the commencement of an action, the perfection shall instead be accomplished by filing, and by serving upon the receiver, or receiver's counsel, if any, notice of the interest within the time fixed by law for seizure or commencement;

(e) The commencement or continuation of an action or proceeding by a governmental unit to enforce its police or regulatory power;

(f) The enforcement of a judgment, other than a money judgment, obtained in an action or proceeding by a governmental unit to enforce its police or regulatory power, or with respect to any licensure of the person over whose property the receiver is appointed;

(g) The exercise of a right of setoff, including but not limited to (i) any right of a commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to set off a claim for a margin payment or settlement payment arising out of a commodity contract, forward contract, or securities contract against cash, securities, or other property held or due

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

from the commodity broker, forward contract merchant, stockbroker, financial institution, or securities clearing agency to margin, guarantee, secure, or settle the commodity contract, forward contract, or securities contract, and (ii) any right of a swap participant to set off a claim for a payment due to the swap participant under or in connection with a swap agreement against any payment due from the swap participant under or in connection with the swap agreement or against cash, securities, or other property of the debtor held by or due from the swap participant to guarantee, secure, or settle the swap agreement; or

(h) The establishment by a governmental unit of any tax liability and any appeal thereof.

**Sec. 403.** RCW 18.85.151 and 2012 c 126 s 1 are each amended to read as follows:

This chapter shall not apply to:

(1) Any person who purchases or disposes of property and/or a business opportunity for that individual's own account, or that of a group of which the person is a member, and their employees;

(2) Any duly authorized attorney-in-fact acting under a power of attorney without compensation;

(3) An attorney-at-law in the performance of the practice of law;

(4) Any receiver, trustee in bankruptcy, executor, administrator, guardian, personal representative, or any person acting under the order of any court, selling under a deed of trust, or acting as trustee under a trust;

(5) Any secretary, bookkeeper, accountant, or other office personnel who does not engage in any conduct or activity specified in any of the definitions under RCW 18.85.011;

(6) Employees of towns, cities, counties, or governmental entities involved in an acquisition of property for right-of-way, eminent domain, or threat of eminent domain;

(7) Only with respect to the rental or lease of individual storage space, any person who owns or manages a self-service storage facility as defined under chapter 19.150 RCW;

(8) Any person providing referrals to licensees who is not involved in the negotiation, execution of documents, or related real estate brokerage services, and compensation is not contingent upon receipt of compensation by the licensee or the real estate firm;

(9) Certified public accountants if they do not promote the purchase, listing, sale, exchange, optioning, leasing, or renting of a specific real property interest;

(10) Any natural persons or entities including title or escrow companies, escrow agents, attorneys, or financial institutions acting as escrow agents if they do not promote the purchase, listing, sale, exchange, optioning, leasing, or renting of a specific real property interest;

(11) Investment counselors if they do not promote the purchase, listing, sale, exchange, optioning, leasing, or renting of a specific real property interest;

(12) Common interest community managers who, in an advisory capacity and for compensation or in expectation of compensation, provide management or financial services, negotiate agreements to provide management or financial services, or represent themselves as providing management or financial services to an association governed by chapter ~~((64.32, 64.34, or 64.38))~~ 64.90 RCW, if they do not promote the purchase, listing, sale, exchange, optioning, leasing, or renting of a specific real property interest. This subsection (12) applies regardless of whether a common interest community manager acts as an independent contractor to, employee of, general manager or executive director of, or agent of an association governed by chapter ~~((64.32, 64.34, or 64.38))~~ 64.90 RCW; and

(13) Any person employed or retained by, for, or on behalf of

the owner or on behalf of a designated or managing broker if the person is limited in property management to any of the following activities:

(a) Delivering a lease application, a lease, or any amendment thereof to any person;

(b) Receiving a lease application, lease, or amendment thereof, a security deposit, rental payment, or any related payment for delivery to and made payable to the real estate firm or owner;

(c) Showing a rental unit to any person, or executing leases or rental agreements, and the employee or retaineer is acting under the direct instruction of the owner or designated or managing broker;

(d) Providing information about a rental unit, a lease, an application for lease, or a security deposit and rental amounts to any prospective tenant; or

(e) Assisting in the performance of property management functions by carrying out administrative, clerical, financial, or maintenance tasks.

**Sec. 404.** RCW 36.70A.699 and 2020 c 217 s 5 are each amended to read as follows:

Nothing in chapter 217, Laws of 2020 modifies or limits any rights or interests legally recorded in the governing documents of associations subject to chapter ~~((64.32, 64.34, 64.38, or))~~ 64.90 RCW.

**Sec. 405.** RCW 43.185B.020 and 2023 c 275 s 25 are each amended to read as follows:

(1) The department shall establish the affordable housing advisory board to consist of 25 members.

(a) The following 22 members shall be appointed by the governor:

(i) Two representatives of the residential construction industry;

(ii) Two representatives of the home mortgage lending profession;

(iii) One representative of the real estate sales profession;

(iv) One representative of the apartment management and operation industry;

(v) One representative of the for-profit housing development industry;

(vi) One representative of for-profit rental housing owners;

(vii) One representative of the nonprofit housing development industry;

(viii) One representative of homeless shelter operators;

(ix) One representative of lower-income persons;

(x) One representative of special needs populations;

(xi) One representative of public housing authorities as created under chapter 35.82 RCW;

(xii) Two representatives of the Washington association of counties, one representative shall be from a county that is located east of the crest of the Cascade mountains;

(xiii) Two representatives of the association of Washington cities, one representative shall be from a city that is located east of the crest of the Cascade mountains;

(xiv) One representative to serve as chair of the affordable housing advisory board;

(xv) One representative of organizations that operate site-based permanent supportive housing and deliver on-site supportive housing services;

(xvi) One representative at large;

(xvii) One representative from a unit owners(=) association as defined in RCW ~~((64.34.020 or))~~ 64.90.010; and

(xviii) One representative from an interlocal housing collaboration as established under chapter 39.34 RCW.

(b) The following three members shall serve as ex officio, nonvoting members:

(i) The director or the director's designee;

(ii) The executive director of the Washington state housing finance commission or the executive director's designee; and

(iii) The secretary of social and health services or the secretary's designee.

(2)(a) The members of the affordable housing advisory board appointed by the governor shall be appointed for four-year terms, except that the chair shall be appointed to serve a two-year term. The terms of five of the initial appointees shall be for two years from the date of appointment and the terms of six of the initial appointees shall be for three years from the date of appointment. The governor shall designate the appointees who will serve the two-year and three-year terms. The members of the advisory board shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(b) The governor, when making appointments to the affordable housing advisory board, shall make appointments that reflect the cultural diversity of the state of Washington.

(3) The affordable housing advisory board shall serve as the department's principal advisory body on housing and housing-related issues, and replaces the department's existing boards and task forces on housing and housing-related issues.

(4) The affordable housing advisory board shall meet regularly and may appoint technical advisory committees, which may include members of the affordable housing advisory board, as needed to address specific issues and concerns.

(5) The department, in conjunction with the Washington state housing finance commission and the department of social and health services, shall supply such information and assistance as are deemed necessary for the advisory board to carry out its duties under this section.

(6) The department shall provide administrative and clerical assistance to the affordable housing advisory board.

**Sec. 406.** RCW 46.61.419 and 2013 c 269 s 1 are each amended to read as follows:

State, local, or county law enforcement personnel may enforce speeding violations under RCW 46.61.400 on private roads within a community organized under chapter ~~((64.34, 64.32, or 64.38))~~ 64.90 RCW if:

(1) A majority of the ~~((homeowner's association's, association of apartment owners', or condominium))~~ unit owners association's board of directors votes to authorize the issuance of speeding infractions on its private roads, and declares a speed limit not lower than twenty miles per hour;

(2) A written agreement regarding the speeding enforcement is signed by the ~~((homeowner's association, association of apartment owners, or condominium))~~ unit owners association president and the chief law enforcement official of the city or county within whose jurisdiction the private road is located;

(3) The ~~((homeowner's association, association of apartment owners, or condominium))~~ unit owners association has provided written notice to all of the ~~((homeowners, apartment owners, or))~~ unit owners describing the new authority to issue speeding infractions; and

(4) Signs have been posted declaring the speed limit at all vehicle entrances to the common interest community.

**Sec. 407.** RCW 58.17.040 and 2019 c 352 s 2 are each amended to read as follows:

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions of land into lots or tracts each of which is one-hundred twenty-eighth of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, unless the governing authority of the city, town, or county in which the land is situated shall have adopted a subdivision ordinance requiring plat approval of such divisions:

PROVIDED, That for purposes of computing the size of any lot under this item which borders on a street or road, the lot size shall be expanded to include that area which would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line;

(3) Divisions made by testamentary provisions, or the laws of descent;

(4) Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(5) A division for the purpose of lease when no residential structure other than mobile homes, tiny houses or tiny houses with wheels as defined in RCW 35.21.686, or travel trailers are permitted to be placed upon the land when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(7) Divisions of land into lots or tracts if: (a) Such division is the result of subjecting a portion of a parcel or tract of land to ~~((either))~~ chapter ~~((64.32 or 64.34))~~ 64.90 RCW subsequent to the recording of a binding site plan for all such land; (b) the improvements constructed or to be constructed thereon are required by the provisions of the binding site plan to be included in one or more condominiums, cooperatives, or owned by an association or other legal entity in which the owners of units therein or their owners~~(?)~~ associations have a membership or other legal or beneficial interest; (c) a city, town, or county has approved the binding site plan for all such land; (d) such approved binding site plan is recorded in the county or counties in which such land is located; and (e) the binding site plan contains thereon the following statement: "All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town, or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums, cooperatives, or owned by an association or other legal entity in which the owners of units therein or their owners~~(?)~~ associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein." The binding site plan may, but need not, depict or describe the boundaries of the lots or tracts resulting from subjecting a portion of the land to ~~((either))~~ chapter ~~((64.32 or 64.34))~~ 64.90 RCW. A site plan shall be deemed to have been approved if the site plan was approved by a city, town, or county: (i) In connection with the final approval of a subdivision plat or planned unit development with respect to all of such land; or (ii) in connection with the issuance of building permits or final certificates of occupancy with respect to all of such land; or (iii) if not approved pursuant to (i) and (ii) of this subsection (7)(e), then pursuant to such other procedures as such city, town, or county may have established for the approval of a binding site plan;

(8) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose. "Personal wireless services" means any federally licensed personal wireless service. "Facilities" means unstaffed facilities

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

that are used for the transmission or reception, or both, of wireless communication services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures; and

(9) A division of land into lots or tracts of less than three acres that is recorded in accordance with chapter 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities. For purposes of this subsection, "electric utility facilities" means unstaffed facilities, except for the presence of security personnel, that are used for or in connection with or to facilitate the transmission, distribution, sale, or furnishing of electricity including, but not limited to, electric power substations. This subsection does not exempt a division of land from the zoning and permitting laws and regulations of cities, towns, counties, and municipal corporations. Furthermore, this subsection only applies to electric utility facilities that will be placed into service to meet the electrical needs of a utility's existing and new customers. New customers are defined as electric service locations not already in existence as of the date that electric utility facilities subject to the provisions of this subsection are planned and constructed.

**Sec. 408.** RCW 59.18.200 and 2021 c 212 s 3 are each amended to read as follows:

(1)(a) When premises are rented for an indefinite time, with monthly or other periodic rent reserved, such tenancy shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall end by written notice of 20 days or more, preceding the end of any of the months or periods of tenancy, given by the tenant to the landlord.

(b) Any tenant who is a member of the armed forces, including the national guard and armed forces reserves, or that tenant's spouse or dependent, may end a rental agreement with less than 20 days' written notice if the tenant receives permanent change of station or deployment orders that do not allow a 20-day written notice.

(2)(a) Whenever a landlord plans to change to a policy of excluding children, the landlord shall give a written notice to a tenant at least 90 days before the tenancy ends to effectuate such change in policy. Such 90-day notice shall be in lieu of the notice required by subsection (1) of this section. However, if after giving the 90-day notice the change in policy is delayed, the notice requirements of subsection (1) of this section shall apply unless waived by the tenant.

(b) Whenever a landlord plans to change any apartment or apartments to a condominium form of ownership, the landlord shall provide a written notice to a tenant at least 120 days before the tenancy ends, in compliance with RCW ((~~64.34.440(1))~~) 64.90.655, to effectuate such change. The 120-day notice is in lieu of the notice required in subsection (1) of this section. However, if after providing the 120-day notice the change to a condominium form of ownership is delayed, the notice requirements in subsection (1) of this section apply unless waived by the tenant.

(c)(i) Whenever a landlord plans to demolish or substantially rehabilitate premises or plans a change of use of premises, the landlord shall provide a written notice to a tenant at least 120 days before the tenancy ends. This subsection (2)(c)(i) does not apply to jurisdictions that have created a relocation assistance program under RCW 59.18.440 and otherwise provide 120 days' notice.

(ii) For purposes of this subsection (2)(c):

(A) "Assisted housing development" means a multifamily rental housing development that either receives government assistance and is defined as federally assisted housing in RCW 59.28.020, or that receives other federal, state, or local government assistance and is subject to use restrictions.

(B) "Change of use" means: (I) Conversion of any premises from a residential use to a nonresidential use that results in the displacement of an existing tenant; (II) conversion from one type of residential use to another type of residential use that results in the displacement of an existing tenant, such as conversion to a retirement home, emergency shelter, or transient hotel; or (III) conversion following removal of use restrictions from an assisted housing development that results in the displacement of an existing tenant: PROVIDED, That displacement of an existing tenant in order that the owner or a member of the owner's immediate family may occupy the premises does not constitute a change of use.

(C) "Demolish" means the destruction of premises or the relocation of premises to another site that results in the displacement of an existing tenant.

(D) "Substantially rehabilitate" means extensive structural repair or extensive remodeling of premises that requires a permit such as a building, electrical, plumbing, or mechanical permit, and that results in the displacement of an existing tenant.

**Sec. 409.** RCW 59.18.650 and 2021 c 212 s 2 are each amended to read as follows:

(1)(a) A landlord may not evict a tenant, refuse to continue a tenancy, or end a periodic tenancy except for the causes enumerated in subsection (2) of this section and as otherwise provided in this subsection.

(b) If a landlord and tenant enter into a rental agreement that provides for the tenancy to continue for an indefinite period on a month-to-month or periodic basis after the agreement expires, the landlord may not end the tenancy except for the causes enumerated in subsection (2) of this section; however, a landlord may end such a tenancy at the end of the initial period of the rental agreement without cause only if:

(i) At the inception of the tenancy, the landlord and tenant entered into a rental agreement between six and 12 months; and

(ii) The landlord has provided the tenant before the end of the initial lease period at least 60 days' advance written notice ending the tenancy, served in a manner consistent with RCW 59.12.040.

(c) If a landlord and tenant enter into a rental agreement for a specified period in which the tenancy by the terms of the rental agreement does not continue for an indefinite period on a month-to-month or periodic basis after the end of the specified period, the landlord may end such a tenancy without cause upon expiration of the specified period only if:

(i) At the inception of the tenancy, the landlord and tenant entered into a rental agreement of 12 months or more for a specified period, or the landlord and tenant have continuously and without interruption entered into successive rental agreements of six months or more for a specified period since the inception of the tenancy;

(ii) The landlord has provided the tenant before the end of the specified period at least 60 days' advance written notice that the tenancy will be deemed expired at the end of such specified period, served in a manner consistent with RCW 59.12.040; and

(iii) The tenancy has not been for an indefinite period on a month-to-month or periodic basis at any point since the inception of the tenancy. However, for any tenancy of an indefinite period in existence as of May 10, 2021, if the landlord and tenant enter into a rental agreement between May 10, 2021, and three months following the expiration of the governor's proclamation 20-19.6 or any extensions thereof, the landlord may exercise rights under this subsection (1)(c) as if the rental agreement was entered into at the inception of the tenancy provided that the rental agreement is otherwise in accordance with this subsection (1)(c).

(d) For all other tenancies of a specified period not covered under (b) or (c) of this subsection, and for tenancies of an

indefinite period on a month-to-month or periodic basis, a landlord may not end the tenancy except for the causes enumerated in subsection (2) of this section. Upon the end date of the tenancy of a specified period, the tenancy becomes a month-to-month tenancy.

(e) Nothing prohibits a landlord and tenant from entering into subsequent lease agreements that are in compliance with the requirements in subsection (2) of this section.

(f) A tenant may end a tenancy for a specified time by providing notice in writing not less than 20 days prior to the ending date of the specified time.

(2) The following reasons listed in this subsection constitute cause pursuant to subsection (1) of this section:

(a) The tenant continues in possession in person or by subtenant after a default in the payment of rent, and after written notice requiring, in the alternative, the payment of the rent or the surrender of the detained premises has remained uncomplied with for the period set forth in RCW 59.12.030(3) for tenants subject to this chapter. The written notice may be served at any time after the rent becomes due;

(b) The tenant continues in possession after substantial breach of a material program requirement of subsidized housing, material term subscribed to by the tenant within the lease or rental agreement, or a tenant obligation imposed by law, other than one for monetary damages, and after the landlord has served written notice specifying the acts or omissions constituting the breach and requiring, in the alternative, that the breach be remedied or the rental agreement will end, and the breach has not been adequately remedied by the date specified in the notice, which date must be at least 10 days after service of the notice;

(c) The tenant continues in possession after having received at least three days' advance written notice to quit after he or she commits or permits waste or nuisance upon the premises, unlawful activity that affects the use and enjoyment of the premises, or other substantial or repeated and unreasonable interference with the use and enjoyment of the premises by the landlord or neighbors of the tenant;

(d) The tenant continues in possession after the landlord of a dwelling unit in good faith seeks possession so that the owner or his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available to house the owner or his or her immediate family in the same building, and the owner has provided at least 90 days' advance written notice of the date the tenant's possession is to end. There is a rebuttable presumption that the owner did not act in good faith if the owner or immediate family fails to occupy the unit as a principal residence for at least 60 consecutive days during the 90 days immediately after the tenant vacated the unit pursuant to a notice to vacate using this subsection (2)(d) as the cause for the lease ending;

(e) The tenant continues in possession after the owner elects to sell a single-family residence and the landlord has provided at least 90 days' advance written notice of the date the tenant's possession is to end. For the purposes of this subsection (2)(e), an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price by listing it on the real estate multiple listing service. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

(i) Within 30 days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price by listing it on the real estate multiple listing service; or

(ii) Within 90 days after the date the tenant vacated or the date

the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, the landlord rents the unit to someone other than the former tenant, or the landlord otherwise indicates that the owner does not intend to sell the unit;

(f) The tenant continues in possession of the premises after the landlord serves the tenant with advance written notice pursuant to RCW 59.18.200(2)(c);

(g) The tenant continues in possession after the owner elects to withdraw the premises to pursue a conversion pursuant to RCW ~~((64.34.440 or))~~ 64.90.655;

(h) The tenant continues in possession, after the landlord has provided at least 30 days' advance written notice to vacate that:

(i) The premises has been certified or condemned as uninhabitable by a local agency charged with the authority to issue such an order; and (ii) continued habitation of the premises would subject the landlord to civil or criminal penalties. However, if the terms of the local agency's order do not allow the landlord to provide at least 30 days' advance written notice, the landlord must provide as much advance written notice as is possible and still comply with the order;

(i) The tenant continues in possession after an owner or lessor, with whom the tenant shares the dwelling unit or access to a common kitchen or bathroom area, has served at least 20 days' advance written notice to vacate prior to the end of the rental term or, if a periodic tenancy, the end of the rental period;

(j) The tenant continues in possession of a dwelling unit in transitional housing after having received at least 30 days' advance written notice to vacate in advance of the expiration of the transitional housing program, the tenant has aged out of the transitional housing program, or the tenant has completed an educational or training or service program and is no longer eligible to participate in the transitional housing program. Nothing in this subsection (2)(j) prohibits the ending of a tenancy in transitional housing for any of the other causes specified in this subsection;

(k) The tenant continues in possession of a dwelling unit after the expiration of a rental agreement without signing a proposed new rental agreement proffered by the landlord; provided, that the landlord proffered the proposed new rental agreement at least 30 days prior to the expiration of the current rental agreement and that any new terms and conditions of the proposed new rental agreement are reasonable. This subsection (2)(k) does not apply to tenants whose tenancies are or have become periodic;

(l) The tenant continues in possession after having received at least 30 days' advance written notice to vacate due to intentional, knowing, and material misrepresentations or omissions made on the tenant's application at the inception of the tenancy that, had these misrepresentations or omissions not been made, would have resulted in the landlord requesting additional information or taking an adverse action;

(m) The tenant continues in possession after having received at least 60 days' advance written notice to vacate for other good cause prior to the end of the period or rental agreement and such cause constitutes a legitimate economic or business reason not covered or related to a basis for ending the lease as enumerated under this subsection (2). When the landlord relies on this basis for ending the tenancy, the court may stay any writ of restitution for up to 60 additional days for good cause shown, including difficulty procuring alternative housing. The court must condition such a stay upon the tenant's continued payment of rent during the stay period. Upon granting such a stay, the court must award court costs and fees as allowed under this chapter;

(n)(i) The tenant continues in possession after having received at least 60 days' written notice to vacate prior to the end of the period or rental agreement and the tenant has committed four or more of the following violations, other than ones for monetary



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

damages, within the preceding 12-month period, the tenant has remedied or cured the violation, and the landlord has provided the tenant a written warning notice at the time of each violation: A substantial breach of a material program requirement of subsidized housing, a substantial breach of a material term subscribed to by the tenant within the lease or rental agreement, or a substantial breach of a tenant obligation imposed by law;

(ii) Each written warning notice must:

(A) Specify the violation;

(B) Provide the tenant an opportunity to cure the violation;

(C) State that the landlord may choose to end the tenancy at the end of the rental term if there are four violations within a 12-month period preceding the end of the term; and

(D) State that correcting the fourth or subsequent violation is not a defense to the ending of the lease under this subsection;

(iii) The 60-day notice to vacate must:

(A) State that the rental agreement will end upon the specified ending date for the rental term or upon a designated date not less than 60 days after the delivery of the notice, whichever is later;

(B) Specify the reason for ending the lease and supporting facts; and

(C) Be served to the tenant concurrent with or after the fourth or subsequent written warning notice;

(iv) The notice under this subsection must include all notices supporting the basis of ending the lease;

(v) Any notices asserted under this subsection must pertain to four or more separate incidents or occurrences; and

(vi) This subsection (2)(n) does not absolve a landlord from demonstrating by admissible evidence that the four or more violations constituted breaches under (b) of this subsection at the time of the violation had the tenant not remedied or cured the violation;

(o) The tenant continues in possession after having received at least 60 days' advance written notice to vacate prior to the end of the rental period or rental agreement if the tenant is required to register as a sex offender during the tenancy, or failed to disclose a requirement to register as a sex offender when required in the rental application or otherwise known to the property owner at the beginning of the tenancy;

(p) The tenant continues in possession after having received at least 20 days' advance written notice to vacate prior to the end of the rental period or rental agreement if the tenant has made unwanted sexual advances or other acts of sexual harassment directed at the property owner, property manager, property employee, or another tenant based on the person's race, gender, or other protected status in violation of any covenant or term in the lease.

(3) When a tenant has permanently vacated due to voluntary or involuntary events, other than by the ending of the tenancy by the landlord, a landlord must serve a notice to any remaining occupants who had coresided with the tenant at least six months prior to and up to the time the tenant permanently vacated, requiring the occupants to either apply to become a party to the rental agreement or vacate within 30 days of service of such notice. In processing any application from a remaining occupant under this subsection, the landlord may require the occupant to meet the same screening, background, and financial criteria as would any other prospective tenant to continue the tenancy. If the occupant fails to apply within 30 days of receipt of the notice in this subsection, or the application is denied for failure to meet the criteria, the landlord may commence an unlawful detainer action under this chapter. If an occupant becomes a party to the tenancy pursuant to this subsection, a landlord may not end the tenancy except as provided under subsection (2) of this section. This subsection does not apply to tenants residing in subsidized

housing.

(4) A landlord who removes a tenant or causes a tenant to be removed from a dwelling in any way in violation of this section is liable to the tenant for wrongful eviction, and the tenant prevailing in such an action is entitled to the greater of their economic and noneconomic damages or three times the monthly rent of the dwelling at issue, and reasonable attorneys' fees and court costs.

(5) Nothing in subsection (2)(d), (e), or (f) of this section permits a landlord to end a tenancy for a specified period before the completion of the term unless the landlord and the tenant mutually consent, in writing, to ending the tenancy early and the tenant is afforded at least 60 days to vacate.

(6) All written notices required under subsection (2) of this section must:

(a) Be served in a manner consistent with RCW 59.12.040; and

(b) Identify the facts and circumstances known and available to the landlord at the time of the issuance of the notice that support the cause or causes with enough specificity so as to enable the tenant to respond and prepare a defense to any incidents alleged. The landlord may present additional facts and circumstances regarding the allegations within the notice if such evidence was unknown or unavailable at the time of the issuance of the notice.

**Sec. 410.** RCW 61.24.030 and 2023 c 206 s 2 are each amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver, or the filing of a civil case to obtain court approval to access, secure, maintain, and preserve property from waste or nuisance, shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address;

(7)(a) That, for residential real property of up to four units, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the holder of any

promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapter ~~((64.32, 64.34, or 64.38))~~ 64.90 RCW;

(8) That at least 30 days before notice of sale shall be recorded, transmitted or served, written notice of default and, for residential real property of up to four units, the beneficiary declaration specified in subsection (7)(a) of this section shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within 30 days of the date of mailing of the notice, or if personally served, within 30 days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than 120 days in the future, or no less than 150 days in the future if the borrower received a letter under RCW 61.24.031;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground;

(k) In the event the property secured by the deed of trust is residential real property of up to four units, a statement, prominently set out at the beginning of the notice, which shall state as follows:

**"THIS NOTICE IS ONE STEP IN A PROCESS THAT  
COULD RESULT IN YOUR LOSING YOUR HOME.**

You may be eligible for mediation in front of a neutral third party to help save your home.

**CONTACT A HOUSING COUNSELOR OR AN  
ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you might benefit.

Mediation **MUST** be requested between the time you receive the Notice of Default and no later than **90 calendar days BEFORE the date of sale** listed in the Notice of Trustee Sale. If an amended Notice of Trustee Sale is recorded providing a 45-day notice of the sale, mediation must be requested no later than **25 calendar days BEFORE the date of sale** listed in the amended Notice of Trustee Sale.

**DO NOT DELAY.** If you do nothing, a notice of sale may be issued as soon as 30 days from the date of this notice of default. The notice of sale will provide a minimum of 120 days' notice of the date of the actual foreclosure sale.

**BE CAREFUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

**REFER TO THE CONTACTS BELOW** for sources of assistance.

#### SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . ."

The beneficiary or trustee shall obtain the toll-free numbers and website information from the department for inclusion in the notice;

(l) In the event the property secured by the deed of trust is residential real property of up to four units, the name and address of the holder of any promissory note or other obligation secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust;

(m) For notices issued after June 30, 2018, on the top of the first page of the notice:

(i) The current beneficiary of the deed of trust;

(ii) The current mortgage servicer for the deed of trust; and

(iii) The current trustee for the deed of trust;

(9) That, for residential real property of up to four units, before the notice of the trustee's sale is recorded, transmitted, or served, the beneficiary has complied with RCW 61.24.031 and, if applicable, RCW 61.24.163;

(10) That, in the case where the borrower or grantor is known to the mortgage servicer or trustee to be deceased, the notice required under subsection (8) of this section must be sent to any spouse, child, or parent of the borrower or grantor known to the trustee or mortgage servicer, and to any owner of record of the property, at any address provided to the trustee or mortgage servicer, and to the property addressed to the heirs and devisees of the borrower.

(a) If the name or address of any spouse, child, or parent of such deceased borrower or grantor cannot be ascertained with use of reasonable diligence, the trustee must execute and record with the notice of sale a declaration attesting to the same.

(b) Reasonable diligence for the purposes of this subsection (10) means the trustee shall search in the county where the property is located, the public records and information for any obituary, will, death certificate, or case in probate within the county for the borrower and grantor;

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(11) Upon written notice identifying the property address and the name of the borrower to the servicer or trustee by someone claiming to be a successor in interest to the borrower's or grantor's property rights, but who is not a party to the loan or promissory note or other obligation secured by the deed of trust, a trustee shall not record a notice of sale pursuant to RCW 61.24.040 until the trustee or mortgage servicer completes the following:

(a) Acknowledges the notice in writing and requests reasonable documentation of the death of the borrower or grantor from the claimant including, but not limited to, a death certificate or other written evidence of the death of the borrower or grantor. Other written evidence of the death of the borrower or grantor may include an obituary, a published death notice, or documentation of an open probate action for the estate of the borrower or grantor. The claimant must be allowed 30 days from the date of this request to present this documentation. If the trustee or mortgage servicer has already obtained sufficient proof of the borrower's death, it may proceed by acknowledging the claimant's notice in writing and issuing a request under (b) of this subsection.

(b) If the mortgage servicer or trustee obtains or receives written documentation of the death of the borrower or grantor from the claimant, or otherwise independently confirms the death of the borrower or grantor, then the servicer or trustee must request in writing documentation from the claimant demonstrating the ownership interest of the claimant in the real property. A claimant has 60 days from the date of the request to present this documentation. Documentation demonstrating the ownership interest of the claimant in the real property includes, but is not limited to, one of the following:

(i) Excerpts of a trust document noting the claimant as a beneficiary of a trust with title to the real property;

(ii) A will of the borrower or grantor listing the claimant as an heir or devisee with respect to the real property;

(iii) A probate order or finding of heirship issued by any court documenting the claimant as an heir or devisee or awarding the real property to the claimant;

(iv) A recorded lack of probate affidavit signed by any heir listing the claimant as an heir of the borrower or grantor pursuant to the laws of intestacy;

(v) A deed, such as a personal representative's deed, trustee's deed issued on behalf of a trust, statutory warranty deed, transfer on death deed, or other deed, giving any ownership interest to the claimant resulting from the death of the borrower or grantor or executed by the borrower or grantor for estate planning purposes; and

(vi) Other proof documenting the claimant as an heir of the borrower or grantor pursuant to state rules of intestacy set forth in chapter 11.04 RCW.

(c) If the mortgage servicer or trustee receives written documentation demonstrating the ownership interest of the claimant prior to the expiration of the 60 days provided in (b) of this subsection, then the servicer or trustee must, within 20 days of receipt of proof of ownership interest, provide the claimant with, at a minimum, the loan balance, interest rate and interest reset dates and amounts, balloon payments if any, prepayment penalties if any, the basis for the default, the monthly payment amount, reinstatement amounts or conditions, payoff amounts, and information on how and where payments should be made. The mortgage servicers shall also provide the claimant application materials and information, or a description of the process, necessary to request a loan assumption and modification.

(d) Upon receipt by the trustee or the mortgage servicer of the documentation establishing claimant's ownership interest in the real property, that claimant shall be deemed a "successor in interest" for the purposes of this section.

(e) There may be more than one successor in interest to the borrower's property rights. The trustee and mortgage servicer shall apply the provisions of this section to each successor in interest. In the case of multiple successors in interest, where one or more do not wish to assume the loan as coborrowers or coapplicants, a mortgage servicer may require any nonapplicant successor in interest to consent in writing to the application for loan assumption.

(f) The existence of a successor in interest under this section does not impose an affirmative duty on a mortgage servicer or alter any obligation the mortgage servicer has to provide a loan modification to the successor in interest. If a successor in interest assumes the loan, he or she may be required to otherwise qualify for available foreclosure prevention alternatives offered by the mortgage servicer.

(g) (c), (e), and (f) of this subsection (11) do not apply to association beneficiaries subject to chapter ~~((64.32, 64.34, or 64.38))~~ 64.90 RCW; and

(12) Nothing in this section shall prejudice the right of the mortgage servicer or beneficiary from discontinuing any foreclosure action initiated under the deed of trust act in favor of other allowed methods for pursuit of foreclosure of the security interest or deed of trust security interest.

**Sec. 411.** RCW 61.24.031 and 2021 c 151 s 4 are each amended to read as follows:

(1)(a) A trustee, beneficiary, or authorized agent may not issue a notice of default under RCW 61.24.030(8) until: (i) Thirty days after satisfying the due diligence requirements as described in subsection (5) of this section and the borrower has not responded; or (ii) if the borrower responds to the initial contact, ninety days after the initial contact with the borrower was initiated.

(b) A beneficiary or authorized agent shall make initial contact with the borrower by letter to provide the borrower with information required under (c) of this subsection and by telephone as required under subsection (5) of this section. The letter required under this subsection must be mailed in accordance with subsection (5)(a) of this section and must include the information described in (c) of this subsection and subsection (5)(e)(i) through (iv) of this section.

(c) The letter required under this subsection, developed by the department pursuant to RCW 61.24.033, at a minimum shall include:

(i) A paragraph printed in no less than twelve-point font and bolded that reads:

"You must respond within thirty days of the date of this letter. IF YOU DO NOT RESPOND within thirty days, a notice of default may be issued and you may lose your home in foreclosure.

IF YOU DO RESPOND within thirty days of the date of this letter, you will have an additional sixty days to meet with your lender before a notice of default may be issued.

You should contact a housing counselor or attorney as soon as possible. Failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party. A housing counselor or attorney can help you work with your lender to avoid foreclosure.

If you filed bankruptcy or have been discharged in bankruptcy, this communication is not intended as an attempt to collect a debt from you personally, but is notice of enforcement of the deed of trust lien against the property. If you wish to avoid foreclosure and keep your property, this notice sets forth your rights and options.";

(ii) The toll-free telephone number from the United States department of housing and urban development to find a department-approved housing counseling agency, the toll-free

numbers for the statewide foreclosure hotline recommended by the housing finance commission, and the statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys;

(iii) A paragraph stating that a housing counselor may be available at little or no cost to the borrower and that whether or not the borrower contacts a housing counselor or attorney, the borrower has the right to request a meeting with the beneficiary; and

(iv) A paragraph explaining how the borrower may respond to the letter and stating that after responding the borrower will have an opportunity to meet with his or her beneficiary in an attempt to resolve and try to work out an alternative to the foreclosure and that, after ninety days from the date of the letter, a notice of default may be issued, which starts the foreclosure process.

(d) If the beneficiary has exercised due diligence as required under subsection (5) of this section and the borrower does not respond by contacting the beneficiary within thirty days of the initial contact, the notice of default may be issued. "Initial contact" with the borrower is considered made three days after the date the letter required in (b) of this subsection is sent.

(e) If a meeting is requested by the borrower or the borrower's housing counselor or attorney, the beneficiary or authorized agent shall schedule the meeting to occur before the notice of default is issued. An assessment of the borrower's financial ability to modify or restructure the loan obligation and a discussion of options must occur during the meeting scheduled for that purpose.

(f) The meeting scheduled to assess the borrower's financial ability to modify or restructure the loan obligation and discuss options to avoid foreclosure may be held telephonically, unless the borrower or borrower's representative requests in writing that a meeting be held in person. The written request for an in-person meeting must be made within thirty days of the initial contact with the borrower. If the meeting is requested to be held in person, the meeting must be held in the county where the property is located unless the parties agree otherwise. A person who is authorized to agree to a resolution, including modifying or restructuring the loan obligation or other alternative resolution to foreclosure on behalf of the beneficiary, must be present either in person or on the telephone or videoconference during the meeting.

(2) A notice of default issued under RCW 61.24.030(8) must include a declaration, as provided in subsection (9) of this section, from the beneficiary or authorized agent that it has contacted the borrower as provided in subsection (1) of this section, it has tried with due diligence to contact the borrower under subsection (5) of this section, or the borrower has surrendered the property to the trustee, beneficiary, or authorized agent. Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the declaration as evidence that the requirements of this section have been satisfied, and the trustee is not liable for the beneficiary's or its authorized agent's failure to comply with the requirements of this section.

(3) If, after the initial contact under subsection (1) of this section, a borrower has designated a housing counseling agency, housing counselor, or attorney to discuss with the beneficiary or authorized agent, on the borrower's behalf, options for the borrower to avoid foreclosure, the borrower shall inform the beneficiary or authorized agent and provide the contact information to the beneficiary or authorized agent. The beneficiary or authorized agent shall contact the designated representative for the borrower to meet.

(4) The beneficiary or authorized agent and the borrower or the borrower's representative shall attempt to reach a resolution for the borrower within the ninety days from the time the initial contact is sent and the notice of default is issued. A resolution may include, but is not limited to, a loan modification, an

agreement to conduct a short sale, or a deed in lieu of foreclosure transaction, or some other workout plan. Any modification or workout plan offered at the meeting with the borrower's designated representative by the beneficiary or authorized agent is subject to approval by the borrower.

(5) A notice of default may be issued under RCW 61.24.030(8) if a beneficiary or authorized agent has initiated contact with the borrower as required under subsection (1)(b) of this section and the failure to meet with the borrower occurred despite the due diligence of the beneficiary or authorized agent. Due diligence requires the following:

(a) A beneficiary or authorized agent shall first attempt to contact a borrower by sending, by both first-class and either registered or certified mail, return receipt requested, a letter to the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must be the letter described in subsection (1)(c) of this section.

(b)(i) After the letter has been sent, the beneficiary or authorized agent shall attempt to contact the borrower by telephone at least three times at different hours and on different days. Telephone calls must be made to the primary and secondary telephone numbers on file with the beneficiary or authorized agent.

(ii) A beneficiary or authorized agent may attempt to contact a borrower using an automated system to dial borrowers if the telephone call, when answered, is connected to a live representative of the beneficiary or authorized agent.

(iii) A beneficiary or authorized agent satisfies the telephone contact requirements of this subsection (5)(b) if the beneficiary or authorized agent determines, after attempting contact under this subsection (5)(b), that the borrower's primary telephone number and secondary telephone number or numbers on file, if any, have been disconnected or are not good contact numbers for the borrower.

(iv) The telephonic contact under this subsection (5)(b) does not constitute the meeting under subsection (1)(f) of this section.

(c) If the borrower does not respond within fourteen days after the telephone call requirements of (b) of this subsection have been satisfied, the beneficiary or authorized agent shall send a certified letter, with return receipt requested, to the borrower at the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must include the information described in (e)(i) through (iv) of this subsection. The letter must also include a paragraph stating: "Your failure to contact a housing counselor or attorney may result in your losing certain opportunities, such as meeting with your lender or participating in mediation in front of a neutral third party."

(d) The beneficiary or authorized agent shall provide a means for the borrower to contact the beneficiary or authorized agent in a timely manner, including a toll-free telephone number or charge-free equivalent that will provide access to a live representative during business hours for the purpose of initiating and scheduling the meeting under subsection (1)(f) of this section.

(e) The beneficiary or authorized agent shall post a link on the home page of the beneficiary's or authorized agent's internet website, if any, to the following information:

(i) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid foreclosure, and instructions to borrowers advising them on steps to take to explore those options;

(ii) A list of financial documents borrowers should collect and be prepared to present to the beneficiary or authorized agent when discussing options for avoiding foreclosure;

(iii) A toll-free telephone number or charge-free equivalent for

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

borrowers who wish to discuss options for avoiding foreclosure with their beneficiary or authorized agent; and

(iv) The toll-free telephone number or charge-free equivalent made available by the department to find a department-approved housing counseling agency.

(6) Subsections (1) and (5) of this section do not apply if the borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary, or authorized agent.

(7)(a) This section applies only to deeds of trust that are recorded against residential real property of up to four units. This section does not apply to deeds of trust: (i) Securing a commercial loan; (ii) securing obligations of a grantor who is not the borrower or a guarantor; or (iii) securing a purchaser's obligations under a seller-financed sale.

(b) This section does not apply to association beneficiaries subject to chapter ~~((64.32, 64.34, or 64.38))~~ 64.90 RCW.

(8) As used in this section:

(a) "Department" means the United States department of housing and urban development.

(b) "Seller-financed sale" means a residential real property transaction where the seller finances all or part of the purchase price, and that financed amount is secured by a deed of trust against the subject residential real property.

(9) The form of declaration to be provided by the beneficiary or authorized agent as required under subsection (2) of this section must be in substantially the following form:

**"FORECLOSURE LOSS MITIGATION FORM**

**Please select applicable option(s) below.**

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that [check the applicable box and fill in any blanks so that the beneficiary, authorized agent, or trustee can insert, on the beneficiary's behalf, the applicable declaration in the notice of default required under chapter 61.24 RCW]:

(1) [ ] The beneficiary or beneficiary's authorized agent has contacted the borrower under, and has complied with, RCW 61.24.031 (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure") and the borrower responded but did not request a meeting.

(2) [ ] was not found The beneficiary or beneficiary's authorized agent has contacted the borrower as required under RCW 61.24.031 and the borrower or the borrower's designated representative requested a meeting. A meeting was held on (insert date, time, and location/telephonic here) in compliance with RCW 61.24.031.

(3) [ ] The beneficiary or beneficiary's authorized agent has contacted the borrower as required in RCW 61.24.031 and the borrower or the borrower's designated representative requested a meeting. A meeting was scheduled for (insert date, time, and location/telephonic here) and neither the borrower nor the borrower's designated representative appeared.

(4) [ ] The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required in RCW 61.24.031(5) and the borrower did not respond.

(5) [ ] The borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee.

Additional Optional Explanatory Comments: \_\_\_\_\_ "

**Sec. 412.** RCW 61.24.040 and 2023 c 206 s 3 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed

as follows:

(1) At least 90 days before the sale, or if a letter under RCW 61.24.031 is required, at least 120 days before the sale, the trustee shall:

(a) Record a notice in the form described in subsection (2) of this section in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i)(A) The borrower and grantor;

(B) In the case where the borrower or grantor is deceased, to any successors in interest. If no successor in interest has been established, then to any spouse, child, or parent of the borrower or grantor, at the addresses discovered by the trustee pursuant to RCW 61.24.030(10);

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in subsection (2) of this section to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in subsection (2) of this section to be posted in a conspicuous place on the

property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property.

(2)(a) If foreclosing on a commercial loan under RCW 61.24.005(4), the title of the document must be "Notice of Trustee's Sale of Commercial Loan(s)";

(b) In addition to all other indexing requirements, the notice required in subsection (1) of this section must clearly indicate on the first page the following information, which the auditor will index:

(i) The document number or numbers given to the deed of trust upon recording;

(ii) The parcel number(s);

(iii) The grantor;

(iv) The current beneficiary of the deed of trust;

(v) The current trustee of the deed of trust; and

(vi) The current loan mortgage servicer of the deed of trust;

(c) Nothing in this section:

(i) Requires a trustee or beneficiary to cause to be recorded any new notice of trustee's sale upon transfer of the beneficial interest in a deed of trust or the servicing rights for the associated mortgage loan;

(ii) Relieves a mortgage loan servicer of any obligation to provide the borrower with notice of a transfer of servicing rights or other legal obligations related to the transfer; or

(iii) Prevents the trustee from disclosing the beneficiary's identity to the borrower and to county and municipal officials seeking to abate nuisance and abandoned property in foreclosure pursuant to chapter 35.21 RCW;

(d) The notice must be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

Grantor: .....

Current beneficiary of the deed of trust: .....

Current trustee of the deed of trust: .....

Current mortgage servicer of the deed of trust: .....

Reference number of the deed of trust: .....

Parcel number(s): .....

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the . . . . day of . . . . ., at the hour of . . . . o'clock . . . . M. at . . . . . [street address and location if inside a building] in the City of . . . . ., State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of . . . . ., State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

which is subject to that certain Deed of Trust dated . . . . ., recorded . . . . ., under Auditor's File No. . . . ., records of . . . . . County, Washington, from . . . . ., as Grantor, to . . . . ., as Trustee, to secure an obligation in favor of . . . . ., as Beneficiary, the beneficial interest in which was assigned by . . . . ., under an Assignment recorded under Auditor's File No. . . . . [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the

particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$ . . . . ., together with interest as provided in the note or other instrument secured from the . . . . day of . . . . ., and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the . . . . day of . . . . ., . . . . The default(s) referred to in paragraph III must be cured by the . . . . day of . . . . . (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the . . . . day of . . . . ., (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the . . . . day of . . . . . (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses: by both first-class and certified mail on the . . . . day of . . . . ., . . . ., proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the . . . . day of . . . . ., . . . ., with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale. [Add Part X to this notice if applicable under RCW 61.24.040(11)]

.....

....., Trustee

..... }

..... Address

..... } Phone

[Acknowledgment]

(3) If the borrower received a letter under RCW 61.24.031, the notice specified in subsection (2)(d) of this section shall also include the following additional language:

"THIS NOTICE IS THE FINAL STEP BEFORE THE

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

**FORECLOSURE SALE OF YOUR HOME.**

You have only **until 90 calendar days BEFORE the date of sale** listed in this Notice of Trustee Sale to be referred to mediation. If this is an amended Notice of Trustee Sale providing a 45-day notice of the sale, mediation must be requested no later than **25 calendar days BEFORE the date of sale** listed in this amended Notice of Trustee Sale.

**DO NOT DELAY. CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW** to assess your situation and refer you to mediation if you are eligible and it may help you save your home. See below for safe sources of help.

**SEEKING ASSISTANCE**

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . ."

The beneficiary or trustee shall obtain the toll-free numbers and website information from the department for inclusion in the notice;

(4) In addition to providing the borrower and grantor the notice of sale described in subsection (2) of this section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

**NOTICE OF FORECLOSURE**

Pursuant to the Revised Code of Washington,  
Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to . . . . ., the Beneficiary of your Deed of Trust and holder of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the . . . . day of . . . . ., . . . .

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the . . . . day of . . . . ., . . . . [11 days before the sale date]. To date, these arrears and costs are as follows:

	Currently due to reinstate on . . . . . . . . . .	Estimated amount that will be due to reinstate on . . . . . (11 days before the date set for sale)
Delinquent payments from . . . . ., . . . ., in the amount of \$ . . . . /mo.:	\$ . . . .	\$ . . . .
Late charges in the total amount of:	\$ . . . .	\$ . . . . Estimated

	Amounts	
Attorneys' fees:	\$ . . . .	\$ . . . .
Trustee's fee:	\$ . . . .	\$ . . . .
Trustee's expenses: (Itemization)		
Title report	\$ . . . .	\$ . . . .
Recording fees	\$ . . . .	\$ . . . .
Service/Posting of Notices	\$ . . . .	\$ . . . .
Postage/Copying expense	\$ . . . .	\$ . . . .
Publication	\$ . . . .	\$ . . . .
Telephone charges	\$ . . . .	\$ . . . .
Inspection fees	\$ . . . .	\$ . . . .
. . . . .	\$ . . . .	\$ . . . .
. . . . .	\$ . . . .	\$ . . . .
<b>TOTALS</b>	<b>\$ . . . .</b>	<b>\$ . . . .</b>

To pay off the entire obligation secured by your Deed of Trust as of the . . . . . day of . . . . . you must pay a total of \$ . . . . in principal, \$ . . . . in interest, plus other costs and advances estimated to date in the amount of \$ . . . . . From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the . . . . day of . . . . ., . . . . [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to: . . . . ., whose address is . . . . ., telephone ( ) . . . . . AFTER THE . . . . DAY OF . . . . ., . . . ., YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within 10 days of receipt of your written request. In such a case, you will only be able to stop the sale by

paying, before the sale, the total principal balance (\$ . . . . .) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME: .....  
ADDRESS: .....  
.....  
TELEPHONE NUMBER: .....

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(5) In addition, the trustee shall cause a copy of the notice of sale described in subsection (2)(d) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the 35th and 28th day before the date of sale, and once on or between the 14th and seventh day before the date of sale;

(6) In the case where no successor in interest has been established, and neither the beneficiary nor the trustee are able to ascertain the name and address of any spouse, child, or parent of the borrower or grantor in the manner described in RCW 61.24.030(10), then the trustee may, in addition to mailing notice to the property addressed to the unknown heirs and devisees of the grantor, serve the notice of sale by publication in a newspaper of general circulation in the county or city where the property is located once per week for three consecutive weeks. Upon this service by publication, to be completed not less than 30 days prior to the date the sale is conducted, all unknown heirs shall be deemed served with the notice of sale;

(7)(a) If a servicer or trustee receives notification by someone claiming to be a successor in interest to the borrower or grantor, as under RCW 61.24.030(11), after the recording of the notice of sale, the trustee or servicer must request written documentation within five days demonstrating the ownership interest, provided that, the trustee may, but is not required to, postpone a trustee's sale upon receipt of such notification by someone claiming to be a successor in interest.

(b) Upon receipt of documentation establishing a claimant as a successor in interest, the servicer must provide the information in RCW 61.24.030(11)(c). Only if the servicer or trustee receives the documentation confirming someone as successor in interest more than 45 days before the scheduled sale must the servicer then provide the information in RCW 61.24.030(11)(c) to the claimant not less than 20 days prior to the sale.

(c) (b) of this subsection (7) does not apply to association beneficiaries subject to chapter (~~64.32, 64.34, or 64.38~~) 64.90

RCW;

(8) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

(9) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

(10) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of 120 days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in subsection (5) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

(11) The purchaser shall forthwith pay the price bid. On payment and subject to RCW 61.24.050, the trustee shall execute to the purchaser its deed. The deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

(12) The sale as authorized under this chapter shall not take place less than 190 days from the date of default in any of the obligations secured;

(13) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

**X. NOTICE TO OCCUPANTS OR TENANTS**

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants who are not tenants by summary proceedings under chapter 59.12 RCW. For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with RCW 61.24.060;

(14) Only one copy of all notices required by this chapter need



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

**Sec. 413.** RCW 61.24.165 and 2023 c 206 s 6 are each amended to read as follows:

(1) RCW 61.24.163 applies only to deeds of trust that are recorded against residential real property of up to four units.

(2) RCW 61.24.163 does not apply to deeds of trust:

- (a) Securing a commercial loan;
- (b) Securing obligations of a grantor who is not the borrower or a guarantor;
- (c) Securing a purchaser's obligations under a seller-financed sale; or

(d) Where the grantor is a partnership, corporation, or limited liability company, or where the property is vested in a partnership, corporation, or limited liability company at the time the notice of default is issued.

(3) RCW 61.24.163 does not apply to association beneficiaries subject to chapter ~~((64.32, 64.34, or 64.38))~~ 64.90 RCW.

(4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower is deceased and the person is a successor in interest of the deceased borrower. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

(5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

**Sec. 414.** RCW 61.24.190 and 2023 c 206 s 8 are each amended to read as follows:

(1) Except as provided in subsections (6) and (7) of this section, beginning January 1, 2022, and every quarter thereafter, every beneficiary issuing notices of default, or causing notices of default to be issued on its behalf, on residential real property under this chapter must:

(a) Report to the department, on a form approved by the department, the total number of residential real properties for which the beneficiary has issued a notice of default during the previous quarter, together with the street address, city, and zip code;

(b) Remit the amount required under subsection (2) of this section; and

(c) Report and update beneficiary contact information for the person and work group responsible for the beneficiary's compliance with the requirements of the foreclosure fairness act created in this chapter.

(2) For each residential real property for which a notice of default has been issued, the beneficiary issuing the notice of default, or causing the notice of default to be issued on the beneficiary's behalf, shall remit \$250 to the department to be deposited, as provided under RCW 61.24.172, into the foreclosure fairness account. The \$250 payment is required per property and not per notice of default. The beneficiary shall remit

the total amount required in a lump sum each quarter.

(3) Reporting and payments under subsections (1) and (2) of this section are due within 45 days of the end of each quarter.

(4) For purposes of this section, "residential real property" includes residential real property with up to four dwelling units, whether or not the property or any part thereof is owner occupied.

(5) The department, including its officials and employees, may not be held civilly liable for damages arising from any release of information or the failure to release information related to the reporting required under this section, so long as the release was without gross negligence.

(6)(a) Beginning on January 1, 2023, this section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that it has issued, or has directed a trustee or authorized agent to issue, fewer than 250 notices of default in the preceding year.

(b) During the 2023 calendar year, this section does not apply to any beneficiary or loan servicer that is a federally insured depository institution, as defined in 12 U.S.C. Sec. 461(b)(1)(A), and that certifies under penalty of perjury that fewer than 50 notices of trustee's sale were recorded on its behalf in 2019.

(c) This subsection (6) applies retroactively to January 1, 2023, and prospectively beginning with May 1, 2023.

(7) This section does not apply to association beneficiaries subject to chapter ~~((64.32, 64.34, or 64.38))~~ 64.90 RCW.

**Sec. 415.** RCW 64.06.005 and 2019 c 238 s 214 are each reenacted and amended to read as follows:

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

(1) "Commercial real estate" has the same meaning as in RCW 60.42.005.

(2) "Improved residential property," "unimproved residential property," and "commercial real estate" do not include a condominium unit created under chapter 64.90 RCW on or after July 1, 2018, if the buyer of the unit entered into a contract to purchase the unit prior to July 1, 2018, and received a public offering statement pursuant to former chapter 64.34 RCW prior to July 1, 2018.

(3) "Improved residential real property" means:

(a) Real property consisting of, or improved by, one to four residential dwelling units;

(b) ~~((A residential condominium as defined in RCW 64.34.020(10), unless the sale is subject to the public offering statement requirement in the Washington condominium act, chapter 64.34 RCW;~~

~~((e)))~~ A residential timeshare, as defined in RCW 64.36.010(11), unless subject to written disclosure under the Washington timeshare act, chapter 64.36 RCW;

~~((d)))~~ (c) A mobile or manufactured home, as defined in RCW 43.22.335 or 46.04.302, that is personal property; or

~~((e)))~~ (d) A residential common interest community as defined in RCW 64.90.010~~((10)))~~ unless the sale is subject to the public offering statement requirement in the Washington uniform common interest ownership act, chapter 64.90 RCW.

(4) "Residential real property" means both improved and unimproved residential real property.

(5) "Seller disclosure statement" means the form to be completed by the seller of residential real property as prescribed by this chapter.

(6) "Unimproved residential real property" means property zoned for residential use that is not improved by one or more residential dwelling units, a residential condominium, a residential timeshare, or a mobile or manufactured home. It does not include commercial real estate or property defined as

"timberland" under RCW 84.34.020.

**Sec. 416.** RCW 64.35.105 and 2023 c 337 s 1 are each amended to read as follows:

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

- (1) "Affiliate" has the meaning in RCW 64.90.010.
- (2) "Association" has the meaning in RCW 64.90.010.
- (3) "Building envelope" means the assemblies, components, and materials of a building that are intended to separate and protect the interior space of the building from the adverse effects of exterior climatic conditions.
- (4) "Common element" has the meaning in RCW 64.90.010.
- (5) "Condominium" has the meaning in RCW 64.90.010.
- (6) "Construction professional" has the meaning in RCW 64.50.010.
- (7) "Conversion condominium" has the meaning in RCW 64.90.010.
- (8) "Declarant" has the meaning in RCW 64.90.010.
- (9) "Declarant control" has the meaning in RCW 64.90.010.
- (10) "Defect" means any aspect of a condominium unit or common element which constitutes a breach of the implied warranties set forth in RCW ((64.34.445 or) 64.90.670.
- (11) "Limited common element" has the meaning in RCW 64.90.010.
- (12) "Material" means substantive, not simply formal; significant to a reasonable person; not trivial or insignificant. When used with respect to a particular construction defect, "material" does not require that the construction defect render the unit or common element unfit for its intended purpose or uninhabitable.
- (13) "Mediation" means a collaborative process in which two or more parties meet and attempt, with the assistance of a mediator, to resolve issues in dispute between them.
- (14) "Mediation session" means a meeting between two or more parties to a dispute during which they are engaged in mediation.
- (15) "Mediator" means a neutral and impartial facilitator with no decision-making power who assists parties in negotiating a mutually acceptable settlement of issues in dispute between them.
- (16) "Person" has the meaning in RCW 64.90.010.
- (17) "Public offering statement" has the meaning in chapter 64.90 RCW.
- (18) "Qualified insurer" means an entity that holds a certificate of authority under RCW 48.05.030, or an eligible insurer under chapter 48.15 RCW.
- (19) "Qualified warranty" means an insurance policy issued by a qualified insurer that complies with the requirements of this chapter. A qualified warranty includes coverage for repair of physical damage caused by the defects covered by the qualified warranty, except to the extent of any exclusions and limitations under this chapter.
- (20) "Resale certificate" means the statement to be delivered by the association under chapter 64.90 RCW.
- (21) "Transition date" means the date on which the declarant is required to deliver to the association the property of the association under RCW 64.90.420.
- (22) "Unit" has the meaning in RCW 64.90.010.
- (23) "Unit owner" has the meaning in RCW 64.90.010.

**Sec. 417.** RCW 64.35.405 and 2004 c 201 s 501 are each amended to read as follows:

A qualified insurer may include any of the following provisions in a qualified warranty:

- (1) If the qualified insurer makes a payment or assumes liability for any payment or repair under a qualified warranty, the owner and association must fully support and assist the qualified insurer in pursuing any rights that the qualified insurer may have against

the declarant, and any construction professional that has contractual or common law obligations to the declarant, whether such rights arose by contract, subrogation, or otherwise.

(2) Warranties or representations made by a declarant which are in addition to the warranties set forth in this chapter are not binding on the qualified insurer unless and to the extent specifically provided in the text of the warranty; and disclaimers of specific defects made by agreement between the declarant and the unit purchaser under RCW ((64.34.450)) 64.90.675 act as an exclusion of the specified defect from the warranty coverage.

(3) An owner and the association must permit the qualified insurer or declarant, or both, to enter the unit at reasonable times, after reasonable notice to the owner and the association:

- (a) To monitor the unit or its components;
- (b) To inspect for required maintenance;
- (c) To investigate complaints or claims; or
- (d) To undertake repairs under the qualified warranty.

If any reports are produced as a result of any of the activities referred to in (a) through (d) of this subsection, the reports must be provided to the owner and the association.

(4) An owner and the association must provide to the qualified insurer all information and documentation that the owner and the association have available, as reasonably required by the qualified insurer to investigate a claim or maintenance requirement, or to undertake repairs under the qualified warranty.

(5) To the extent any damage to a unit is caused or made worse by the unreasonable refusal of the association, or an owner or occupant to permit the qualified insurer or declarant access to the unit for the reasons in subsection (3) of this section, or to provide the information required by subsection (4) of this section, that damage is excluded from the qualified warranty.

(6) In any claim under a qualified warranty issued to the association, the association shall have the sole right to prosecute and settle any claim with respect to the common elements.

**Sec. 418.** RCW 64.35.505 and 2004 c 201 s 1001 are each amended to read as follows:

(1) If coverage under a qualified warranty is conditional on an owner undertaking proper maintenance, or if coverage is excluded for damage caused by negligence by the owner or association with respect to maintenance or repair by the owner or association, the conditions or exclusions apply only to maintenance requirements or procedures: (a) Provided to the original owner in the case of the unit warranty, and to the association for the common element warranty with an estimation of the required cost thereof for the common element warranty provided in the budget prepared by the declarant; or (b) that would be obvious to a reasonable and prudent layperson. Recommended maintenance requirements and procedures are sufficient for purposes of this subsection if consistent with knowledge generally available in the construction industry at the time the qualified warranty is issued.

(2) If an original owner or the association has not been provided with the manufacturer's documentation or warranty information, or both, or with recommended maintenance and repair procedures for any component of a unit, the relevant exclusion does not apply. The common element warranty is included in the written warranty to be provided to the association under RCW ((64.34.312)) 64.90.420.

**Sec. 419.** RCW 64.35.610 and 2004 c 201 s 1601 are each amended to read as follows:

A qualified warranty may include mandatory binding arbitration of all disputes arising out of or in connection with a qualified warranty. The provision may provide that all claims for a single condominium be heard by the same arbitrator, but shall not permit the joinder or consolidation of any other person or entity. The arbitration shall comply with the following minimum

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

procedural standards:

(1) Any demand for arbitration shall be delivered by certified mail return receipt requested, and by ordinary first-class mail. The party initiating the arbitration shall address the notice to the address last known to the initiating party in the exercise of reasonable diligence, and also, for any entity which is required to have a registered agent in the state of Washington, to the address of the registered agent. Demand for arbitration is deemed effective three days after the date deposited in the mail((;)).

(2) All disputes shall be heard by one qualified arbitrator, unless the parties agree to use three arbitrators. If three arbitrators are used, one shall be appointed by each of the disputing parties and the first two arbitrators shall appoint the third, who will chair the panel. The parties shall select the identity and number of the arbitrator or arbitrators after the demand for arbitration is made. If, within thirty days after the effective date of the demand for arbitration, the parties fail to agree on an arbitrator or the agreed number of arbitrators fail to be appointed, then an arbitrator or arbitrators shall be appointed under RCW 7.04.050 by the presiding judge of the superior court of the county in which the condominium is located((;)).

(3) In any arbitration, at least one arbitrator must be a lawyer or retired judge. Any additional arbitrator must be either a lawyer or retired judge or a person who has experience with construction and engineering standards and practices, written construction warranties, or construction dispute resolution. No person may serve as an arbitrator in any arbitration in which that person has any past or present financial or personal interest((;)).

(4) The arbitration hearing must be conducted in a manner that permits full, fair, and expeditious presentation of the case by both parties. The arbitrator is bound by the law of Washington state. Parties may be, but are not required to be, represented by attorneys. The arbitrator may permit discovery to ensure a fair hearing, but may limit the scope or manner of discovery for good cause to avoid excessive delay and costs to the parties. The parties and the arbitrator shall use all reasonable efforts to complete the arbitration within six months of the effective date of the demand for arbitration or, when applicable, the service of the list of defects in accordance with RCW 64.50.030((;)).

(5) Except as otherwise set forth in this section, arbitration shall be conducted under chapter 7.04 RCW, unless the parties elect to use the construction industry arbitration rules of the American arbitration association, which are permitted to the extent not inconsistent with this section. The expenses of witnesses including expert witnesses shall be paid by the party producing the witnesses. All other expenses of arbitration shall be borne equally by the parties, unless all parties agree otherwise or unless the arbitrator awards expenses or any part thereof to any specified party or parties. The parties shall pay the fees of the arbitrator as and when specified by the arbitrator((;)).

(6) Demand for arbitration given pursuant to subsection (1) of this section commences a ((judicial)) proceeding for purposes of RCW ((64.34.452;)) 64.90.680.

(7) The arbitration decision shall be in writing and must set forth findings of fact and conclusions of law that support the decision.

**Sec. 420.** RCW 64.50.010 and 2023 c 337 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Action" means any civil lawsuit or action in contract or tort for damages or indemnity brought against a construction professional to assert a claim, whether by complaint, counterclaim, or cross-claim, for damage or the loss of use of real or personal property caused by a defect in the construction of a

residence or in the substantial remodel of a residence. "Action" does not include any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a construction defect.

(2) "Association" means an association, master association, or subassociation as defined and provided for in ((RCW 64.34.020(4), 64.34.276, 64.34.278, 64.38.010(12), and 64.90.010(4))) chapter 64.90 RCW.

(3) "Claimant" means a homeowner or association who asserts a claim against a construction professional concerning a defect in the construction of a residence or in the substantial remodel of a residence.

(4) "Construction defect professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, inspector, or such other person with verifiable training and experience related to the defects or conditions identified in any report included with a notice of claim as set forth in RCW 64.50.020(1)(a).

(5) "Construction professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, or inspector, including, but not limited to, a dealer as defined in RCW ((64.34.020)) 64.90.010 and a declarant as defined in RCW ((64.34.020)) 64.90.010, performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any improvement to real property, whether operating as a sole proprietor, partnership, corporation, or other business entity.

(6) "Homeowner" means: (a) Any person, company, firm, partnership, corporation, or association who contracts with a construction professional for the construction, sale, or construction and sale of a residence; and (b) an "association" as defined in this section. "Homeowner" includes, but is not limited to, a subsequent purchaser of a residence from any homeowner.

(7) "Residence" means a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common elements as defined in RCW ((64.34.020 and common areas as defined in RCW 64.38.010(4))) 64.90.010.

(8) "Serve" or "service" means personal service or delivery by certified mail to the last known address of the addressee.

(9) "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made.

**Sec. 421.** RCW 64.50.040 and 2023 c 337 s 5 are each amended to read as follows:

(1)(a) In the event the board ((of directors)), pursuant to RCW ((64.34.304(1)(d) or 64.38.020(4))) 64.90.405(2)(d), institutes an action asserting defects in the construction of two or more ((residences,)) units or common elements((, or common areas)), this section shall apply. For purposes of this section, "action" has the same meaning as set forth in RCW 64.50.010.

(b) The board ((of directors)) shall substantially comply with the provisions of this section.

(2)(a) Prior to the service of the summons and complaint on any defendant with respect to an action governed by this section, the board ((of directors)) shall mail or deliver written notice of the commencement or anticipated commencement of such action to each homeowner at the last known address described in the association's records.

(b) The notice required by (a) of this subsection shall state a general description of the following:

(i) The nature of the action and the relief sought;

(ii) To the extent applicable, the existence of the report required

in RCW 64.50.020(1)(a), which shall be made available to each homeowner upon request;

(iii) A summary of the construction professional's response pursuant to RCW 64.50.020(3), if any; and

(iv) The expenses and fees that the board (~~(of directors)~~) anticipates will be incurred in prosecuting the action.

(3) Nothing in this section may be construed to:

(a) Require the disclosure in the notice or the disclosure to a (~~unit owner~~) homeowner of attorney-client communications or other privileged communications;

(b) Permit the notice to serve as a basis for any person to assert the waiver of any applicable privilege or right of confidentiality resulting from, or to claim immunity in connection with, the disclosure of information in the notice; or

(c) Limit or impair the authority of the board (~~(of directors)~~) to contract for legal services, or limit or impair the ability to enforce such a contract for legal services.

**Sec. 422.** RCW 64.50.050 and 2002 c 323 s 6 are each amended to read as follows:

(1) The construction professional shall provide notice to each homeowner upon entering into a contract for sale, construction, or substantial remodel of a residence, of the construction professional's right to offer to cure construction defects before a homeowner may commence litigation against the construction professional. Such notice shall be conspicuous and may be included as part of the underlying contract signed by the homeowner. In the sale of a condominium unit, the requirement for delivery of such notice shall be deemed satisfied if contained in a public offering statement delivered in accordance with chapter (~~(64.34)~~) 64.90 RCW.

(2) The notice required by this subsection shall be in substantially the following form:

CHAPTER 64.50 RCW CONTAINS IMPORTANT REQUIREMENTS YOU MUST FOLLOW BEFORE YOU MAY FILE A LAWSUIT FOR DEFECTIVE CONSTRUCTION AGAINST THE SELLER OR BUILDER OF YOUR HOME. FORTY-FIVE DAYS BEFORE YOU FILE YOUR LAWSUIT, YOU MUST DELIVER TO THE SELLER OR BUILDER A WRITTEN NOTICE OF ANY CONSTRUCTION CONDITIONS YOU ALLEGE ARE DEFECTIVE AND PROVIDE YOUR SELLER OR BUILDER THE OPPORTUNITY TO MAKE AN OFFER TO REPAIR OR PAY FOR THE DEFECTS. YOU ARE NOT OBLIGATED TO ACCEPT ANY OFFER MADE BY THE BUILDER OR SELLER. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER STATE LAW, AND FAILURE TO FOLLOW THEM MAY AFFECT YOUR ABILITY TO FILE A LAWSUIT.

(3) This chapter shall not preclude or bar any action if notice is not given to the homeowner as required by this section.

**Sec. 423.** RCW 64.55.005 and 2019 c 238 s 216 are each amended to read as follows:

(1)(a) RCW 64.55.010 through 64.55.090 apply to any multiunit residential building for which the permit for construction or rehabilitative construction of such building was issued on or after August 1, 2005.

(b) RCW 64.55.010 and 64.55.090 apply to (~~conversion condominiums as defined in RCW 64.34.020 or~~) conversion buildings as defined in RCW 64.90.010 (~~(, provided that RCW 64.55.090 shall not apply to a condominium conversion for which a public offering statement had been delivered pursuant to chapter 64.34 RCW prior to August 1, 2005).~~)

(2) RCW 64.55.010 and 64.55.100 through 64.55.160 and (~~(64.34.415)~~) 64.90.620 apply to any action that alleges breach of an implied or express warranty under chapter (~~(64.34)~~) 64.90

RCW or that seeks relief that could be awarded for such breach, regardless of the legal theory pleaded, except that RCW 64.55.100 through 64.55.160 and (~~(64.34.415)~~) 64.90.620 shall not apply to:

(a) Actions filed or served prior to August 1, 2005;

(b) Actions for which a notice of claim was served pursuant to chapter 64.50 RCW prior to August 1, 2005;

(c) Actions asserting any claim regarding a building that is not a multiunit residential building;

(d) Actions asserting any claim regarding a multiunit residential building that was permitted on or after August 1, 2005, unless the letter required by RCW 64.55.060 has been submitted to the appropriate building department or the requirements of RCW 64.55.090 have been satisfied.

(3) Other than the requirements imposed by RCW 64.55.010 through 64.55.090, nothing in this chapter amends or modifies the provisions of RCW (~~(64.34.050)~~) 64.90.025.

**Sec. 424.** RCW 64.55.010 and 2023 c 263 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in RCW (~~(64.34.020)~~) 64.90.010 and in this section apply throughout this chapter.

(1) "Attached dwelling unit" means any dwelling unit that is attached to another dwelling unit by a wall, floor, or ceiling that separates heated living spaces. A garage is not a heated living space.

(2) "Building enclosure" means that part of any building, above or below grade, that physically separates the outside or exterior environment from interior environments and which weatherproofs, waterproofs, or otherwise protects the building or its components from water or moisture intrusion. Interior environments consist of both heated and unheated enclosed spaces. The building enclosure includes, but is not limited to, that portion of roofs, walls, balcony support columns, decks, windows, doors, vents, and other penetrations through exterior walls, which waterproof, weatherproof, or otherwise protect the building or its components from water or moisture intrusion.

(3) "Building enclosure design documents" means plans, details, and specifications for the building enclosure that have been stamped by a licensed engineer or architect. The building enclosure design documents shall include details and specifications that are appropriate for the building in the professional judgment of the architect or engineer who prepared the same to waterproof, weatherproof, and otherwise protect the building or its components from water or moisture intrusion, including details of flashing, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane, and details around openings.

(4) "Developer" means:

(a) With respect to a condominium or a conversion condominium, the declarant; and

(b) With respect to all other buildings, an individual, group of individuals, partnership, corporation, association, municipal corporation, state agency, or other entity or person that obtains a building permit for the construction or rehabilitative reconstruction of a multiunit residential building. If a permit is obtained by service providers such as architects, contractors, and consultants who obtain permits for others as part of services rendered for a fee, the person for whom the permit is obtained shall be the developer, not the service provider.

(5) "Dwelling unit" has the meaning given to that phrase or similar phrases in the ordinances of the jurisdiction issuing the permit for construction of the building enclosure but if such ordinances do not provide a definition, then "dwelling unit" means a residence containing living, cooking, sleeping, and sanitary facilities.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(6) "Multiunit residential building" means:

(a) A building containing more than two attached dwelling units, including a building containing nonresidential units if the building also contains more than two attached dwelling units, but excluding the following classes of buildings:

- (i) Hotels and motels;
- (ii) Dormitories;
- (iii) Care facilities;
- (iv) Floating homes;

(v) A building that contains attached dwelling units that are each located on a single platted lot, except as provided in (b) of this subsection;

(vi) A building in which all of the dwelling units are held under one ownership and is subject to a recorded irrevocable sale prohibition covenant; and

(vii) A building with 12 or fewer units that is no more than two stories.

(b) If the developer submits to the appropriate building department when applying for the building permit described in RCW 64.55.020 a statement that the developer elects to treat the improvement for which a permit is sought as a multiunit residential building for all purposes under this chapter, then "multiunit residential building" also means the following buildings for which such election has been made:

- (i) A building containing only two attached dwelling units;
- (ii) A building that does not contain attached dwelling units; and
- (iii) Any building that contains attached dwelling units each of which is located on a single platted lot.

(7) "Party unit owner" means a unit owner who is a named party to an action subject to this chapter and does not include any unit owners whose involvement with the action stems solely from their membership in the association.

(8) "Qualified building inspector" means a person satisfying the requirements of RCW 64.55.040.

(9) "Rehabilitative construction" means construction work on the building enclosure of a multiunit residential building if the cost of such construction work is more than five percent of the assessed value of the building.

(10) "Sale prohibition covenant" means a recorded covenant that prohibits the sale or other disposition of individual dwelling units as or as part of a condominium for five years or more from the date of first occupancy except as otherwise provided in RCW 64.55.090, a certified copy of which the developer shall submit to the appropriate building department; provided such covenant shall not apply to sales or dispositions listed in RCW ((64.34.400)) 64.90.600(2). The covenant must be recorded in the county in which the building is located and must be in substantially the following form:

This covenant has been recorded in the real property records of . . . . County, Washington, in satisfaction of the requirements of RCW 64.55.010 through 64.55.090. The undersigned is the owner of the property described on Exhibit A (the "Property"). Until termination of this covenant, no dwelling unit in or on the Property may be sold as a condominium unit except for sales or dispositions listed in RCW ((64.34.400)) 64.90.600(2).

This covenant terminates on the earlier of either: (a) Compliance with the requirements of RCW 64.55.090, as certified by the owner of the Property in a recorded supplement hereto; or (b) the fifth anniversary of the date of first occupancy of a dwelling unit as certified by the Owner in a recorded supplement hereto.

All title insurance companies and persons acquiring an interest in the Property may rely on the forgoing certifications without

further inquiry in issuing any policy of title insurance or in acquiring an interest in the Property.

(11) "Stamped" means bearing the stamp and signature of the responsible licensed architect or engineer on the title page, and on every sheet of the documents, drawings, or specifications, including modifications to the documents, drawings, and specifications that become part of change orders or addenda to alter those documents, drawings, or specifications.

**Sec. 425.** RCW 64.55.070 and 2005 c 456 s 8 are each amended to read as follows:

(1) Nothing in this chapter and RCW ((64.34.073, 64.34.100(2), 64.34.410 (1)(an) and (2), and 64.34.415(1)(b))) 64.90.610 (1)(t), (1)(oo), and (3) and 64.90.620(1)(c) is intended to, or does:

- (a) Create a private right of action against any inspector, architect, or engineer based upon compliance or noncompliance with its provisions; or
- (b) Create any independent basis for liability against an inspector, architect, or engineer.

(2) The qualified inspector, architect, or engineer and the developer that retained the inspector, architect, or engineer may contractually agree to the amount of their liability to the developer.

**Sec. 426.** RCW 64.55.090 and 2005 c 456 s 10 are each amended to read as follows:

(1) Except for sales or other dispositions listed in RCW ((64.34.400)) 64.90.600(2), no declarant may convey a condominium unit that may be occupied for residential use in a multiunit residential building without first complying with the requirements of RCW 64.55.005 through 64.55.080 unless the building enclosure of the building in which such unit is included is inspected by a qualified building enclosure inspector, and:

- (a) The inspection includes such intrusive or other testing, such as the removal of siding or other building enclosure materials, that the inspector believes, in his or her professional judgment, is necessary to ascertain the manner in which the building enclosure was constructed;
- (b) The inspection evaluates, to the extent reasonably ascertainable and in the professional judgment of the inspector, the present condition of the building enclosure including whether such condition has adversely affected or will adversely affect the performance of the building enclosure to waterproof, weatherproof, or otherwise protect the building or its components from water or moisture intrusion. "Adversely affect" has the same meaning as provided in RCW ((64.34.445)) 64.90.670(7);
- (c) The inspection report includes recommendations for repairs to the building enclosure that, in the professional judgment of the qualified building inspector, are necessary to: (i) Repair a design or construction defect in the building enclosure that results in the failure of the building enclosure to perform its intended function and allows unintended water penetration not caused by flooding; and (ii) repair damage caused by such a defect that has an adverse effect as provided in RCW ((64.34.445)) 64.90.670(7);
- (d) With respect to a building that would be a multiunit residential building but for the recording of a sale prohibition covenant and unless more than five years have elapsed since the date such covenant was recorded, all repairs to the building enclosure recommended pursuant to (c) of this subsection have been made; and
- (e) The declarant provides as part of the public offering statement, consistent with RCW ((64.34.410 (1)(an) and (2) and 64.34.415(1)(b))) 64.90.610 (1)(t), (1)(oo), and (3) and 64.90.620(1)(c), an inspection and repair report signed by the qualified building enclosure inspector that identifies:
  - (i) The extent of the inspection performed pursuant to this

section;

(ii) The information obtained as a result of that inspection; and  
 (iii) The manner in which any repairs required by this section were performed, the scope of those repairs, and the names of the persons performing those repairs.

(2) Failure to deliver the inspection and repair report in violation of this section constitutes a failure to deliver a public offering statement for purposes of chapter ~~((64.34)) 64.90~~ RCW.

**Sec. 427.** RCW 64.55.120 and 2005 c 456 s 13 are each amended to read as follows:

(1) The parties to an action subject to this chapter and RCW ~~((64.34.073, 64.34.100(2), 64.34.410 (1)(nn) and (2), and 64.34.415(1)(b)))~~ 64.90.610 (1)(t), (1)(oo), and (3) and 64.90.620(1)(c) shall engage in mediation. Unless the parties agree otherwise, the mediation required by this section shall commence within seven months of the later of the filing or service of the complaint. If the parties cannot agree upon a mediator, the court shall appoint a mediator.

(2) Prior to the mediation required by this section, the parties and their experts shall meet and confer in good faith to attempt to resolve or narrow the scope of the disputed issues, including issues related to the parties' repair plans.

(3) Prior to the mandatory mediation, the parties or their attorneys shall file and serve a declaration that:

(a) A decision maker with authority to settle will be available for the duration of the mandatory mediation; and

(b) The decision maker has been provided with and has reviewed the mediation materials provided by the party to which the decision maker is affiliated as well as the materials submitted by the opposing parties.

(4) Completion of the mediation required by this section occurs upon written notice of termination by any party. The provisions of RCW 64.55.160 shall not apply to any later mediation conducted following such notice.

**Sec. 428.** RCW 64.55.130 and 2005 c 456 s 14 are each amended to read as follows:

(1) If, after meeting and conferring as required by RCW 64.55.120(2), disputed issues remain, a party may file a motion with the court, or arbitrator if an arbitrator has been appointed, requesting the appointment of a neutral expert to address any or all of the disputed issues. Unless otherwise agreed to by the parties or upon a showing of exceptional circumstances, including a material adverse change in a party's litigation risks due to a change in allegations, claims, or defenses by an adverse party following the appointment of the neutral expert, any such motion shall be filed no later than sixty days after the first day of the meeting required by RCW 64.55.120(2). Upon such a request, the court or arbitrator shall decide whether or not to appoint a neutral expert or experts. A party may only request more than one neutral expert if the particular expertise of the additional neutral expert or experts is necessary to address disputed issues.

(2) The neutral expert shall be a licensed architect or engineer, or any other person, with substantial experience relevant to the issue or issues in dispute. The neutral expert shall not have been employed as an expert by a party to the present action within three years before the commencement of the present action, unless the parties agree otherwise.

(3) All parties shall be given an opportunity to recommend neutral experts to the court or arbitrator and shall have input regarding the appointment of a neutral expert.

(4) Unless the parties agree otherwise on the following matters, the court, or arbitrator if then appointed, shall determine:

- (a) Who shall serve as the neutral expert;
- (b) Subject to the requirements of this section, the scope of the neutral expert's duties;
- (c) The number and timing of inspections of the property;

(d) Coordination of inspection activities with the parties' experts;

(e) The neutral expert's access to the work product of the parties' experts;

(f) The product to be prepared by the neutral expert;

(g) Whether the neutral expert may participate personally in the mediation required by RCW 64.55.120; and

(h) Other matters relevant to the neutral expert's assignment.

(5) Unless the parties agree otherwise, the neutral expert shall not make findings or render opinions regarding the amount of damages to be awarded, or the cost of repairs, or absent exceptional circumstances any matters that are not in dispute as determined in the meeting described in RCW 64.55.120(2) or otherwise.

(6) A party may, by motion to the court, or to the arbitrator if then appointed, object to the individual appointed to serve as the neutral expert and to determinations regarding the neutral expert's assignment.

(7) The neutral expert shall have no liability to the parties for the performance of his or her duties as the neutral expert.

(8) Except as otherwise agreed by the parties, the parties have a right to review and comment on the neutral expert's report before it is made final.

(9) A neutral expert's report or testimony is not entitled to any evidentiary presumption in any arbitration or court proceeding. Nothing in this chapter and RCW ~~((64.34.073, 64.34.100(2), 64.34.410 (1)(nn) and (2), and 64.34.415(1)(b)))~~ 64.90.610 (1)(t), (1)(oo), and (3) and 64.90.620(1)(c) restricts the admissibility of such a report or testimony, provided it is within the scope of the neutral expert's assigned duties, and questions of the admissibility of such a report or testimony shall be determined under the rules of evidence.

(10) The court, or arbitrator if then appointed, shall determine the significance of the neutral expert's report and testimony with respect to parties joined after the neutral expert's appointment and shall determine whether additional neutral experts should be appointed or other measures should be taken to protect such joined parties from undue prejudice.

**Sec. 429.** RCW 64.60.010 and 2011 c 36 s 3 are each amended to read as follows:

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

(1) "Association" means: ~~((An association of apartment owners as defined in RCW 64.32.010; a) A unit owners(;) association as defined in RCW ((64.34.020)) 64.90.010; ((a homeowners' association as defined in RCW 64.38.010;))~~ a corporation organized pursuant to chapter 24.03A or 24.06 RCW for the purpose of owning real estate under a cooperative ownership plan; or a nonprofit or cooperative membership organization composed exclusively of owners of mobile homes, manufactured housing, timeshares, camping resort interests, or other interests in real property that is responsible for the maintenance, improvements, services, or expenses related to real property that is owned, used, or enjoyed in common by the members.

(2) "Payee" means the person or entity who claims the right to receive or collect a private transfer fee payable under a private transfer fee obligation. A payee may or may not have a pecuniary interest in the private transfer fee obligation.

(3) "Private transfer fee" means a fee or charge payable upon the transfer of an interest in real property, or payable for the right to make or accept such transfer, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the real property, the purchase price, or other consideration given for the transfer. The following are not private transfer fees for the purposes of this section:

- (a) Any consideration payable by the grantee to the grantor for

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

the interest in real property being transferred, including any subsequent additional consideration for the real property payable by the grantee based upon any subsequent appreciation, development, or sale of the real property, if such additional consideration is payable on a one-time basis only and the obligation to make such payment does not bind successors in title to the real property;

(b) Any commission payable to a licensed real estate broker for services rendered in connection with the transfer of real property pursuant to an agreement between the broker and the grantor or the grantee including, but not limited to, any subsequent additional commission for that transfer payable by the grantor or the grantee based upon any subsequent appreciation, development, or sale of the property;

(c) Any interest, charges, fees, or other amounts payable by a borrower to a lender pursuant to a loan secured by a mortgage against real property including, but not limited to, any fee payable to the lender for consenting to an assumption of the loan or a transfer of the real property subject to the mortgage, any fees or charges payable to the lender for estoppel letters or certificates, and any shared appreciation interest, profit participation, or other consideration, and payable to the lender in connection with the loan;

(d) Any rent, reimbursement, charge, fee, or other amount payable by a lessee or licensee to a lessor or licensor under a lease or license including, but not limited to, any fee payable to the lessor or licensor for consenting to an assignment, subletting, encumbrance, or transfer of the lease or license;

(e) Any consideration payable to the holder of an option to purchase an interest in real property or the holder of a right of first refusal or first offer to purchase an interest in real property for waiving, releasing, or not exercising the option or right upon the transfer of the real property to another person;

(f) Any tax, fee, charge, assessment, fine, or other amount payable to or imposed by a governmental authority;

(g) Any assessment, fee, charge, fine, dues, or other amount payable to an association pursuant to chapter ~~((64.32, 64.34, or 64.38))~~ 64.90 RCW, payable by a purchaser of a camping resort contract, as defined in RCW 19.105.300, or a timeshare, as defined in RCW 64.36.010, or payable pursuant to a recorded servitude encumbering the real property being transferred, as long as no portion of the fee is required to be passed through or paid to a third party;

(h) Any fee payable, upon a transfer, to an organization qualified under section 501(c)(3) or 501(c)(4) of the internal revenue code of 1986, if the sole purpose of such organization is to support cultural, educational, charitable, recreational, conservation, or similar activities benefiting the real property being transferred and the fee is used exclusively to fund such activities;

(i) Any fee, charge, assessment, dues, fine, contribution, or other amount pertaining solely to the purchase or transfer of a club membership relating to real property owned by the member including, but not limited to, any amount determined by reference to the value, purchase price, or other consideration given for the transfer of the real property;

(j) Any fee charged by an association or an agent of an association to a transferor or transferee for a service rendered contemporaneously with the imposition of the fee, provided that the fee is not to be passed through to a third party other than an agent of the association.

(4) "Private transfer fee obligation" means an obligation arising under a declaration or covenant recorded against the title to real property, or under any other contractual agreement or promise, recorded or not, that requires or purports to require the payment

of a private transfer fee upon a subsequent transfer of an interest in the real property.

(5) "Transfer" means the sale, gift, grant, conveyance, lease, license, assignment, inheritance, or other act resulting in a transfer of ownership interest in real property located in this state.

**Sec. 430.** RCW 64.70.020 and 2020 c 20 s 1064 are each amended to read as follows:

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

(1) "Activity or use limitations" means restrictions or obligations created under this chapter with respect to real property.

(2) "Agency" means either the department of ecology, the pollution liability insurance agency, or the United States environmental protection agency, whichever determines or approves the environmental response project pursuant to which the environmental covenant is created.

~~(3)((a))~~ "Common interest community" ~~((means a condominium, cooperative, or other real property with respect to which a person, by virtue of the person's ownership of a parcel of real property, is obligated to pay property taxes or insurance premiums, or for maintenance, or improvement of other real property described in a recorded covenant that creates the common interest community.~~

~~(b) "Common interest community" includes but is not limited to:~~

~~(i) An association of apartment owners as defined in RCW 64.32.010;~~

~~(ii) A unit owners' association as defined in RCW 64.34.020 and organized under RCW 64.34.300;~~

~~(iii) A master association as provided in RCW 64.34.276;~~

~~(iv) A subassociation as provided in RCW 64.34.278; and~~

~~(v) A homeowners' association as defined in RCW 64.38.010))~~ has the same meaning as in RCW 64.90.010.

(4) "Environmental covenant" means a servitude arising under an environmental response project that imposes activity or use limitations.

(5) "Environmental response project" means a plan or work performed for environmental remediation of real property and conducted:

(a) Under a federal or state program governing environmental remediation of real property, including chapters 43.21C, 64.44, 70A.205, 70A.388, 70A.300, 70A.305, 90.48, and 90.52 RCW;

(b) Incident to closure of a solid or hazardous waste management unit, if the closure is conducted with approval of an agency; or

(c) Under the state voluntary clean-up program authorized under chapter 70A.305 RCW or technical assistance program authorized under chapter 70A.330 RCW.

(6) "Holder" means the grantee of an environmental covenant as specified in RCW 64.70.030(1).

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

(8) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(9) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

**Sec. 431.** RCW 82.02.020 and 2013 c 243 s 4 are each amended to read as follows:

Except only as expressly provided in chapters 67.28, 81.104, and 82.14 RCW, the state preempts the field of imposing retail sales and use taxes and taxes upon parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW ~~((64.34.440))~~ 64.90.655 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW, including reasonable fees that are consistent with RCW 43.21C.420(6), 43.21C.428, and beginning July 1, 2014, RCW 35.91.020.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefited thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges. However, no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged. Furthermore, these provisions may not be interpreted to expand or contract any existing authority of counties, cities, or

towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with RCW 36.70A.540, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Title 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

**Sec. 432.** RCW 82.04.4298 and 1980 c 37 s 18 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax amounts used solely for repair, maintenance, replacement, management, or improvement of the residential structures and ~~((commonly held property))~~ common elements, but excluding property where fees or charges are made for use by the public who are not guests accompanied by a member, which are derived by:

(a) A cooperative ~~((housing association))~~, corporation, or partnership from a person who resides in a structure owned by the cooperative ~~((housing association))~~, corporation, or partnership;

(b) ~~((An association of owners of property as defined in RCW 64.32.010, as now or hereafter amended;))~~ A condominium from a person who is ~~((an apartment))~~ a unit owner ~~((as defined in RCW 64.32.010));~~ or

(c) ~~((An association of owners of residential property from a person who is a member of the association. "Association of owners of residential property" means any organization of all the owners of residential property in a defined area who all hold the same property in common within the area;))~~ A plat community or miscellaneous community from a unit owner.

(2) For the purposes of this section ~~(("commonly held property" includes areas required for common access such as reception areas, halls, stairways, parking, etc., and may include recreation rooms, swimming pools and small parks or recreation areas; but is not intended to include more grounds than are normally required in a residential area, or to include such extensive areas as required for golf courses, campgrounds, hiking and riding areas, boating areas, etc.))~~ "common elements," "condominium," "cooperative," "plat community," and "miscellaneous community" have the meaning given in RCW 64.90.010.

(3) To qualify for the deductions under this section:

(a) The salary or compensation paid to officers, managers, or employees must be only for actual services rendered and at levels comparable to the salary or compensation of like positions within the county wherein the property is located;

(b) Dues, fees, or assessments in excess of amounts needed for the purposes for which the deduction is allowed must be rebated to the members of the association;

(c) Assets of the association or organization must be distributable to all members and must not inure to the benefit of any single member or group of members.

**Sec. 433.** RCW 64.32.260 and 2019 c 238 s 217 are each amended to read as follows:

(1) This chapter does not apply to common interest communities as defined in RCW 64.90.010:

(a) Created on or after July 1, 2018; or



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(b) That have amended their governing documents to provide that chapter 64.90 RCW will apply to the common interest community pursuant to RCW 64.90.095 (as recodified by this act).

(2) Pursuant to RCW 64.90.080 (as recodified by this act), the following provisions of chapter 64.90 RCW apply, and any inconsistent provisions of this chapter do not apply, to a common interest community created before July 1, 2018:

- (a) RCW 64.90.095 (as recodified by this act);
- (b) RCW 64.90.405(1) (b) and (c);
- (c) RCW 64.90.525; and
- (d) RCW 64.90.545.

**Sec. 434.** RCW 64.34.076 and 2019 c 238 s 218 are each amended to read as follows:

(1) This chapter does not apply to common interest communities as defined in RCW 64.90.010:

- (a) Created on or after July 1, 2018; or

(b) That have amended their governing documents to provide that chapter 64.90 RCW will apply to the common interest community pursuant to RCW 64.90.095 (as recodified by this act).

(2) Pursuant to RCW 64.90.080 (as recodified by this act), the following provisions of chapter 64.90 RCW apply, and any inconsistent provisions of this chapter do not apply, to a common interest community created before July 1, 2018:

- (a) RCW 64.90.095 (as recodified by this act);
- (b) RCW 64.90.405(1) (b) and (c);
- (c) RCW 64.90.525; and
- (d) RCW 64.90.545.

**Sec. 435.** RCW 64.38.095 and 2019 c 238 s 225 are each amended to read as follows:

(1) This chapter does not apply to common interest communities as defined in RCW 64.90.010:

- (a) Created on or after July 1, 2018; or

(b) That have amended their governing documents to provide that chapter 64.90 RCW will apply to the common interest community pursuant to RCW 64.90.095 (as recodified by this act).

(2) Pursuant to RCW 64.90.080 (as recodified by this act), the following provisions of chapter 64.90 RCW apply, and any inconsistent provisions of this chapter do not apply, to a common interest community created before July 1, 2018:

- (a) RCW 64.90.095 (as recodified by this act);
- (b) RCW 64.90.405(1) (b) and (c);
- (c) RCW 64.90.525; and
- (d) RCW 64.90.545.

## PART V

### APPLICABILITY AND TRANSITION

**NEW SECTION. Sec. 501.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2028:

(1) RCW 64.32.010 (Definitions) and 2021 c 227 s 1, 2008 c 114 s 3, 1987 c 383 s 1, 1981 c 304 s 34, 1965 ex.s. c 11 s 1, & 1963 c 156 s 1;

(2) RCW 64.32.020 (Application of chapter) and 1963 c 156 s 2;

(3) RCW 64.32.030 (Apartments and common areas declared real property) and 1963 c 156 s 3;

(4) RCW 64.32.040 (Ownership and possession of apartments and common areas) and 2012 c 117 s 197 & 1963 c 156 s 4;

(5) RCW 64.32.050 (Common areas and facilities) and 1965 ex.s. c 11 s 2 & 1963 c 156 s 5;

(6) RCW 64.32.060 (Compliance with covenants, bylaws, and administrative rules and regulations) and 2012 c 117 s 198 &

1963 c 156 s 6;

(7) RCW 64.32.070 (Liens or encumbrances—Enforcement—Satisfaction) and 2012 c 117 s 199 & 1963 c 156 s 7;

(8) RCW 64.32.080 (Common profits and expenses) and 1963 c 156 s 8;

(9) RCW 64.32.090 (Contents of declaration) and 1963 c 156 s 9;

(10) RCW 64.32.100 (Copy of survey map, building plans to be filed—Contents of plans) and 1987 c 383 s 2, 1965 ex.s. c 11 s 3, & 1963 c 156 s 10;

(11) RCW 64.32.110 (Ordinances, resolutions, or zoning laws—Construction) and 1963 c 156 s 11;

(12) RCW 64.32.120 (Contents of deeds or other conveyances of apartments) and 1999 c 233 s 9, 1965 ex.s. c 11 s 4, & 1963 c 156 s 12;

(13) RCW 64.32.130 (Mortgages, liens or encumbrances affecting an apartment at time of first conveyance) and 1963 c 156 s 13;

(14) RCW 64.32.140 (Recording) and 1963 c 156 s 14;

(15) RCW 64.32.150 (Removal of property from provisions of chapter) and 2008 c 114 s 2 & 1963 c 156 s 15;

(16) RCW 64.32.160 (Removal of property from provisions of chapter—No bar to subsequent resubmission) and 1963 c 156 s 16;

(17) RCW 64.32.170 (Records and books—Requirements for retaining—Availability for examination—Audits) and 2023 c 409 s 1, 1965 ex.s. c 11 s 5, & 1963 c 156 s 17;

(18) RCW 64.32.180 (Exemption from liability for contribution for common expenses prohibited) and 2012 c 117 s 200 & 1963 c 156 s 18;

(19) RCW 64.32.190 (Separate assessments and taxation) and 1963 c 156 s 19;

(20) RCW 64.32.200 (Assessments for common expenses—Enforcement of collection—Liens and foreclosures—Liability of mortgagee or purchaser—Notice of delinquency—Second notice) and 2023 c 214 s 2, 2023 c 214 s 1, 2021 c 222 s 4, 2021 c 222 s 3, 2012 c 117 s 201, 1988 c 192 s 2, 1965 ex.s. c 11 s 6, & 1963 c 156 s 20;

(21) RCW 64.32.210 (Conveyance—Liability of grantor and grantee for unpaid common expenses) and 2012 c 117 s 202 & 1963 c 156 s 21;

(22) RCW 64.32.220 (Insurance) and 2012 c 117 s 203 & 1963 c 156 s 22;

(23) RCW 64.32.230 (Destruction or damage to all or part of property—Disposition) and 1965 ex.s. c 11 s 7 & 1963 c 156 s 23;

(24) RCW 64.32.240 (Actions) and 2012 c 117 s 204 & 1963 c 156 s 24;

(25) RCW 64.32.250 (Application of chapter, declaration and bylaws) and 1963 c 156 s 25;

(26) RCW 64.32.260 (Applicability to common interest communities) and 2019 c 238 s 217 & 2018 c 277 s 503;

(27) RCW 64.32.270 (Notice) and 2021 c 227 s 2;

(28) RCW 64.32.280 (Voting—In person, absentee ballots, proxies) and 2021 c 227 s 3;

(29) RCW 64.32.290 (Electric vehicle charging stations) and 2022 c 27 s 1;

(30) RCW 64.32.300 (Tenant screening) and 2023 c 23 s 1;

(31) RCW 64.32.310 (Licensed family home child care or licensed child day care center—Regulations—Liability) and 2023 c 203 s 1;

(32) RCW 64.32.320 (New declarations—Accessory dwelling units) and 2023 c 334 s 10;

(33) RCW 64.32.330 (New declaration minimum density) and 2023 c 332 s 11;

(34) RCW 64.32.900 (Short title) and 1963 c 156 s 26;  
 (35) RCW 64.32.910 (Construction of term "this chapter.") and 1963 c 156 s 27; and  
 (36) RCW 64.32.920 (Severability—1963 c 156) and 1963 c 156 s 28.

**NEW SECTION. Sec. 502.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2028:

(1) RCW 64.34.005 (Findings—Intent—2004 c 201) and 2004 c 201 s 1;  
 (2) RCW 64.34.010 (Applicability) and 2011 c 189 s 6;  
 (3) RCW 64.34.020 (Definitions) and 2021 c 227 s 4;  
 (4) RCW 64.34.030 (Variation by agreement) and 1989 c 43 s 1-104;  
 (5) RCW 64.34.040 (Separate interests—Taxation) and 1992 c 220 s 3 & 1989 c 43 s 1-105;  
 (6) RCW 64.34.050 (Local ordinances, regulations, and building codes—Applicability) and 1989 c 43 s 1-106;  
 (7) RCW 64.34.060 (Condemnation) and 1989 c 43 s 1-107;  
 (8) RCW 64.34.070 (Law applicable—General principles) and 1989 c 43 s 1-108;  
 (9) RCW 64.34.073 (Application of chapter 64.55 RCW) and 2005 c 456 s 21;  
 (10) RCW 64.34.076 (Application to common interest communities) and 2019 c 238 s 218 & 2018 c 277 s 504;  
 (11) RCW 64.34.080 (Contracts—Unconscionability) and 1989 c 43 s 1-111;  
 (12) RCW 64.34.090 (Obligation of good faith) and 1989 c 43 s 1-112;  
 (13) RCW 64.34.100 (Remedies liberally administered) and 2005 c 456 s 20, 2004 c 201 s 2, & 1989 c 43 s 1-113;  
 (14) RCW 64.34.110 (New declaration minimum density) and 2023 c 332 s 10;  
 (15) RCW 64.34.120 (New declaration—Accessory dwelling units) and 2023 c 334 s 9;  
 (16) RCW 64.34.200 (Creation of condominium) and 1992 c 220 s 4, 1990 c 166 s 2, & 1989 c 43 s 2-101;  
 (17) RCW 64.34.202 (Reservation of condominium name) and 1992 c 220 s 5;  
 (18) RCW 64.34.204 (Unit boundaries) and 1992 c 220 s 6 & 1989 c 43 s 2-102;  
 (19) RCW 64.34.208 (Declaration and bylaws—Construction and validity) and 1989 c 43 s 2-103;  
 (20) RCW 64.34.212 (Description of units) and 1989 c 43 s 2-104;  
 (21) RCW 64.34.216 (Contents of declaration) and 1992 c 220 s 7 & 1989 c 43 s 2-105;  
 (22) RCW 64.34.220 (Leasehold condominiums) and 1989 c 43 s 2-106;  
 (23) RCW 64.34.224 (Common element interests, votes, and expenses—Allocation) and 1992 c 220 s 8 & 1989 c 43 s 2-107;  
 (24) RCW 64.34.228 (Limited common elements) and 1992 c 220 s 9 & 1989 c 43 s 2-108;  
 (25) RCW 64.34.232 (Survey maps and plans) and 1997 c 400 s 2, 1992 c 220 s 10, & 1989 c 43 s 2-109;  
 (26) RCW 64.34.236 (Development rights) and 1989 c 43 s 2-110;  
 (27) RCW 64.34.240 (Alterations of units) and 1989 c 43 s 2-111;  
 (28) RCW 64.34.244 (Relocation of boundaries—Adjoining units) and 1989 c 43 s 2-112;  
 (29) RCW 64.34.248 (Subdivision of units) and 1989 c 43 s 2-113;  
 (30) RCW 64.34.252 (Monuments as boundaries) and 1989 c 43 s 2-114;  
 (31) RCW 64.34.256 (Use by declarant) and 1992 c 220 s 11

& 1989 c 43 s 2-115;  
 (32) RCW 64.34.260 (Easement rights—Common elements) and 1989 c 43 s 2-116;  
 (33) RCW 64.34.264 (Amendment of declaration) and 1989 c 43 s 2-117;  
 (34) RCW 64.34.268 (Termination of condominium) and 1992 c 220 s 12 & 1989 c 43 s 2-118;  
 (35) RCW 64.34.272 (Rights of secured lenders) and 1989 c 43 s 2-119;  
 (36) RCW 64.34.276 (Master associations) and 1989 c 43 s 2-120;  
 (37) RCW 64.34.278 (Delegation of power to subassociations) and 1992 c 220 s 13;  
 (38) RCW 64.34.280 (Merger or consolidation) and 1989 c 43 s 2-121;  
 (39) RCW 64.34.300 (Unit owners' association—Organization) and 2021 c 176 s 5231, 1992 c 220 s 14, & 1989 c 43 s 3-101;  
 (40) RCW 64.34.304 (Unit owners' association—Powers) and 2008 c 115 s 9, 1993 c 429 s 11, 1990 c 166 s 3, & 1989 c 43 s 3-102;  
 (41) RCW 64.34.308 (Board of directors and officers) and 2019 c 238 s 219, 2011 c 189 s 2, 1992 c 220 s 15, & 1989 c 43 s 3-103;  
 (42) RCW 64.34.312 (Control of association—Transfer) and 2004 c 201 s 10 & 1989 c 43 s 3-104;  
 (43) RCW 64.34.316 (Special declarant rights—Transfer) and 1989 c 43 s 3-105;  
 (44) RCW 64.34.320 (Contracts and leases—Declarant—Termination) and 1989 c 43 s 3-106;  
 (45) RCW 64.34.324 (Bylaws) and 2004 c 201 s 3, 1992 c 220 s 16, & 1989 c 43 s 3-107;  
 (46) RCW 64.34.328 (Upkeep of condominium) and 1989 c 43 s 3-108;  
 (47) RCW 64.34.332 (Meetings) and 2021 c 227 s 5 & 1989 c 43 s 3-109;  
 (48) RCW 64.34.336 (Quorums) and 1989 c 43 s 3-110;  
 (49) RCW 64.34.340 (Voting—In person, absentee ballots, proxies) and 2021 c 227 s 6, 1992 c 220 s 17, & 1989 c 43 s 3-111;  
 (50) RCW 64.34.344 (Tort and contract liability) and 1989 c 43 s 3-112;  
 (51) RCW 64.34.348 (Common elements—Conveyance—Encumbrance) and 1989 c 43 s 3-113;  
 (52) RCW 64.34.352 (Insurance) and 2021 c 227 s 7, 1992 c 220 s 18, 1990 c 166 s 4, & 1989 c 43 s 3-114;  
 (53) RCW 64.34.354 (Insurance—Conveyance) and 1990 c 166 s 8;  
 (54) RCW 64.34.356 (Surplus funds) and 1989 c 43 s 3-115;  
 (55) RCW 64.34.360 (Common expenses—Assessments) and 1990 c 166 s 5 & 1989 c 43 s 3-116;  
 (56) RCW 64.34.364 (Lien for assessments—Notice of delinquency—Second notice) and 2023 c 214 s 4, 2023 c 214 s 3, 2021 c 222 s 6, 2021 c 222 s 5, 2013 c 23 s 175, 1990 c 166 s 6, & 1989 c 43 s 3-117;  
 (57) RCW 64.34.368 (Liens—General provisions) and 1989 c 43 s 3-118;  
 (58) RCW 64.34.372 (Association records—Funds—Requirements for retaining) and 2023 c 409 s 2, 1992 c 220 s 19, 1990 c 166 s 7, & 1989 c 43 s 3-119;  
 (59) RCW 64.34.376 (Association as trustee) and 1989 c 43 s 3-120;  
 (60) RCW 64.34.380 (Reserve account—Reserve study—Annual update) and 2019 c 238 s 220, 2011 c 189 s 3, & 2008 c 115 s 1;  
 (61) RCW 64.34.382 (Reserve study—Contents) and 2011 c

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

189 s 4 &amp; 2008 c 115 s 2;

(62) RCW 64.34.384 (Reserve account—Withdrawals) and 2011 c 189 s 5 &amp; 2008 c 115 s 3;

(63) RCW 64.34.386 (Reserve study—Demand by owners—Study not timely prepared) and 2008 c 115 s 4;

(64) RCW 64.34.388 (Reserve study—Decision making) and 2008 c 115 s 5;

(65) RCW 64.34.390 (Reserve study—Reserve account—Immunity from liability) and 2008 c 115 s 6;

(66) RCW 64.34.392 (Reserve account and study—Exemption—Disclosure) and 2019 c 238 s 221 &amp; 2009 c 307 s 1;

(67) RCW 64.34.394 (Installation of drought resistant landscaping or wildfire ignition resistant landscaping) and 2020 c 9 s 3;

(68) RCW 64.34.395 (Electric vehicle charging stations) and 2022 c 27 s 2;

(69) RCW 64.34.396 (Notice) and 2021 c 227 s 8;

(70) RCW 64.34.397 (Tenant screening) and 2023 c 23 s 2;

(71) RCW 64.34.398 (Licensed family home child care or licensed child day care center—Regulations—Liability) and 2023 c 203 s 2;

(72) RCW 64.34.400 (Applicability—Waiver) and 1992 c 220 s 20, 1990 c 166 s 9, &amp; 1989 c 43 s 4-101;

(73) RCW 64.34.405 (Public offering statement—Requirements—Liability) and 1989 c 43 s 4-102;

(74) RCW 64.34.410 (Public offering statement—General provisions) and 2008 c 115 s 10, 2005 c 456 s 19, 2004 c 201 s 11, 2002 c 323 s 10, 1997 c 400 s 1, 1992 c 220 s 21, &amp; 1989 c 43 s 4-103;

(75) RCW 64.34.415 (Public offering statement—Conversion condominiums) and 2005 c 456 s 18, 1992 c 220 s 22, 1990 c 166 s 10, &amp; 1989 c 43 s 4-104;

(76) RCW 64.34.417 (Public offering statement—Use of single disclosure document) and 1990 c 166 s 11;

(77) RCW 64.34.418 (Public offering statement—Contract of sale—Restriction on interest conveyed) and 1990 c 166 s 15;

(78) RCW 64.34.420 (Purchaser's right to cancel) and 1989 c 43 s 4-106;

(79) RCW 64.34.425 (Resale of unit) and 2022 c 27 s 5, 2011 c 48 s 1, 2008 c 115 s 11, 2004 c 201 s 4, 1992 c 220 s 23, 1990 c 166 s 12, &amp; 1989 c 43 s 4-107;

(80) RCW 64.34.430 (Escrow of deposits) and 1992 c 220 s 24 &amp; 1989 c 43 s 4-108;

(81) RCW 64.34.435 (Release of liens—Conveyance) and 1989 c 43 s 4-109;

(82) RCW 64.34.440 (Conversion condominiums—Notice—Tenants—Relocation assistance) and 2022 c 165 s 5, 2008 c 113 s 1, 1992 c 220 s 25, 1990 c 166 s 13, &amp; 1989 c 43 s 4-110;

(83) RCW 64.34.442 (Conversion condominium projects—Report) and 2023 c 470 s 2108 &amp; 2008 c 113 s 3;

(84) RCW 64.34.443 (Express warranties of quality) and 1989 c 428 s 2;

(85) RCW 64.34.445 (Implied warranties of quality—Breach) and 2004 c 201 s 5, 1992 c 220 s 26, &amp; 1989 c 43 s 4-112;

(86) RCW 64.34.450 (Implied warranties of quality—Exclusion—Modification—Disclaimer—Express written warranty) and 2004 c 201 s 6 &amp; 1989 c 43 s 4-113;

(87) RCW 64.34.452 (Warranties of quality—Breach—Actions for construction defect claims) and 2004 c 201 s 7, 2002 c 323 s 11, &amp; 1990 c 166 s 14;

(88) RCW 64.34.455 (Effect of violations on rights of action—Attorney's fees) and 1989 c 43 s 4-115;

(89) RCW 64.34.460 (Labeling of promotional material) and 1989 c 43 s 4-116;

(90) RCW 64.34.465 (Improvements—Declarant's duties) and

1989 c 43 s 4-117;

(91) RCW 64.34.470 (Conversion condominium notice) and 2022 c 165 s 3;

(92) RCW 64.34.900 (Short title) and 1989 c 43 s 1-101;

(93) RCW 64.34.910 (Section captions) and 1989 c 43 s 4-119;

(94) RCW 64.34.930 (Effective date—1989 c 43) and 1989 c 43 s 4-124;

(95) RCW 64.34.931 (Effective date—2004 c 201 §§ 1-13) and 2004 c 201 s 14;

(96) RCW 64.34.940 (Construction against implicit repeal) and 1989 c 43 s 1-109; and

(97) RCW 64.34.950 (Uniformity of application and construction) and 1989 c 43 s 1-110.

**NEW SECTION. Sec. 503.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2028:

(1) RCW 64.38.005 (Intent) and 1995 c 283 s 1;

(2) RCW 64.38.010 (Definitions) and 2023 c 337 s 2;

(3) RCW 64.38.015 (Association membership) and 1995 c 283 s 3;

(4) RCW 64.38.020 (Association powers) and 1995 c 283 s 4;

(5) RCW 64.38.025 (Board of directors—Standard of care—Restrictions—Budget—Removal from board) and 2021 c 176 s 5232, 2019 c 238 s 222, 2011 c 189 s 8, &amp; 1995 c 283 s 5;

(6) RCW 64.38.028 (Removal of discriminatory provisions in governing documents—Procedure) and 2018 c 65 s 2 &amp; 2006 c 58 s 2;

(7) RCW 64.38.030 (Association bylaws) and 1995 c 283 s 6;

(8) RCW 64.38.033 (Flag of the United States—Outdoor display—Governing documents) and 2004 c 169 s 1;

(9) RCW 64.38.034 (Political yard signs—Governing documents) and 2005 c 179 s 1;

(10) RCW 64.38.035 (Association meetings—Notice—Board of directors) and 2021 c 227 s 10, 2014 c 20 s 1, 2013 c 108 s 1, &amp; 1995 c 283 s 7;

(11) RCW 64.38.040 (Quorum for meeting) and 1995 c 283 s 8;

(12) RCW 64.38.045 (Financial and other records—Property of association—Copies—Annual financial statement—Accounts—Requirements for retaining) and 2023 c 409 s 3 &amp; 1995 c 283 s 9;

(13) RCW 64.38.050 (Violation—Remedy—Attorneys' fees) and 1995 c 283 s 10;

(14) RCW 64.38.055 (Governing documents—Solar panels) and 2009 c 51 s 1;

(15) RCW 64.38.057 (Governing documents—Drought resistant landscaping, wildfire ignition resistant landscaping) and 2020 c 9 s 2;

(16) RCW 64.38.060 (Adult family homes) and 2009 c 530 s 4;

(17) RCW 64.38.062 (Electric vehicle charging stations) and 2022 c 27 s 3;

(18) RCW 64.38.065 (Reserve account and study) and 2019 c 238 s 223 &amp; 2011 c 189 s 9;

(19) RCW 64.38.070 (Reserve study—Requirements) and 2011 c 189 s 10;

(20) RCW 64.38.075 (Reserve account—Withdrawals) and 2011 c 189 s 11;

(21) RCW 64.38.080 (Reserve study—Demand for preparation and inclusion in budget) and 2011 c 189 s 12;

(22) RCW 64.38.085 (Reserve account and study—Liability) and 2011 c 189 s 13;

(23) RCW 64.38.090 (Reserve study—Exemptions) and 2019 c 238 s 224 &amp; 2011 c 189 s 14;

(24) RCW 64.38.095 (Application to common interest

communities) and 2019 c 238 s 225 & 2018 c 277 s 505;

(25) RCW 64.38.100 (Liens for unpaid assessments—Notice of delinquency—Second notice) and 2023 c 214 s 6, 2023 c 214 s 5, 2021 c 222 s 8, & 2021 c 222 s 7;

(26) RCW 64.38.110 (Notice) and 2023 c 470 s 3017 & 2021 c 227 s 11;

(27) RCW 64.38.120 (Voting—In person, absentee ballots, proxies) and 2021 c 227 s 12;

(28) RCW 64.38.130 (Tenant screening) and 2023 c 23 s 3;

(29) RCW 64.38.140 (Licensed family home child care or licensed child day care center—Regulations—Liability) and 2023 c 203 s 3;

(30) RCW 64.38.150 (New associations minimum density) and 2023 c 332 s 12; and

(31) RCW 64.38.160 (New associations—Accessory dwelling units) and 2023 c 334 s 11.

**NEW SECTION. Sec. 504.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2028:

(1) RCW 58.19.010 (Purpose) and 1992 c 191 s 1 & 1973 1st ex.s. c 12 s 1;

(2) RCW 58.19.020 (Definitions) and 1992 c 191 s 2, 1979 c 158 s 208, & 1973 1st ex.s. c 12 s 2;

(3) RCW 58.19.030 (Exemptions from chapter) and 1994 c 92 s 504, 1979 c 158 s 209, & 1973 1st ex.s. c 12 s 3;

(4) RCW 58.19.045 (Public offering statement—Developer's duties—Purchaser's rights) and 1992 c 191 s 4;

(5) RCW 58.19.055 (Public offering statement—Contents) and 1992 c 191 s 5;

(6) RCW 58.19.120 (Report of changes required—Amendments) and 1992 c 191 s 6 & 1973 1st ex.s. c 12 s 12;

(7) RCW 58.19.130 (Public offering statement form—Type and style restriction) and 1973 1st ex.s. c 12 s 13;

(8) RCW 58.19.140 (Public offering statement—Promotional use, distribution restriction—Holding out that state or employees, etc., approve development prohibited) and 1973 1st ex.s. c 12 s 14;

(9) RCW 58.19.180 (Unlawful to sell lots or parcels subject to blanket encumbrance which does not provide purchaser can obtain clear title—Alternatives) and 1992 c 191 s 7 & 1973 1st ex.s. c 12 s 18;

(10) RCW 58.19.185 (Requiring purchaser to pay additional sum to construct, complete or maintain development) and 1977 ex.s. c 252 s 1;

(11) RCW 58.19.190 (Advertising—Materially false, misleading, or deceptive statements prohibited) and 1992 c 191 s 8 & 1973 1st ex.s. c 12 s 19;

(12) RCW 58.19.265 (Violations—Remedies—Attorneys' fees) and 1992 c 191 s 9;

(13) RCW 58.19.270 (Violations deemed unfair practice subject to chapter 19.86 RCW) and 1992 c 191 s 10 & 1973 1st ex.s. c 12 s 27;

(14) RCW 58.19.280 (Jurisdiction of superior courts) and 1973 1st ex.s. c 12 s 28;

(15) RCW 58.19.300 (Hazardous conditions—Notice) and 1992 c 191 s 11 & 1973 1st ex.s. c 12 s 30;

(16) RCW 58.19.920 (Liberal construction) and 1973 1st ex.s. c 12 s 33; and

(17) RCW 58.19.940 (Short title) and 1992 c 191 s 12 & 1973 1st ex.s. c 12 s 35.

**NEW SECTION. Sec. 505.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2028:

(1) RCW 64.04.055 (Deeds for conveyance of apartments under horizontal property regimes act) and 1963 c 156 s 29; and

(2) RCW 64.90.090 (Prior condominium statutes) and 2019 c

238 s 205 & 2018 c 277 s 119.

**Sec. 506.** RCW 64.90.075 and 2019 c 238 s 203 are each amended to read as follows:

(1) Except as provided otherwise in this section, RCW 64.90.080 (as recodified by this act), and section 507 of this act, this chapter applies to all common interest communities (~~created within this state on or after July 1, 2018~~).

(2) Before January 1, 2028, this chapter applies only to:

(a) A common interest community created on or after July 1, 2018; and

(b) A common interest community created before July 1, 2018, that amends its declaration to elect to be subject to this chapter.

(3) Chapters 58.19, 64.32, 64.34, and 64.38 RCW ((~~do~~)):

(a) Do not apply to common interest communities ((~~created on or after July 1, 2018~~)) subject to this chapter; and

(b) Apply to a common interest community created before July 1, 2018, only until the community becomes subject to this chapter.

~~((2))~~ (4)(a) Unless the declaration provides that this entire chapter is applicable, a plat community or miscellaneous community that is not subject to any development right is subject only to RCW 64.90.020, 64.90.025, and 64.90.030, if the community: ~~((~~it~~))~~ (i) Contains no more than ~~((~~twelve~~))~~ 12 units; and ~~((~~it~~))~~ (ii) provides in its declaration that the annual average assessment of all units restricted to residential purposes, exclusive of optional user fees and any insurance premiums paid by the association, may not exceed ~~((~~three hundred dollars~~))~~ \$300, as adjusted pursuant to RCW 64.90.065.

~~((3))~~ (b) The exemption provided in ~~((~~subsection (2) of~~))~~ this subsection applies only if:

~~((~~it~~))~~ (i) The declarant reasonably believes in good faith that the maximum stated assessment will be sufficient to pay the expenses of the association for the community; and

~~((~~it~~))~~ (ii) The declaration provides that the assessment may not be increased above the limitation in ~~((~~subsection (2))~~)~~ (a)(ii) of this subsection prior to the transition meeting without the consent of unit owners, other than the declarant, holding ~~((~~ninety~~))~~ 90 percent of the votes in the association.

~~((4) Except))~~ (5) Before January 1, 2028, except as otherwise provided in RCW 64.90.080, this chapter does not apply to any common interest community created within this state on or after July 1, 2018, if:

(a) That common interest community is made part of a common interest community created in this state prior to July 1, 2018, pursuant to a right expressly set forth in the declaration of the preexisting common interest community; and

(b) The declaration creating that common interest community expressly subjects that common interest community to the declaration of the preexisting common interest community pursuant to such right described in (a) of this subsection.

**NEW SECTION. Sec. 507.** (1) Except as provided in subsection (2) of this section, if a common interest community created before July 1, 2018, becomes subject to this chapter on January 1, 2028, or earlier, a provision of its governing documents inconsistent with this chapter is invalid unless:

(a) The provision is expressly permitted under section 303 of this act; or

(b) The common interest community is a plat community or miscellaneous community described in RCW 64.90.075(4) (as recodified by this act), or a nonresidential or mixed-use common interest community described in RCW 64.90.100.

(2) This chapter does not require a common interest community validly created before July 1, 2018, to:

(a) Comply with the requirements of this chapter for creation of a common interest community; or

(b) Prepare or amend the map.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(3) This chapter does not invalidate an action validly taken or transaction validly entered into before a common interest community becomes subject to this chapter.

**Sec. 508.** RCW 64.90.080 and 2019 c 238 s 204 are each amended to read as follows:

(1) Except for a plat community or miscellaneous community described in RCW 64.90.075(4) (as recodified by this act) and a nonresidential or mixed-use common interest community described in RCW 64.90.100, ((RCW 64.90.095, 64.90.405(1)(b) and (c), 64.90.525 and 64.90.545 apply)) the following sections apply to a common interest community created before July 1, 2018, and any inconsistent provisions of chapter 58.19, 64.32, 64.34, or 64.38 RCW do not apply((, to a common interest community created in this state before July 1, 2018)):

- (a) RCW 64.90.095 (as recodified by this act);
- (b) RCW 64.90.405(1)(b) and (c);
- (c) RCW 64.90.525;
- (d) RCW 64.90.545; and
- (e) RCW 64.90.010, to the extent necessary to construe this subsection.

(2) Except to the extent provided in this subsection, the sections listed in subsection (1) of this section apply only to events and circumstances occurring on or after July 1, 2018, and do not invalidate existing provisions of the governing documents of those common interest communities existing on July 1, 2018. To protect the public interest, RCW 64.90.095 (as recodified by this act) and 64.90.525 supersede existing provisions of the governing documents of all plat communities and miscellaneous communities previously subject to chapter 64.38 RCW.

(3) This section does not apply to a common interest community that becomes subject to this chapter under RCW 64.90.075(1) (as recodified by this act) or by election under RCW 64.90.075(4) (as recodified by this act), 64.90.095(1)(b) (as recodified by this act), or 64.90.100.

**Sec. 509.** RCW 64.90.095 and 2018 c 277 s 120 are each amended to read as follows:

(1) The declaration of any common interest community created before July 1, 2018, or of a plat community or miscellaneous community described in RCW 64.90.075(4) (as recodified by this act) may be amended to ((provide)):

(a) Provide that all the sections listed in RCW 64.90.080(1) (as recodified by this act) apply to the common interest community; or

(b) Provide that this chapter will apply to the common interest community, regardless of what applicable law provided before chapter 277, Laws of 2018 was adopted.

(2) Except as provided otherwise in subsection (3) of this section or in RCW 64.90.285 ((9), (10), or (11)) (8), (9), or (10), an amendment under this section to the governing documents ((authorized under this section)) of a common interest community created before July 1, 2018, must be adopted in conformity with any procedures and requirements for amending the instruments specified by those instruments and in conformity with the amendment procedures of this chapter. If the governing documents do not contain provisions authorizing amendment, the amendment procedures of this chapter apply. If an amendment grants to a person a right, power, or privilege permitted under this chapter, any correlative obligation, liability, or restriction in this chapter also applies to the person.

(3) Notwithstanding any provision in the governing documents of a common interest community that govern the procedures and requirements for amending the governing documents, an amendment under subsection (1) of this section may be made as follows:

- (a) The board shall propose such amendment to the owners if

the board deems it appropriate or if owners holding ((twenty)) 20 percent or more of the votes in the association request such an amendment in writing to the board;

(b) Upon satisfaction of the foregoing requirements, the board shall prepare a proposed amendment and shall provide the owners with a notice in a record containing the proposed amendment and at least ((thirty)) 30 days' advance notice of a meeting to discuss the proposed amendment;

(c) Following such meeting, the board shall provide the owners with a notice in a record containing the proposed amendment and a ballot to approve or reject the amendment;

(d) The amendment shall be deemed approved if owners holding at least ((thirty)) 30 percent of the votes in the association participate in the voting process, and at least ((sixty-seven)) 67 percent of the votes cast by participating owners are in favor of the proposed amendment.

**NEW SECTION. Sec. 510.** RCW 64.90.075, 64.90.080, and 64.90.095 are recodified as sections in chapter 64.90 RCW under the subchapter heading "APPLICABILITY AND TRANSITION."

**NEW SECTION. Sec. 511.** Section 507 of this act is added to chapter 64.90 RCW and codified with the subchapter heading "APPLICABILITY AND TRANSITION."

**NEW SECTION. Sec. 512.** (1) Section 319 of this act takes effect January 1, 2025.

(2) Sections 401 through 432 of this act take effect January 1, 2028.

**NEW SECTION. Sec. 513.** Section 318 of this act expires January 1, 2025."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5796 and ask the House to recede therefrom.

Senator Pedersen spoke in favor of the motion.

Senator Wilson, L. spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5796 and ask the House to recede therefrom.

The motion by Senator Pedersen carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5796 and asked the House to recede therefrom by voice vote.

Senator Hasegawa announced a meeting of the Democratic Caucus at 1:15 p.m.

Senator Warnick announced a meeting of the Republican Caucus at 1:30 p.m.

REMARKS BY THE PRESIDENT

President Heck: "Senator Muzzall, you sure you don't want to rise to a point of personal privilege Senator Muzzall? I noticed a particular senator did not respond to a text to him asking, 'Which birthday today is?' Maybe you would like to share Senator Muzzall."

PERSONAL PRIVILEGE

Senator Muzzall: "Well, Mr. President, it seems like I have been doing that personal privilege thing an awful lot lately."

President Heck: "You have." [Laughter]

Senator Muzzall: "So I'll keep this short. Well, this would be sixty-one, Mr. President, which ..."

President Heck: "Welcome to your seventh decade Senator Muzzall."

Senator Muzzall: "Yes, thank you Mr. President. And over the weekend, as I had a former mentor from a good state college in Pullman, a friend from high school, and the loss of a state patrolman, I feel very lucky to be at my sixty-first birthday. And I feel incredibly blessed to be here. But I have made it sixty-one years to enjoy, well, if nothing else, my special time with you all."

President Heck: "Happy Birthday Senator Muzzall."

#### MOTION

At 12:43 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease until 2:15 p.m.

----

The Senate was called to order at 2:15 p.m. by the President of the Senate, Lt. Governor Heck presiding.

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097,  
 ENGROSSED SECOND SUBSTITUTE  
 HOUSE BILL NO. 1618  
 SUBSTITUTE HOUSE BILL NO. 1911,  
 HOUSE BILL NO. 1946,  
 HOUSE BILL NO. 1976,  
 HOUSE BILL NO. 1992,  
 SUBSTITUTE HOUSE BILL NO. 1996,  
 HOUSE BILL NO. 2004,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021,  
 HOUSE BILL NO. 2044,  
 SUBSTITUTE HOUSE BILL NO. 2072,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2084,  
 SUBSTITUTE HOUSE BILL NO. 2230,  
 and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2306.

#### MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5150 with the following amendment(s): 5150-S.E2 AMH AGNR H3271.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 16.67.120 and 2002 c 313 s 83 are each amended to read as follows:

(1) There is hereby levied an assessment of ~~((one dollar))~~ up to \$2.50 per head to be implemented as prescribed in subsection (2) of this section on all Washington cattle sold in this state or elsewhere to be paid by the seller at the time of sale: PROVIDED, That if such sale is accompanied by a brand inspection by the department such an assessment may be collected at the same time,

place and in the same manner as brand inspection fees. Such fees may be collected by the livestock ~~((services—division))~~ identification program of the department and transmitted to the commission: PROVIDED FURTHER, That, if such sale is made without a brand inspection by the department the assessment shall be paid by the seller and transmitted directly to the commission by the ~~((fifteenth))~~ 15th day of the month following the month the transaction occurred.

(2)(a) Beginning July 1, 2024, the assessment must be \$1.50 per head. \$0.50 of the \$1.50 assessment levied under this subsection may not be collected at the first point of sale of any calf identified with a green tag as identified in RCW 16.57.160.

(b) Beginning January 1, 2025, the assessment must be \$2.00 per head. \$1.00 of the \$2.00 assessment levied under this subsection may not be collected at the first point of sale of any calf identified with a green tag as identified in RCW 16.57.160.

(c) Beginning January 1, 2026, the assessment must be \$2.50 per head. \$1.50 of the \$2.50 assessment levied under this subsection may not be collected at the first point of sale of any calf identified with a green tag as identified in RCW 16.57.160.

(3) The procedures for collecting all state and federal assessments under this chapter shall be as required by the federal order and as described by rules adopted by the commission.

(4) The commission shall hold meetings in different geographic regions of the state throughout the year, with at least two meetings held east of the crest of the Cascade mountains. Geographic regions must include the northeast, southeast, central southwest, and northwest regions of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 16.67 RCW to read as follows:

The commission may fund, conduct, or otherwise participate in scientific research related to beef including, without limitation, to improve production, quality, transportation, processing, distribution, and environmental stewardship.

NEW SECTION. Sec. 3. A new section is added to chapter 16.67 RCW to read as follows:

(1) Of the assessments levied in RCW 16.67.120, a producer or owner of cattle from whom an assessment is collected, except for assessments collected at the first point of sale of green tag calves not subject to the assessment increases provided in RCW 16.67.120(2), has the right to request a refund of not more than \$1.00 per head beginning July 1, 2024, not more than \$1.50 per head beginning January 1, 2025, and not more than \$2.00 per head beginning January 1, 2026. Refund requests must be mailed to the commission within 90 calendar days of the assessment.

(2) The commission must process the requested refunds on a calendar quarterly basis. Any refund request that is received by the commission less than 15 days from the end of the calendar quarter must be paid at the end of the next quarter.

**Sec. 4.** RCW 16.67.200 and 2017 c 256 s 5 are each amended to read as follows:

(1) The budget required in RCW 16.67.090(8) must set forth the complete and detailed financial program of the commission, showing the revenues and expenditures of the commission. The budget must be explanatory, describing how the funding is used to administer and implement the commission's programs and priorities, and include the reasons for salient changes from the previous fiscal period in expenditure or revenue items. The budget must explain any major changes to financial policy and contain an outline of the proposed financial policies of the commission for the ensuing fiscal period and describe performance indicators that demonstrate measurable progress toward the commission's priorities.

(2) The budget must be sufficiently detailed to provide transparency for the commission's actions on behalf of the industry.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(3) The commission must submit to the legislature, in compliance with RCW 43.01.036, a concise yet detailed report of the commission's activities and expenditures after the completion of each fiscal year. The report must include an accounting of assessments collected pursuant to RCW 16.67.120 for the previous fiscal year, including a record of the amount collected, the amount spent, and the purposes for which the funds were used."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Shewmake moved that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5150.

Senator Shewmake spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Shewmake that the Senate concur in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5150.

The motion by Senator Shewmake carried and the Senate concurred in the House amendment(s) to Second Engrossed Substitute Senate Bill No. 5150 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5150, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5150, as amended by the House, and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5150, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed SENATE BILL NO. 5184 with the following amendment(s): 5184 AMH ENGR H3314.E

Strike everything after the enacting clause and insert the following:

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

(1) "Anesthesiologist" means an actively practicing, board-eligible physician licensed under chapter 18.71, 18.71B, or 18.57 RCW who has completed a residency or equivalent training in anesthesiology.

(2) "Anesthesiologist assistant" means a person who is licensed by the commission to assist in developing and implementing anesthesia care plans for patients under the supervision of an anesthesiologist or group of anesthesiologists approved by the commission to supervise such assistant.

(3) "Assists" means the anesthesiologist assistant personally performs those duties and responsibilities delegated by the anesthesiologist. Delegated services must be consistent with the delegating anesthesiologist's education, training, experience, and active practice. Delegated services must be of the type that a reasonable and prudent anesthesiologist would find within the scope of sound medical judgment to delegate.

(4) "Commission" means the Washington medical commission.

(5) "Practice medicine" has the meaning defined in RCW 18.71.011.

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

(7) "Supervision" means the immediate availability of the medically directing anesthesiologist for consultation and direction of the activities of the anesthesiologist assistant. A medically directing anesthesiologist is immediately available if they are in physical proximity that allows the anesthesiologist to reestablish direct contact with the patient to meet medical needs and any urgent or emergent clinical problems, and personally participating in the most demanding procedures of the anesthesia plan including, if applicable, induction and emergence. These responsibilities may also be met through coordination among anesthesiologists of the same group or department.

**NEW SECTION. Sec. 2.** (1) The commission shall adopt rules fixing the qualifications and the educational and training requirements for licensure as an anesthesiologist assistant. The requirements shall include completion of an anesthesiologist assistant program accredited by the commission on accreditation of allied health education programs, or successor organization, and within one year successfully taking and passing an examination administered by the national commission for the certification of anesthesiologist assistants or other examination approved by the commission.

(2) Applicants for licensure shall file an application with the commission on a form prepared by the secretary with the approval of the commission, detailing the education, training, and experience of the applicant and such other information as the commission may require. The application shall be accompanied by a fee determined by the secretary as provided in RCW 43.70.250 and 43.70.280. Each applicant shall furnish proof satisfactory to the commission of the following:

(a) That the applicant has completed an accredited anesthesiologist assistant program approved by the commission and is eligible to take the examination approved by the commission; and

(b) That the applicant is physically and mentally capable of practicing as an anesthesiologist assistant with reasonable skill and safety. The commission may require an applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical or mental capability, or both, to safely practice as an anesthesiologist assistant.

(3)(a) The commission may approve, deny, or take other disciplinary action upon the application for a license as provided in the uniform disciplinary act, chapter 18.130 RCW.

(b) The license shall be renewed as determined under RCW

43.70.250 and 43.70.280. The commission shall request licensees to submit information about their current professional practice at the time of license renewal and licensees must provide the information requested.

(4) No person shall practice as an anesthesiologist assistant or represent that they are a "certified anesthesiologist assistant" or "anesthesiologist assistant" or "C.A.A." or "A.A." without a license granted by the commission.

**NEW SECTION. Sec. 3.** (1) The commission shall adopt rules establishing the requirements and limitations on the practice by and supervision of anesthesiologist assistants, including the number of anesthesiologist assistants an anesthesiologist may supervise concurrently. Unless approved by the commission, an anesthesiologist may not concurrently supervise more than four specific, individual anesthesiologist assistants at any one time.

(2) The commission may adopt rules for the arrangement of other anesthesiologists to serve as backup or on-call supervising anesthesiologists for multiple anesthesiologist assistants.

**NEW SECTION. Sec. 4.** (1) An anesthesiologist assistant may not exceed the scope of their supervising anesthesiologist's practice and may assist with those duties and responsibilities delegated to them by the supervising anesthesiologist, and for which they are competent to assist with based on their education, training, and experience. Duties which an anesthesiologist may delegate to an anesthesiologist assistant include but are not limited to:

(a) Assisting with preoperative anesthetic evaluations, postoperative anesthetic evaluations, and patient progress notes, all to be cosigned by the supervising anesthesiologist within 24 hours;

(b) Administering and assisting with preoperative consultations;

(c) Under the supervising anesthesiologist's consultation and direction, order perioperative pharmaceutical agents, medications, and fluids, to be used only at the facility where ordered, including but not limited to controlled substances, which may be administered prior to the cosignature of the supervising anesthesiologist. The supervising anesthesiologist may review and if required by the facility or institutional policy must cosign these orders in a timely manner;

(d) Changing or discontinuing a medical treatment plan, after consultation with the supervising anesthesiologist;

(e) Calibrating anesthesia delivery systems and obtaining and interpreting information from the systems and monitors, in consultation with an anesthesiologist;

(f) Assisting the supervising anesthesiologist with the implementation of medically accepted monitoring techniques;

(g) Assisting with basic and advanced airway interventions, including but not limited to endotracheal intubation, laryngeal mask insertion, and other advanced airways techniques;

(h) Establishing peripheral intravenous lines, including subcutaneous lidocaine use;

(i) Establishing radial and dorsalis pedis arterial lines;

(j) Assisting with general anesthesia, including induction, maintenance, and emergence;

(k) Assisting with procedures associated with general anesthesia, such as but not limited to gastric intubation;

(l) Administering intermittent vasoactive drugs and starting and titrating vasoactive infusions for the treatment of patient responses to anesthesia;

(m) Assisting with spinal and intravenous regional anesthesia;

(n) Maintaining and managing established neuraxial epidurals and regional anesthesia;

(o) Assisting with monitored anesthesia care;

(p) Evaluating and managing patient controlled analgesia, epidural catheters, and peripheral nerve catheters;

(q) Obtaining venous and arterial blood samples;

(r) Assisting with, ordering, and interpreting appropriate preoperative, point of care, intraoperative, or postoperative diagnostic tests or procedures as authorized by the supervising anesthesiologist;

(s) Obtaining and administering perioperative anesthesia and related pharmaceutical agents including intravenous fluids and blood products;

(t) Participating in management of the patient while in the preoperative suite and recovery area;

(u) Providing assistance to a cardiopulmonary resuscitation team in response to a life-threatening situation;

(v) Participating in administrative, research, and clinical teaching activities as authorized by the supervising anesthesiologist; and

(w) Assisting with such other tasks not prohibited by law under the supervision of a licensed anesthesiologist that an anesthesiologist assistant has been trained and is proficient to assist with.

(2) Nothing in this section shall be construed to prevent an anesthesiologist assistant from having access to and being able to obtain drugs as directed by the supervising anesthesiologist. An anesthesiologist assistant may not prescribe, order, compound, or dispense drugs, medications, or devices of any kind.

**NEW SECTION. Sec. 5.** No anesthesiologist who supervises a licensed anesthesiologist assistant in accordance with and within the terms of any permission granted by the commission is considered as aiding and abetting an unlicensed person to practice medicine. The supervising anesthesiologist and anesthesiologist assistant shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.71.011 when performed by the anesthesiologist assistant.

**NEW SECTION. Sec. 6.** An anesthesiologist assistant may sign and attest to any certificates, cards, forms, or other required documentation that the anesthesiologist assistant's supervising anesthesiologist may sign, provided that it is within the anesthesiologist assistant's scope of practice.

**NEW SECTION. Sec. 7.** (1) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

(2) The commission shall consult with the board of osteopathic medicine and surgery when investigating allegations of unprofessional conduct against a licensee who has a supervising anesthesiologist license under chapter 18.57 RCW.

**Sec. 8.** RCW 18.130.040 and 2023 c 469 s 18, 2023 c 460 s 15, 2023 c 425 s 27, 2023 c 270 s 14, 2023 c 175 s 11, and 2023 c 123 s 21 are each reenacted and 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;



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

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

(ix) Hypnotherapists registered, agency affiliated counselors registered, certified, or licensed, 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;

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

(xxvii) Birth doulas certified under chapter 18.47 RCW;

(xxviii) Music therapists licensed under chapter 18.233 RCW;

(xxix) Behavioral health support specialists certified under chapter 18.227 RCW; and

(xxx) Certified peer specialists and certified peer specialist trainees under chapter 18.420 RCW.

(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, licenses issued under chapter 18.265 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)~~), and 18.--- RCW (the new chapter created in section 10 of this act);

(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 board of nursing as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter and under chapter 18.80 RCW;

(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.

**Sec. 9.** RCW 18.120.020 and 2023 c 460 s 14 and 2023 c 175 s 9 are each reenacted and amended to read as follows:

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

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dental anesthesia assistants under chapter 18.350 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52

RCW; optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter 18.55 RCW; osteopathic medicine and surgery under chapter 18.57 RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; massage therapists under chapter 18.108 RCW; acupuncturists or acupuncture and Eastern medicine practitioners licensed under chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; nursing assistants registered or certified under chapter 18.88A RCW; reflexologists certified under chapter 18.108 RCW; medical assistants-certified, medical assistants-hemodialysis technician, medical assistants-phlebotomist, forensic phlebotomist, and medical assistants-registered certified and registered under chapter 18.360 RCW; licensed behavior analysts, licensed assistant behavior analysts, and certified behavior technicians under chapter 18.380 RCW; music therapists licensed under chapter 18.233 RCW; ~~(and)~~ dental therapists licensed under chapter 18.265 RCW; and anesthesiologist assistants licensed under chapter 18.--- RCW (the new chapter created in section 10 of this act).

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(9) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission,

agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

NEW SECTION. Sec. 10. Sections 1 through 7 of this act constitute a new chapter in Title 18 RCW."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Rivers moved that the Senate concur in the House amendment(s) to Senate Bill No. 5184.

Senator Rivers spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rivers that the Senate concur in the House amendment(s) to Senate Bill No. 5184.

The motion by Senator Rivers carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5184 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5184, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5184, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Rivers, Saldaña, Salomon, Shewmake, Short, Stanford, Torres, Trudeau, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Conway, Kauffman, Keiser, King, Kuderer, Randall, Robinson, Schoesler and Valdez

SENATE BILL NO. 5184, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5213 with the following amendment(s): 5213-S2.E AMH HCW H3396.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.200.020 and 2020 c 240 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) "Affiliate" or "affiliated employer" means a person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

specified person.

(2) "Certification" has the same meaning as in RCW 48.43.005.

(3) "Employee benefits programs" means programs under both the public employees' benefits board established in RCW 41.05.055 and the school employees' benefits board established in RCW 41.05.740.

(4)(a) "Health care benefit manager" means a person or entity providing services to, or acting on behalf of, a health carrier or employee benefits programs, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies including, but not limited to:

- (i) Prior authorization or preauthorization of benefits or care;
- (ii) Certification of benefits or care;
- (iii) Medical necessity determinations;
- (iv) Utilization review;
- (v) Benefit determinations;
- (vi) Claims processing and repricing for services and procedures;
- (vii) Outcome management;
- (viii) ~~(Provider credentialing and recredentialing;~~
- ~~((x))~~ (ix) Payment or authorization of payment to providers and facilities for services or procedures;
- ~~((x))~~ (ix) Dispute resolution, grievances, or appeals relating to determinations or utilization of benefits;
- ~~((x))~~ (x) Provider network management; or
- ~~((xii))~~ (xi) Disease management.

(b) "Health care benefit manager" includes, but is not limited to, health care benefit managers that specialize in specific types of health care benefit management such as pharmacy benefit managers, radiology benefit managers, laboratory benefit managers, and mental health benefit managers.

(c) "Health care benefit manager" does not include:

- (i) Health care service contractors as defined in RCW 48.44.010;
- (ii) Health maintenance organizations as defined in RCW 48.46.020;
- (iii) Issuers as defined in RCW 48.01.053;
- (iv) The public employees' benefits board established in RCW 41.05.055;
- (v) The school employees' benefits board established in RCW 41.05.740;
- (vi) Discount plans as defined in RCW 48.155.010;
- (vii) Direct patient-provider primary care practices as defined in RCW 48.150.010;
- (viii) An employer administering its employee benefit plan or the employee benefit plan of an affiliated employer under common management and control;
- (ix) A union, either on its own or jointly with an employer, administering a benefit plan on behalf of its members;
- (x) An insurance producer selling insurance or engaged in related activities within the scope of the producer's license;
- (xi) A creditor acting on behalf of its debtors with respect to insurance, covering a debt between the creditor and its debtors;
- (xii) A behavioral health administrative services organization or other county-managed entity that has been approved by the state health care authority to perform delegated functions on behalf of a carrier;

(xiii) A hospital licensed under chapter 70.41 RCW or ambulatory surgical facility licensed under chapter 70.230 RCW, to the extent that it performs provider credentialing or recredentialing, but no other functions of a health care benefit manager as described in subsection (4)(a) of this section;

(xiv) The Robert Bree collaborative under chapter 70.250 RCW;

(xv) The health technology clinical committee established under RCW 70.14.090; ~~((#))~~

(xvi) The prescription drug purchasing consortium established under RCW 70.14.060; or

(xvii) Any other entity that performs provider credentialing or recredentialing, but no other functions of a health care benefit manager as described in subsection (4)(a) of this section.

(5) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005.

(6) "Health care service" has the same meaning as in RCW 48.43.005.

(7) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(8) "Laboratory benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of clinical laboratory services and includes any requirement for a health care provider to submit a notification of an order for such services.

(9) "Mental health benefit manager" means a person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, health care services, drugs, and supplies relating to the use of mental health services and includes any requirement for a health care provider to submit a notification of an order for such services.

(10) "Network" means the group of participating providers, pharmacies, and suppliers providing health care services, drugs, or supplies to beneficiaries of a particular carrier or plan.

(11) "Person" includes, as applicable, natural persons, licensed health care providers, carriers, corporations, companies, trusts, unincorporated associations, and partnerships.

(12)(a) "Pharmacy benefit manager" means a person that contracts with pharmacies on behalf of ~~((an insurer, a third-party payor, or the prescription drug purchasing consortium established under RCW 70.14.060))~~ a health carrier, employee benefits program, or medicaid managed care program to:

- (i) Process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;
- (ii) Pay pharmacies or pharmacists for prescription drugs or medical supplies;
- (iii) Negotiate rebates, discounts, or other price concessions with manufacturers for drugs paid for or procured as described in this subsection;
- (iv) ~~((Manage))~~ Establish or manage pharmacy networks; or
- (v) Make credentialing determinations.

(b) "Pharmacy benefit manager" does not include a health care service contractor as defined in RCW 48.44.010.

(13)(a) "Radiology benefit manager" means any person or entity providing service to, or acting on behalf of, a health carrier, employee benefits programs, or another entity under contract with a carrier, that directly or indirectly impacts the determination or utilization of benefits for, or patient access to, the services of a licensed radiologist or to advanced diagnostic imaging services including, but not limited to:

- (i) Processing claims for services and procedures performed by a licensed radiologist or advanced diagnostic imaging service provider; or
- (ii) Providing payment or payment authorization to radiology clinics, radiologists, or advanced diagnostic imaging service providers for services or procedures.

(b) "Radiology benefit manager" does not include a health care service contractor as defined in RCW 48.44.010, a health maintenance organization as defined in RCW 48.46.020, or an issuer as defined in RCW 48.01.053.

(14) "Utilization review" has the same meaning as in RCW 48.43.005.

(15) "Covered person" has the same meaning as in RCW 48.43.005.

(16) "Mail order pharmacy" means a pharmacy that primarily dispenses prescription drugs to patients through the mail or common carrier.

(17) "Pharmacy network" means the pharmacies located in the state or licensed under chapter 18.64 RCW and contracted by a pharmacy benefit manager to dispense prescription drugs to covered persons.

**Sec. 2.** RCW 48.200.030 and 2020 c 240 s 3 are each amended to read as follows:

(1) To conduct business in this state, a health care benefit manager must register with the commissioner and annually renew the registration.

(2) To apply for registration with the commissioner under this section, a health care benefit manager must:

(a) Submit an application on forms and in a manner prescribed by the commissioner and verified by the applicant by affidavit or declaration under chapter 5.50 RCW. Applications must contain at least the following information:

(i) The identity of the health care benefit manager and of persons with any ownership or controlling interest in the applicant including relevant business licenses and tax identification numbers, and the identity of any entity that the health care benefit manager has a controlling interest in;

(ii) The business name, address, phone number, and contact person for the health care benefit manager;

(iii) Any areas of specialty such as pharmacy benefit management, radiology benefit management, laboratory benefit management, mental health benefit management, or other specialty;

(iv) A copy of the health care benefit manager's certificate of registration with the Washington state secretary of state; and

~~((iv))~~ (v) Any other information as the commissioner may reasonably require.

(b) Pay an initial registration fee and annual renewal registration fee as established in rule by the commissioner. The fees for each registration must be set by the commissioner in an amount that ensures the registration, renewal, and oversight activities are self-supporting. If one health care benefit manager has a contract with more than one carrier, the health care benefit manager must complete only one application providing the details necessary for each contract.

(3) All receipts from fees collected by the commissioner under this section must be deposited into the insurance commissioner's regulatory account created in RCW 48.02.190.

(4) Before approving an application for or renewal of a registration, the commissioner must find that the health care benefit manager:

(a) Has not committed any act that would result in denial, suspension, or revocation of a registration;

(b) Has paid the required fees; and

(c) Has the capacity to comply with, and has designated a person responsible for, compliance with state and federal laws.

(5) Any material change in the information provided to obtain or renew a registration must be filed with the commissioner within thirty days of the change.

(6) Every registered health care benefit manager must retain a record of all transactions completed for a period of not less than seven years from the date of their creation. All such records as to

any particular transaction must be kept available and open to inspection by the commissioner during the seven years after the date of completion of such transaction.

**Sec. 3.** RCW 48.200.050 and 2020 c 240 s 5 are each amended to read as follows:

(1) Upon notifying a carrier or health care benefit manager of an inquiry or complaint filed with the commissioner pertaining to the conduct of a health care benefit manager identified in the inquiry or complaint, the commissioner must provide notice of the inquiry or complaint (~~(concurrently)~~) to the health care benefit manager (~~(and)~~). Notice must also be sent to any carrier to which the inquiry or complaint pertains. The commissioner shall respond to and investigate complaints related to the conduct of a health care benefit manager subject to this chapter directly, without requiring that the complaint be pursued exclusively through a contracting carrier.

(2) Upon receipt of an inquiry from the commissioner, a health care benefit manager must provide to the commissioner within fifteen business days, in the form and manner required by the commissioner, a complete response to that inquiry including, but not limited to, providing a statement or testimony, producing its accounts, records, and files, responding to complaints, or responding to surveys and general requests. Failure to make a complete or timely response constitutes a violation of this chapter.

(3) Subject to chapter 48.04 RCW, if the commissioner finds that a health care benefit manager or any person responsible for the conduct of the health care benefit manager's affairs has:

(a) Violated any provision of this chapter or insurance law, or violated any rule, subpoena, or order of the commissioner or of another state's insurance commissioner;

(b) Failed to renew the health care benefit manager's registration;

(c) Failed to pay the registration or renewal fees;

(d) Provided incorrect, misleading, incomplete, or materially untrue information to the commissioner, to a carrier, or to a beneficiary;

(e) Used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, or financial irresponsibility in this state or elsewhere; or

(f) Had a health care benefit manager registration, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory;

the commissioner may take any combination of the following actions against a health care benefit manager or any person responsible for the conduct of the health care benefit manager's affairs, other than an employee benefits program:

(i) Place on probation, suspend, revoke, or refuse to issue or renew the health care benefit manager's registration;

(ii) Issue a cease and desist order against the health care benefit manager (~~(and)~~), contracting carrier, or both;

(iii) Fine the health care benefit manager up to five thousand dollars per violation, and the contracting carrier is subject to a fine for acts conducted under the contract;

(iv) Issue an order requiring corrective action against the health care benefit manager, the contracting carrier acting with the health care benefit manager, or both the health care benefit manager and the contracting carrier acting with the health care benefit manager; and

(v) Temporarily suspend the health care benefit manager's registration by an order served by mail or by personal service upon the health care benefit manager not less than three days prior to the suspension effective date. The order must contain a notice of revocation and include a finding that the public safety or welfare requires emergency action. A temporary suspension under this subsection (3)(f)(v) continues until proceedings for revocation are concluded.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(4) A stay of action is not available for actions the commissioner takes by cease and desist order, by order on hearing, or by temporary suspension.

(5)(a) Health carriers and employee benefits programs are responsible for the compliance of any person or organization acting directly or indirectly on behalf of or at the direction of the carrier or program, or acting pursuant to carrier or program standards or requirements concerning the coverage of, payment for, or provision of health care benefits, services, drugs, and supplies.

(b) A carrier or program contracting with a health care benefit manager is responsible for the health care benefit manager's violations of this chapter, including a health care benefit manager's failure to produce records requested or required by the commissioner.

(c) No carrier or program may offer as a defense to a violation of any provision of this chapter that the violation arose from the act or omission of a health care benefit manager, or other person acting on behalf of or at the direction of the carrier or program, rather than from the direct act or omission of the carrier or program.

**Sec. 4.** RCW 48.200.210 and 2020 c 240 s 10 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 48.200.220 through 48.200.290 unless the context clearly requires otherwise.

(1) "Audit" means an on-site or remote review of the records of a pharmacy by or on behalf of an entity.

(2) "Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of filling or refilling a prescription for a drug or for providing a medical supply or service.

(3) "Clerical error" means a minor error:

(a) In the keeping, recording, or transcribing of records or documents or in the handling of electronic or hard copies of correspondence;

(b) That does not result in financial harm to an entity; and

(c) That does not involve dispensing an incorrect dose, amount, or type of medication, failing to dispense a medication, or dispensing a prescription drug to the wrong person.

(4) "Entity" includes:

(a) A pharmacy benefit manager;

(b) An insurer;

(c) A third-party payor;

(d) A state agency; or

(e) A person that represents or is employed by one of the entities described in this subsection.

(5) "Fraud" means knowingly and willfully executing or attempting to execute a scheme, in connection with the delivery of or payment for health care benefits, items, or services, that uses false or misleading pretenses, representations, or promises to obtain any money or property owned by or under the custody or control of any person.

(6) "Pharmacist" has the same meaning as in RCW 18.64.011.

(7) "Pharmacy" has the same meaning as in RCW 18.64.011.

(8) "Third-party payor" means a person licensed under RCW 48.39.005.

**Sec. 5.** RCW 48.200.280 and 2020 c 240 s 15 are each amended to read as follows:

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

(a) "List" means the list of drugs for which ~~((predetermined))~~ reimbursement costs have been established ~~(, such as a maximum allowable cost or maximum allowable cost list or any other benchmark prices utilized by the pharmacy benefit manager and must include the basis of the methodology and sources utilized)~~

to determine ~~((multisource generic drug))~~ reimbursement amounts.

(b) "Multiple source drug" means ~~((a therapeutically equivalent drug that is available from at least two manufacturers))~~ any covered outpatient prescription drug for which there is at least one other drug product that is rated as therapeutically equivalent under the food and drug administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations"; is pharmaceutically equivalent or bioequivalent, as determined by the food and drug administration; and is sold or marketed in the state.

~~((("Multisource generic drug" means any covered outpatient prescription drug for which there is at least one other drug product that is rated as therapeutically equivalent under the food and drug administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations;" is pharmaceutically equivalent or bioequivalent, as determined by the food and drug administration; and is sold or marketed in the state during the period.~~

~~((d))~~ "Network pharmacy" means a retail drug outlet licensed as a pharmacy under RCW 18.64.043 that contracts with a pharmacy benefit manager.

~~((e))~~ ~~(d)~~ "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.

(2) A pharmacy benefit manager:

(a) May not place a drug on a list unless there are at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;

(b) Shall ensure that all drugs on a list are readily available for purchase by pharmacies in this state from national or regional wholesalers that serve pharmacies in Washington;

(c) Shall ensure that all drugs on a list are not obsolete;

(d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to determine the ~~((predetermined))~~ reimbursement costs for ~~((multisource generic))~~ multiple source drugs of the pharmacy benefit manager;

(e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;

(f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs, available to network pharmacies in a readily accessible and usable format;

(g) Shall ensure that dispensing fees are not included in the calculation of the ~~((predetermined))~~ reimbursement costs for ~~((multisource generic))~~ multiple source drugs;

(h) May not cause or knowingly permit the use of any advertisement, promotion, solicitation, representation, proposal, or offer that is untrue, deceptive, or misleading;

(i) May not charge a pharmacy a fee related to the adjudication of a claim, credentialing, participation, certification, accreditation, or enrollment in a network including, but not limited to, a fee for the receipt and processing of a pharmacy claim, for the development or management of claims processing services in a pharmacy benefit manager network, or for participating in a pharmacy benefit manager network, and may not condition or link restrictions on fees related to credentialing, participation, certification, or enrollment in a pharmacy benefit manager's pharmacy network with a pharmacy's inclusion in the pharmacy benefit manager's pharmacy network for other lines of business;

(j) May not require accreditation standards inconsistent with or

more stringent than accreditation standards established by a national accreditation organization;

(k) May not reimburse a pharmacy in the state an amount less than the amount the pharmacy benefit manager reimburses an affiliate for providing the same pharmacy services; ~~((and))~~

(l) May not directly or indirectly retroactively deny or reduce a claim or aggregate of claims after the claim or aggregate of claims has been adjudicated, unless:

(i) The original claim was submitted fraudulently; or

(ii) The denial or reduction is the result of a pharmacy audit conducted in accordance with RCW 48.200.220; and

(m) May not exclude a pharmacy from their pharmacy network based solely on the pharmacy being newly opened or open less than a defined amount of time, or because a license or location transfer occurs, unless there is a pending investigation for fraud, waste, and abuse.

(3) A pharmacy benefit manager must establish a process by which a network pharmacy, or its representative, may appeal its reimbursement for a drug ~~((subject to predetermined reimbursement costs for multisource generic drugs))~~. A network pharmacy may appeal a ~~((predetermined reimbursement cost))~~ reimbursement amount paid by a pharmacy benefit manager for a ~~((multisource generic))~~ drug if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. An appeal requested under this section must be completed within thirty calendar days of the pharmacy submitting the appeal. If after thirty days the network pharmacy has not received the decision on the appeal from the pharmacy benefit manager, then the appeal is considered denied.

The pharmacy benefit manager shall uphold the appeal of a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella if the pharmacy or pharmacist can demonstrate that it is unable to purchase a therapeutically equivalent interchangeable product from a supplier doing business in Washington at the pharmacy benefit manager's list price.

(4) Before a pharmacy or pharmacist files an appeal pursuant to this section, upon request by a pharmacy or pharmacist, a pharmacy benefit manager must provide a current and accurate list of bank identification numbers, processor control numbers, and pharmacy group identifiers for health plans and self-funded group health plans that have opted in to sections 5, 7, and 8 of this act pursuant to section 9 of this act with which the pharmacy benefit manager either has a current contract or had a contract that has been terminated within the past 12 months to provide pharmacy benefit management services.

(5) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:

(a) A telephone number at which a network pharmacy may contact the pharmacy benefit manager and speak with an individual who is responsible for processing appeals; and

(b) If the appeal is denied, the reason for the denial and the national drug code of a drug that has been purchased by other network pharmacies located in Washington at a price that is equal to or less than the ~~((predetermined))~~ reimbursement ~~((cost))~~ amount paid by the pharmacy benefit manager for the ~~((multisource generic))~~ drug. A pharmacy with ~~((fifteen))~~ 15 or more retail outlets, within the state of Washington, under its corporate umbrella may submit information to the commissioner about an appeal under subsection (3) of this section for purposes of information collection and analysis.

~~((5))~~ (6)(a) If an appeal is upheld under this section, the pharmacy benefit manager shall make a reasonable adjustment on a date no later than one day after the date of determination.

(b) If the request for an adjustment has come from a critical access pharmacy, as defined by the state health care authority by

rule for purposes related to the prescription drug purchasing consortium established under RCW 70.14.060, the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

~~((6))~~ (7) Beginning July 1, 2017, if a network pharmacy appeal to the pharmacy benefit manager is denied, or if the network pharmacy is unsatisfied with the outcome of the appeal, the pharmacy or pharmacist may dispute the decision and request review by the commissioner within thirty calendar days of receiving the decision.

(a) All relevant information from the parties may be presented to the commissioner, and the commissioner may enter an order directing the pharmacy benefit manager to make an adjustment to the disputed claim, deny the pharmacy appeal, or take other actions deemed fair and equitable. An appeal requested under this section must be completed within thirty calendar days of the request.

(b) Upon resolution of the dispute, the commissioner shall provide a copy of the decision to both parties within seven calendar days.

(c) The commissioner may authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct appeals under this subsection ~~((6))~~ (7).

(d) A pharmacy benefit manager may not retaliate against a pharmacy for pursuing an appeal under this subsection ~~((6))~~ (7).

(e) This subsection ~~((6))~~ (7) applies only to a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella.

~~((7))~~ (8) This section does not apply to the state medical assistance program.

**NEW SECTION. Sec. 6.** A new section is added to chapter 48.200 RCW to read as follows:

(1) Each health care benefit manager must appoint the commissioner as its attorney to receive service of, and upon whom must be served, all legal process issued against it in this state for causes of action arising within this state. Service upon the commissioner as attorney constitutes service upon the health care benefit manager. Service of legal process against the health care benefit manager can be had only by service upon the commissioner, except actions upon contractor bonds pursuant to RCW 18.27.040, where service may be upon the department of labor and industries.

(2) With the appointment the health care benefit manager must designate by name, email address, and address the person to whom the commissioner must forward legal process so served upon them. The health care benefit manager may change the person by filing a new designation.

(3) The health care benefit manager must keep the designation, address, and email address filed with the commissioner current.

(4) The appointment of the commissioner as attorney is irrevocable, binds any successor in interest or to the assets or liabilities of the health care benefit manager, and remains in effect as long as there is in force in this state any contract made by the health care benefit manager or liabilities or duties arising therefrom.

(5) The service of process must be accomplished and processed in the manner prescribed under RCW 48.02.200.

**NEW SECTION. Sec. 7.** A new section is added to chapter 48.200 RCW to read as follows:

(1) A pharmacy benefit manager may not:

(a) Reimburse a network pharmacy an amount less than the contract price between the pharmacy benefit manager and the insurer, third-party payor, or the prescription drug purchasing consortium the pharmacy benefit manager has contracted with;

(b) Require a covered person to pay more at the point of sale for a covered prescription drug than is required under RCW

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

48.43.430; or

(c) Require or coerce a patient to use their owned or affiliated pharmacies.

(2) A pharmacy benefit manager shall:

(a) Apply the same utilization review, fees, days allowance, and other conditions upon a covered person when the covered person obtains a prescription drug from a pharmacy that is included in the pharmacy benefit manager's pharmacy network, including mail order pharmacies;

(b) Permit the covered person to receive delivery or mail order of a prescription drug through any network pharmacy that is not primarily engaged in dispensing prescription drugs to patients through the mail or common carrier; and

(c) For new prescriptions issued after the effective date of this section, receive affirmative authorization from a covered person before filling prescriptions through a mail order pharmacy.

(3) If a covered person is using a mail order pharmacy, the pharmacy benefit manager shall:

(a) Allow for dispensing at local network pharmacies under the following circumstances to ensure patient access to prescription drugs:

(i) If the prescription is delayed more than one day after the expected delivery date provided by the mail order pharmacy; or

(ii) If the prescription drug arrives in an unusable condition; and

(b) Ensure patients have easy and timely access to prescription counseling by a pharmacist.

**NEW SECTION. Sec. 8.** A new section is added to chapter 48.200 RCW to read as follows:

(1) A pharmacy benefit manager may not retaliate against a pharmacist or pharmacy for disclosing information in a court, in an administrative hearing, or legislative hearing, if the pharmacist or pharmacy has a good faith belief that the disclosed information is evidence of a violation of a state or federal law, rule, or regulation.

(2) A pharmacy benefit manager may not retaliate against a pharmacist or pharmacy for disclosing information to a government or law enforcement agency, if the pharmacist or pharmacy has a good faith belief that the disclosed information is evidence of a violation of a state or federal law, rule, or regulation.

(3) A pharmacist or pharmacy shall make reasonable efforts to limit the disclosure of confidential and proprietary information.

(4) Retaliatory actions against a pharmacy or pharmacist include cancellation of, restriction of, or refusal to renew or offer a contract to a pharmacy solely because the pharmacy or pharmacist has:

(a) Made disclosures of information that the pharmacist or pharmacy believes is evidence of a violation of a state or federal law, rule, or regulation;

(b) Filed complaints with the plan or pharmacy benefit manager; or

(c) Filed complaints against the plan or pharmacy benefit manager with the commissioner.

**NEW SECTION. Sec. 9.** A new section is added to chapter 48.200 RCW to read as follows:

(1) Nothing in this act expands or restricts the entities subject to this chapter. Therefore, except as provided in subsection (2) of this section, this chapter continues to be inapplicable to a person or entity providing services to, or acting on behalf of, a union or employer administering a self-funded group health plan governed by the provisions of the federal employee retirement income security act of 1974 (29 U.S.C. Sec. 1001 et seq.).

(2) Sections 5, 7, and 8 of this act apply to a pharmacy benefit manager's conduct pursuant to a contract with a self-funded group health plan governed by the provisions of the federal employee

retirement income security act of 1974 (29 U.S.C. Sec. 1001 et seq.) only if the self-funded group health plan elects to participate in sections 5, 7, and 8 of this act. To elect to participate in these provisions, a self-funded group health plan or its administrator shall provide notice, on a periodic basis, to the commissioner in a manner and by a date prescribed by the commissioner, attesting to the plan's participation and agreeing to be bound by sections 5, 7, and 8 of this act. A self-funded group health plan or its administrator that elects to participate under this section, and any pharmacy benefit manager it contracts with, shall comply with sections 5, 7, and 8 of this act.

(3) The commissioner does not have enforcement authority related to a pharmacy benefit manager's conduct pursuant to a contract with a self-funded group health plan governed by the federal employee retirement income security act of 1974, 29 U.S.C. Sec. 1001 et seq., that elects to participate in sections 5, 7, and 8 of this act.

**Sec. 10.** RCW 41.05.017 and 2022 c 236 s 3, 2022 c 228 s 2, and 2022 c 10 s 2 are each reenacted and amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545, 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128, 48.43.780, 48.43.435, 48.43.815, 48.200.020 through 48.200.280, sections 6 through 8 of this act, and chapter 48.49 RCW.

**NEW SECTION. Sec. 11.** 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. 12.** Sections 5 and 7 through 9 of this act take effect January 1, 2026."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Kuderer moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5213.

Senator Kuderer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kuderer that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5213.

The motion by Senator Kuderer carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5213 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5213, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5213, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, Kuderer, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Braun, King, Liias and Van De Wege

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5213, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5376 with the following amendment(s): 5376-S AMH RSG H3350.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 69.50 RCW to read as follows:

(1) A licensed cannabis producer and a licensed cannabis processor may sell cannabis waste to a person not licensed under this chapter if:

(a) The cannabis waste would not be designated as dangerous or hazardous waste under:

(i) Chapter 70A.300 RCW and rules adopted under that chapter; and

(ii) Cannabis waste disposal rules adopted by the board;

(b) The licensee notifies the board and the Washington state department of agriculture before the sale. Such notice must include information about the quantity and sale price of cannabis waste transferred and the name of the person or entity that purchased the cannabis waste; and

(c) The licensee makes all sales available to the public on an equal and nondiscriminatory basis.

(2) Cannabis waste not sold in accordance with subsection (1) of this section and not designated as dangerous or hazardous waste under chapter 70A.300 RCW, rules adopted pursuant to that chapter, or cannabis waste disposal rules adopted by the board must be rendered unusable before leaving a licensed producer, processor, or laboratory.

(3) For the purposes of this section, "cannabis waste" means solid waste generated during cannabis production or processing that has a THC concentration of 0.3 percent or less. "Cannabis waste" does not include "hemp" or "industrial hemp" as those terms are defined in RCW 15.140.020.

(4) Nothing in this chapter prohibits producers or processors from selling cannabis waste to a person not licensed under this chapter if such transfer is pursuant to the requirements of this section.

(5) The board may adopt rules necessary to implement this section."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Stanford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5376.

Senator Stanford spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Stanford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5376.

The motion by Senator Stanford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5376 by voice vote.

#### MOTION

On motion of Senator Nobles, Senator Saldaña was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5376, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5376, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Saldaña

SUBSTITUTE SENATE BILL NO. 5376, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 28, 2024

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5424 with the following amendment(s): 5424-S.E AMH CSJR H3338.2

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 49.28 RCW to read as follows:

(1) Every general authority and limited authority Washington law enforcement agency may adopt a flexible work policy. The policy may allow for general authority and limited authority Washington peace officers to work at less than full time when feasible, such as supplementing work during peak hours with part-time officers. The flexible work policy may include alternative shift and work schedules that fit the needs of the law enforcement agency.

(2) The flexible work policy adopted in subsection (1) of this section may require an officer have a certain number of years of experience as a full-time officer or have additional training for the officer to work part time or be eligible for any other types of flexible work.

(3) The flexible work policy adopted in subsection (1) of this



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

section may not cause the layoff or otherwise displace any full-time officer.

(4) This section does not alter any existing collective bargaining unit, the provisions of any existing collective bargaining agreement, or the duty of a law enforcement agency to meet their duty to bargain under chapter 41.56 or 41.80 RCW. Full-time and part-time officers working for the same law enforcement agency who are covered by a collective bargaining agreement must be in the same bargaining unit.

(5) This section does not alter any laws or workplace policies relating to restrictions on secondary employment for general authority and limited authority Washington peace officers.

(6) For the purposes of this section, the definitions in this subsection apply.

(a) "General authority and limited authority Washington law enforcement agency" has the same meaning as "general authority Washington law enforcement agency" and "limited authority Washington law enforcement agency" as defined in RCW 10.93.020 (3) and (5), respectively.

(b) "General authority and limited authority Washington peace officers" has the same meaning as "general authority Washington peace officer" and "limited authority Washington peace officer" as defined in RCW 10.93.020 (4) and (6), respectively.

**Sec. 2.** RCW 10.93.020 and 2021 c 318 s 307 are each reenacted and amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(2) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(3) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(4) "General authority Washington peace officer" means any ~~((full-time,))~~ fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(5) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling

commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, the office of the insurance commissioner, the state department of corrections, and the office of independent investigations.

(6) "Limited authority Washington peace officer" means any ~~((full-time,))~~ fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(7) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, a tribal peace officer from a federally recognized tribe, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, a tribal peace officer from a federally recognized tribe, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Reserve officer" means any person who does not serve as a regularly employed, fully compensated peace officer of this state, but who, when called by an agency into active service, is fully commissioned on the same basis as regularly employed, fully compensated officers to enforce the criminal laws of this state.

(11) "Specially commissioned Washington peace officer," for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. ~~((A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.))~~

**Sec. 3.** RCW 41.26.030 and 2021 c 12 s 2 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(2) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member

to pay the member's future benefits during the period of retirement.

(3) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(4)(a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan 2 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan 2 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically disabled as determined by the department, except a person who is disabled and in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(7) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(8) "Director" means the director of the department.

(9) "Disability board" for plan 1 members means either the county disability board or the city disability board established in

RCW 41.26.110.

(10) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(11) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(12) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.020.

(13) "Employee" means any law enforcement officer or firefighter as defined in subsections (17) and (19) of this section.

(14)(a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, district, or regional fire protection service authority or the elected officials of any municipal corporation that employs any law enforcement officer and/or firefighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the firefighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or firefighters as defined in this chapter.

(b) "Employer" for plan 2 members, means the following entities to the extent that the entity employs any law enforcement officer and/or firefighter:

(i) The legislative authority of any city, town, county, district, public corporation, or regional fire protection service authority established under RCW 35.21.730 to provide emergency medical services as defined in RCW 18.73.030;

(ii) The elected officials of any municipal corporation;

(iii) The governing body of any other general authority law enforcement agency;

(iv) A four-year institution of higher education having a fully operational fire department as of January 1, 1996; or

(v) The department of social and health services or the department of corrections when employing firefighters serving at a prison or civil commitment center on an island.

(c) Except as otherwise specifically provided in this chapter, "employer" does not include a government contractor. For purposes of this subsection, a "government contractor" is any entity, including a partnership, limited liability company, for-profit or nonprofit corporation, or person, that provides services pursuant to a contract with an "employer." The determination whether an employer-employee relationship has been established is not based on the relationship between a government contractor and an "employer," but is based solely on the relationship between a government contractor's employee and an "employer" under this chapter.

(15)(a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan 2 members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(c) In calculating final average salary under (a) or (b) of this subsection, the department of retirement systems shall include:

(i) Any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, temporary reduction in pay implemented prior to December 11, 2010, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer;

(ii) Any compensation forgone by a member employed by the state or a local government employer during the 2011-2013 fiscal biennium as a result of reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to current pay if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases; and

(iii) Any compensation forgone by a member employed by the state or a local government employer during the 2019-2021 and 2021-2023 fiscal biennia as a result of reduced work hours, mandatory leave without pay, temporary layoffs, furloughs, reductions to current pay, or other similar measures resulting from the COVID-19 budgetary crisis, if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases.

(16) "Fire department" includes a fire station operated by the department of social and health services or the department of corrections when employing firefighters serving a prison or civil commitment center on an island.

(17) "Firefighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for firefighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time firefighter where the fire department does not have a civil service examination;

(c) Supervisory firefighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (17)(d) shall not apply to plan 2 members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (17)(e) shall not apply to plan 2 members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for firefighter;

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) Any person who is employed on a full-time, fully compensated basis by an employer as an emergency medical technician that meets the requirements of RCW 18.71.200 or 18.73.030(~~(42))~~ (13), and whose duties include providing emergency medical services as defined in RCW 18.73.030.

(18) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, and the state department of corrections. A general authority law enforcement agency under this chapter does not include a government contractor.

(19) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (19)(d) shall not apply to plan 2 members; (~~and~~)

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (19)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993; and

(f) Beginning July 1, 2024, the term "law enforcement officer" also includes any person who is commissioned and employed by an employer on a fully compensated basis to enforce the criminal laws of the state of Washington generally, on a less than full-time

basis, with the qualifications in (a) through (e) of this subsection.

(20) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses," provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic X-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(21) "Member" means any firefighter, law enforcement officer, or other person as would apply under subsection (17) or (19) of this section whose membership is transferred to the Washington law enforcement officers' and firefighters' retirement system on or after March 1, 1970, and every law enforcement officer and firefighter who is employed in that capacity on or after such date.

(22) "Plan 1" means the law enforcement officers' and firefighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(23) "Plan 2" means the law enforcement officers' and firefighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(24) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(25) "Regular interest" means such rate as the director may determine.

(26) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(27) "Retirement fund" means the "Washington law enforcement officers' and firefighters' retirement system fund" as provided for herein.

(28) "Retirement system" means the "Washington law enforcement officers' and firefighters' retirement system" provided herein.

(29)(a) "Service" for plan 1 members, means all periods of employment for an employer as a firefighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a firefighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(iii) Reduction efforts such as furloughs, reduced work hours, mandatory leave without pay, temporary layoffs, or other similar situations as contemplated by subsection (15)(c)(iii) of this section do not result in a reduction in service credit that otherwise would have been earned for that month of work, and the member shall receive the full service credit for the hours that were scheduled to be worked before the reduction.

(b)(i) "Service" for plan 2 members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

(ii) Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

(iii) Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

(iv) If a member receives basic salary from two or more

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(v) Reduction efforts such as furloughs, reduced work hours, mandatory leave without pay, temporary layoffs, or other similar situations as contemplated by subsection (15)(c)(iii) of this section do not result in a reduction in service credit that otherwise would have been earned for that month of work, and the member shall receive the full service credit for the hours that were scheduled to be worked before the reduction.

(30) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(31) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(34) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162.

**Sec. 4.** RCW 41.26.030 and 2023 c 77 s 1 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(2) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(3) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(4)(a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan 2 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the

option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan 2 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically disabled as determined by the department, except a person who is disabled and in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(7) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(8) "Director" means the director of the department.

(9) "Disability board" for plan 1 members means either the county disability board or the city disability board established in RCW 41.26.110.

(10) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(11) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(12) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.020.

(13) "Employee" means any law enforcement officer or firefighter as defined in subsections (17) and (19) of this section.

(14)(a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, district, or regional fire protection service authority or the elected officials of any municipal corporation that employs any law enforcement officer and/or firefighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the firefighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law

enforcement officers or firefighters as defined in this chapter.

(b) "Employer" for plan 2 members, means the following entities to the extent that the entity employs any law enforcement officer and/or firefighter:

(i) The legislative authority of any city, town, county, district, public corporation, or regional fire protection service authority established under RCW 35.21.730 to provide emergency medical services as defined in RCW 18.73.030;

(ii) The elected officials of any municipal corporation;

(iii) The governing body of any other general authority law enforcement agency;

(iv) A four-year institution of higher education having a fully operational fire department as of January 1, 1996; or

(v) The department of social and health services or the department of corrections when employing firefighters serving at a prison or civil commitment center on an island.

(c) Except as otherwise specifically provided in this chapter, "employer" does not include a government contractor. For purposes of this subsection, a "government contractor" is any entity, including a partnership, limited liability company, for-profit or nonprofit corporation, or person, that provides services pursuant to a contract with an "employer." The determination whether an employer-employee relationship has been established is not based on the relationship between a government contractor and an "employer," but is based solely on the relationship between a government contractor's employee and an "employer" under this chapter.

(15)(a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan 2 members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(c) In calculating final average salary under (a) or (b) of this subsection, the department of retirement systems shall include:

(i) Any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, temporary reduction in pay implemented prior to December 11, 2010, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer;

(ii) Any compensation forgone by a member employed by the state or a local government employer during the 2011-2013 fiscal biennium as a result of reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to current pay if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases; and

(iii) Any compensation forgone by a member employed by the state or a local government employer during the 2019-2021 and 2021-2023 fiscal biennia as a result of reduced work hours, mandatory leave without pay, temporary layoffs, furloughs, reductions to current pay, or other similar measures resulting from the COVID-19 budgetary crisis, if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer. Reductions to current pay shall not include elimination of previously agreed upon future salary increases.

(16) "Fire department" includes a fire station operated by the department of social and health services or the department of corrections when employing firefighters serving a prison or civil commitment center on an island.

(17) "Firefighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for firefighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time firefighter where the fire department does not have a civil service examination;

(c) Supervisory firefighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (17)(d) shall not apply to plan 2 members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (17)(e) shall not apply to plan 2 members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for firefighter;

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) Any person who is employed on a full-time, fully compensated basis by an employer as an emergency medical technician that meets the requirements of RCW 18.71.200 or 18.73.030(13), and whose duties include providing emergency medical services as defined in RCW 18.73.030.

(18) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, the government of a federally recognized tribe, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, and the state department of corrections. A general authority law enforcement agency under this chapter does not include a government contractor.

(19) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under subsection (14) of this section) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (19)(d) shall not apply to plan 2 members;

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (19)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993; ~~(and)~~

(f) The term "law enforcement officer" also includes a person who is employed on or after January 1, 2024, on a full-time basis by the government of a federally recognized tribe within the state of Washington that meets the terms and conditions of RCW 41.26.565, is employed in a police department maintained by that tribe, and who is currently certified as a general authority peace officer under chapter 43.101 RCW; and

(g) Beginning July 1, 2024, the term "law enforcement officer" also includes any person who is commissioned and employed by an employer on a fully compensated basis to enforce the criminal laws of the state of Washington generally, on a less than full-time basis, with the qualifications in (a) through (e) of this subsection.

(20) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses," provided that they have not been considered as "hospital expenses."

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of

chapter 18.71 RCW;

(B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic X-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(21) "Member" means any firefighter, law enforcement officer, or other person as would apply under subsection (17) or (19) of this section whose membership is transferred to the Washington law enforcement officers' and firefighters' retirement system on or after March 1, 1970, and every law enforcement officer and firefighter who is employed in that capacity on or after such date.

(22) "Plan 1" means the law enforcement officers' and firefighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(23) "Plan 2" means the law enforcement officers' and firefighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(24) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(25) "Regular interest" means such rate as the director may determine.

(26) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(27) "Retirement fund" means the "Washington law enforcement officers' and firefighters' retirement system fund" as provided for herein.

(28) "Retirement system" means the "Washington law enforcement officers' and firefighters' retirement system" provided herein.

(29)(a) "Service" for plan 1 members, means all periods of employment for an employer as a firefighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed

forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a firefighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(iii) Reduction efforts such as furloughs, reduced work hours, mandatory leave without pay, temporary layoffs, or other similar situations as contemplated by subsection (15)(c)(iii) of this section do not result in a reduction in service credit that otherwise would have been earned for that month of work, and the member shall receive the full service credit for the hours that were scheduled to be worked before the reduction.

(b)(i) "Service" for plan 2 members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

(ii) Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

(iii) Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

(iv) If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(v) Reduction efforts such as furloughs, reduced work hours, mandatory leave without pay, temporary layoffs, or other similar situations as contemplated by subsection (15)(c)(iii) of this section do not result in a reduction in service credit that otherwise would have been earned for that month of work, and the member shall receive the full service credit for the hours that were scheduled to be worked before the reduction.

(30) "Service credit month" means a full service credit month

or an accumulation of partial service credit months that are equal to one.

(31) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(32) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(33) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(34) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162.

**Sec. 5.** RCW 43.101.010 and 2023 c 168 s 1 are each amended to read as follows:

When used in this chapter:

(1) "Applicant" means an individual who has received a conditional offer of employment with a law enforcement or corrections agency.

(2) "Chief for a day program" means a program in which commissioners and staff partner with local, state, and federal law enforcement agencies, hospitals, and the community to provide a day of special attention to chronically ill children. Each child is selected and sponsored by a law enforcement agency. The event, "chief for a day," occurs on one day, annually or every other year and may occur on the grounds and in the facilities of the commission. The program may include any appropriate honoring of the child as a "chief," such as a certificate swearing them in as a chief, a badge, a uniform, and donated gifts such as games, puzzles, and art supplies.

(3) "Commission" means the Washington state criminal justice training commission.

(4) "Convicted" means at the time a plea of guilty, nolo contendere, or deferred sentence has been accepted, or a verdict of guilty or finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes all instances in which a plea of guilty or nolo contendere is the basis for conviction, all proceedings in which there is a case disposition agreement, and any equivalent disposition by a court in a jurisdiction other than the state of Washington.

(5) "Correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult persons in jails and detention facilities in the state. "Corrections officer" does not include individuals employed by state agencies.

(7) "Criminal justice personnel" means any person who serves as a peace officer, reserve officer, or corrections officer.

(8) "Finding" means a determination based on a preponderance of the evidence whether alleged misconduct occurred; did not occur; occurred, but was consistent with law and policy; or could neither be proven or disproven.

(9) "Law enforcement personnel" means any person elected, appointed, or employed as a general authority Washington peace officer as defined in RCW 10.93.020 or as a limited authority Washington peace officer as defined in RCW 10.93.020 who as a normal part of their duties has powers of arrest and carries a firearm. For the purposes of this chapter, "law enforcement personnel" does not include individuals employed by the



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

department of corrections.

(10) "Peace officer" has the same meaning as a general authority Washington peace officer as defined in RCW 10.93.020. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter. Limited authority Washington peace officers as defined in RCW 10.93.020, who have powers of arrest and carry a firearm as part of their normal duty, are peace officers for purposes of this chapter. For the purposes of this chapter, "peace officer" does not include individuals employed by the department of corrections.

~~(11) "Reserve officer" ((means any person who does not serve as a peace officer of this state on a full-time basis, but who, when called by an agency into active service, is fully commissioned on the same basis as full-time officers to enforce the criminal laws of this state and includes:~~

~~(a)) has the same meaning as provided in RCW 10.93.020.~~

~~(12) "Specially commissioned Washington peace officer(~~s as defined~~)" has the same meaning as provided in RCW 10.93.020((;~~

~~(b) Persons employed as security by public institutions of higher education as defined in RCW 28B.10.016; and~~

~~(c) Persons employed for the purpose of providing security in the K-12 Washington state public school system as defined in RCW 28A.150.010 and who are authorized to use force in fulfilling their responsibilities)).~~

~~((42)) (13) "Tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.~~

NEW SECTION. Sec. 6. Section 3 of this act expires July 1, 2025.

NEW SECTION. Sec. 7. Section 4 of this act takes effect July 1, 2025."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Lovick moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5424. Senator Lovick spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Lovick that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5424.

The motion by Senator Lovick carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5424 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5424, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5424, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Wamick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Saldaña

ENGROSSED SUBSTITUTE SENATE BILL NO. 5424, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2024

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5444 with the following amendment(s): 5444-S2 AMH FARI BUR 171

On page 3, at the beginning of line 14, beginning with "including" strike all material through "system" on line 24 and insert ". For purposes of this subsection, "transit station" and "transit facility" have the same meaning as defined in RCW 9.91.025. "Transit station" and "transit facility" do not include any "transit vehicle" as that term is defined in RCW 9.91.025"

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

Senator Valdez moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5444.

Senator Valdez spoke in favor of the motion.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Valdez that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5444.

The motion by Senator Valdez carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5444 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5444, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5444, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Van De Wege,

Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Saldaña

SECOND SUBSTITUTE SENATE BILL NO. 5444, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5462 with the following amendment(s): 5462.E AMH ENGR H3463.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes that Washington state law prohibits discrimination in public schools for certain protected classes. The legislature also acknowledges that school districts are required to adopt a policy related to the selection or removal of instructional materials. Under state rule, the instructional materials policy of each school district must establish and use appropriate screening criteria to identify and eliminate bias pertaining to protected classes.

(2) The legislature intends to expand these requirements by requiring school districts to adopt policies and procedures that incorporate adopting inclusive curricula and selecting inclusive instructional materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups. The legislature recognizes that inclusive curricula have been shown to often improve the mental health, academic performance, attendance rates, and graduation rates of historically marginalized and underrepresented communities. Research on students' sense of belonging and community in the school setting confirms that inclusive curricula and learning environments contribute to increased school motivation, participation, and achievement.

(3) The legislature intends to promote culturally and experientially representative learning opportunities for all students by directing the office of the superintendent of public instruction, when revising or developing state learning standards, to screen for inappropriate bias in the proposed state learning standards and to ensure that the histories, contributions, and perspectives of historically marginalized and underrepresented peoples and communities are included in the standards.

(4) The legislature believes that promoting inclusive learning standards, curricula, and instructional materials will improve student achievement, attendance, parent and family engagement, and other dimensions that contribute to student success.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.345 RCW to read as follows:

(1) By June 1, 2025, the Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, must review and update a model policy and procedure regarding course design, selection, and adoption of instructional materials.

(2) The model policy and procedure must require that school district boards of directors, within available materials, adopt inclusive curricula and select diverse, equitable, inclusive, age-appropriate instructional materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups including, but not limited to, people from various racial, ethnic, and religious backgrounds, people with differing learning needs, people with disabilities, LGBTQ people as the term is defined in RCW 43.114.010, and people with

various socioeconomic and immigration backgrounds.

(3) The model policy and procedure must require that, in adopting curricula and selecting instructional materials in accordance with this section, school district boards of directors must seek curricula and instructional materials that are as culturally and experientially diverse as possible, recognizing that the availability of materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups may vary.

(4) By October 1, 2025, school district boards of directors must amend the policy and procedures required under RCW 28A.320.230 to conform with the model policy and procedure required by this section. Additionally, by October 1, 2025, charter school boards and schools subject to state-tribal education compacts must adopt or amend their policies and procedures governing curricula adoption and the selection of instructional materials to conform with the model policy and procedure required by this section. For the purpose of documenting compliance with this section and assisting school districts in accordance with section 6 of this act, school district boards of directors, within 10 days of completing the policy and procedure updates required by this subsection (4), shall provide notice of the completed actions and electronic copies of the applicable policies and procedures to the office of the superintendent of public instruction.

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

**Sec. 3.** RCW 28A.320.230 and 1989 c 371 s 1 are each amended to read as follows:

Every board of directors, unless otherwise specifically provided by law, shall:

(1) (~~Prepare~~) In accordance with section 2 of this act, prepare, negotiate, set forth in writing and adopt, policy relative to the selection or deletion of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including text books;

(c) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the educational service district superintendent, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children. The committee may include parents at the school board's discretion: **PROVIDED,** That parent members shall make up less than one-half of the total membership of the committee;

(d) Provide for reasonable notice to parents of the opportunity to serve on the committee and for terms of office for members of the instructional materials committee;

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district;

(f) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

books, supplies and other instructional materials from unnecessary damage.

Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. Approval or disapproval shall be by the local school district's board of directors.

Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

(2) Establish a depreciation scale for determining the value of texts which students wish to purchase.

**Sec. 4.** RCW 28A.655.070 and 2019 c 252 s 119 are each amended to read as follows:

(1) The superintendent of public instruction shall develop state learning standards that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the state learning standards, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the state learning standards; ~~(and)~~

(b) Include a screening for biased content in each development or revision of a state learning standard and ensure that the concepts of diversity, equity, and inclusion, as those terms are defined in RCW 28A.415.443, are incorporated into each new or revised state learning standard. In meeting the requirements of this subsection (2)(b), the superintendent of public instruction shall consult with the applicable commissions established in Title 43 RCW and other persons and organizations with relevant expertise; and

(c) Review and prioritize the state learning standards and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the statewide student assessment and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its website any grade level content expectations provided to an assessment vendor for use in constructing the statewide student assessment.

(3)(a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed

to determine if each student has mastered the state learning standards identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning and continuing with the statewide student assessment, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(c) By the 2014-15 school year, the superintendent of public instruction, in consultation with the state board of education, shall modify the statewide student assessment system to transition to assessments developed with a multistate consortium, as provided in this subsection:

(i) The assessments developed with a multistate consortium to assess student proficiency in English language arts and mathematics shall be administered beginning in the 2014-15 school year, and beginning with the graduating class of 2020, the assessments must be administered to students in the tenth grade. The reading and writing assessments shall not be administered by the superintendent of public instruction or schools after the 2013-14 school year.

(ii) The high school assessments in English language arts and mathematics in (c)(i) of this subsection shall be used for the purposes of federal and state accountability and for assessing student career and college readiness.

(d) The statewide academic assessment system must also include the Washington access to instruction and measurement assessment for students with significant cognitive challenges.

(4) If the superintendent proposes any modification to the state learning standards or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the state learning standards before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the state learning standards at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the

assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the state learning standards and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the state learning standards, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall review available and appropriate options for competency-based assessments that meet the state learning standards. In accordance with the review required by this subsection, the superintendent shall provide a report and recommendations to the education committees of the house of representatives and the senate by November 1, 2019.

(12) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(13) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(14) The superintendent shall post on the superintendent's website lists of resources and model assessments in social studies, the arts, and health and fitness.

(15) The superintendent shall integrate financial education skills and content knowledge into the state learning standards pursuant to RCW 28A.300.460(2)(d).

(16)(a) The superintendent shall notify the state board of education in writing before initiating the development or revision of the state learning standards under subsections (1) and (2) of this section. The notification must be provided to the state board of education in advance for review at a regularly scheduled or special board meeting and must include the following information:

- (i) The subject matter of the state learning standards;
  - (ii) The reason or reasons the superintendent is initiating the development or revision; and
  - (iii) The process and timeline that the superintendent intends to follow for the development or revision.
- (b) The state board of education may provide a response to the superintendent's notification for consideration in the development or revision process in (a) of this subsection.

(c) Prior to adoption by the superintendent of any new or revised state learning standards, the superintendent shall submit the proposed new or revised state learning standards to the state board of education in advance in writing for review at a regularly scheduled or special board meeting. The state board of education may provide a response to the superintendent's proposal for consideration prior to final adoption.

(17) The state board of education may propose new or revised state learning standards to the superintendent. The superintendent must respond to the state board of education's proposal in writing.

(18) The superintendent shall produce and post on its website a schedule for the revision of state learning standards under subsection (2) of this section by September 1, 2025. In addition to notifying parents, schools, and the public of the revision schedules and timelines, the website posting must be updated as necessary to inform persons of the status of any pending revisions, and of any plans or actions related to developing new state learning standards under subsection (1) of this section.

**NEW SECTION. Sec. 5.** 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 office of the superintendent of public instruction, in collaboration with the statewide association of educational service districts, the legislative youth advisory council established under RCW 43.15.095, and the Washington

state school directors' association, must create an open collection of educational resources for inclusive curricula. The office of the superintendent of public instruction must consult with the Washington state office of equity established in RCW 43.06D.020 and any other relevant state agencies when creating the open collection of educational resources.

(2) The open collection of educational resources must include resources that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall, as soon as is practicable, compile information received under section 2(4) of this act and, based on the received materials, prepare best practices and other informative materials to support school districts, charter schools, and state-tribal education compact schools in meeting the requirements of section 2 of this act.

(2) This section expires June 30, 2028."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5462.

Senator Liias spoke in favor of the motion.

Senator Hawkins spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5462.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5462 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5462, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5462, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Saldaña

ENGROSSED SENATE BILL NO. 5462, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2024

MR. PRESIDENT:

The House passed SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5580 with the following amendment(s): 5580-S2.E2 AMH ENGR H3445.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 74.09 RCW to read as follows:

(1) By no later than January 1, 2026, the authority shall create a postdelivery and transitional care program that allows for extended postdelivery hospital care for people with a substance use disorder at the time of delivery. The authority shall:

(a) Allow for up to five additional days of hospitalization stay for the birth parent;

(b) Provide the birth parent access to integrated care and medical services including, but not limited to, access to clinical health, medication management, behavioral health, addiction medicine, specialty consultations, and psychiatric providers;

(c) Provide the birth parent access to social work support which includes coordination with the department of children, youth, and families to develop a plan for safe care;

(d) Allow dedicated time for health professionals to assist in facilitating early bonding between the birth parent and infant by helping the birth parent recognize and respond to their infant's cues; and

(e) Establish provider requirements and pay only those qualified providers for the services provided through the program.

(2) In order to provide technical assistance to participating hospitals regarding the postdelivery and transitional care program, the authority shall contract with the Washington state chapter of a national organization that provides a physician-led professional community for those who prevent, treat, and promote remission and recovery from the disease of addiction and whose comprehensive set of guidelines for determining placement, continued stay, and transfer or discharge of enrollees with substance use disorders and co-occurring disorders have been incorporated into Medicaid managed care contracts.

(3) In administering the program, the authority shall seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, the federal family first prevention services act, and any other federal funding sources that are now available or may become available.

**NEW SECTION. Sec. 2.** A new section is added to chapter 74.09 RCW to read as follows:

(1) Subject to the amounts appropriated for this specific purpose, the authority shall update the maternity support services program to address perinatal outcomes and increase equity and healthier birth outcomes. By January 1, 2026, the authority shall:

(a) Update current screening tools to be culturally relevant, include current risk factors, ensure the tools address health equity, and include questions identifying various social determinants of health that impact a healthy birth outcome and improve health equity;

(b) Ensure care coordination, including sharing screening tools with the patient's health care providers as necessary;

(c) Develop a mechanism to collect the results of the maternity support services screenings and evaluate the outcomes of the program. At minimum, the program evaluation shall:

(i) Identify gaps, strengths, and weaknesses of the program; and

(ii) Make recommendations for how the program may improve to better align with the authority's maternal and infant health initiatives; and

(d) Increase the allowable benefit and reimbursement rates with the goal of increasing utilization of services to all eligible maternity support services clients who choose to receive the services.

(2) The authority shall adopt rules to implement this section.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.09 RCW to read as follows:

By November 1, 2024, the income standards for a pregnant person eligible for Washington apple health pregnancy coverage shall have countable income equal to or below 210 percent of the federal poverty level.

**Sec. 4.** RCW 74.09.830 and 2021 c 90 s 2 are each amended to read as follows:

(1) The authority shall extend health care coverage from 60 days postpartum to one year postpartum for pregnant or postpartum persons who, on or after the expiration date of the federal public health emergency declaration related to COVID-19, are receiving postpartum coverage provided under this chapter.

(2) By June 1, 2022, the authority must:

(a) Provide health care coverage to postpartum persons who reside in Washington state, have countable income equal to or below 193 percent of the federal poverty level, and are not otherwise eligible under Title XIX or Title XXI of the federal social security act; and

(b) Ensure all persons approved for pregnancy or postpartum coverage at any time are continuously eligible for postpartum coverage for 12 months after the pregnancy ends regardless of whether they experience a change in income during the period of eligibility.

(3) By November 1, 2024, the income standards for a postpartum person eligible for Washington apple health pregnancy or postpartum coverage shall have countable income equal to or below 210 percent of the federal poverty level.

(4) Health care coverage under this section must be provided during the 12-month period beginning on the last day of the pregnancy.

~~((4))~~ (5) The authority shall not provide health care coverage under this section to individuals who are eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act. Health care coverage for these individuals shall be provided by a program that is funded by Title XIX or Title XXI of the federal social security act. Further, the authority shall make every effort to expedite and complete eligibility determinations for individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act to ensure the state is receiving the maximum federal match. This includes, but is not limited to, working with the managed care organizations to provide continuous outreach in various modalities until the individual's eligibility determination is completed. Beginning January 1, 2022, the authority must submit quarterly reports to the caseload forecast work group on the number of individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act but are awaiting for the authority to complete eligibility determination, the number of individuals who were presumptively eligible but are now receiving health care coverage with the maximum federal match under Title XIX or Title XXI of the federal social security act, and outreach activities including the work with managed care organizations.

~~((5))~~ (6) To ensure continuity of care and maximize the efficiency of the program, the amount and scope of health care

services provided to individuals under this section must be the same as that provided to pregnant and postpartum persons under medical assistance, as defined in RCW 74.09.520.

~~((6))~~ (7) In administering this program, the authority must seek any available federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available. This includes, but is not limited to, ensuring the state is receiving the maximum federal match for individuals who are presumptively eligible to receive health care coverage under Title XIX or Title XXI of the federal social security act by expediting completion of the individual's eligibility determination.

~~((7))~~ (8) Working with stakeholder and community organizations and the Washington health benefit exchange, the authority must establish a comprehensive community education and outreach campaign to facilitate applications for and enrollment in the program or into a more appropriate program where the state receives maximum federal match. Subject to the availability of amounts appropriated for this specific purpose, the education and outreach campaign must provide culturally and linguistically accessible information to facilitate participation in the program, including but not limited to enrollment procedures, program services, and benefit utilization.

~~((8))~~ (9) Beginning January 1, 2022, the managed care organizations contracted with the authority to provide postpartum coverage must annually report to the legislature on their work to improve maternal health for enrollees, including but not limited to postpartum services offered to enrollees, the percentage of enrollees utilizing each postpartum service offered, outreach activities to engage enrollees in available postpartum services, and efforts to collect eligibility information for the authority to ensure the enrollee is in the most appropriate program for the state to receive the maximum federal match.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Muzzall moved that the Senate concur in the House amendment(s) to Second Engrossed Second Substitute Senate Bill No. 5580.

Senator Muzzall spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Muzzall that the Senate concur in the House amendment(s) to Second Engrossed Second Substitute Senate Bill No. 5580.

The motion by Senator Muzzall carried and the Senate concurred in the House amendment(s) to Second Engrossed Second Substitute Senate Bill No. 5580 by voice vote.

The President declared the question before the Senate to be the final passage of Second Engrossed Second Substitute Senate Bill No. 5580, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute Senate Bill No. 5580, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Saldaña

SECOND ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5580, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5592 with the following amendment(s): 5592.E AMH HCW H3368.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) The owner of a fitness center shall acquire and maintain at least one semiautomatic external defibrillator on premises.

(2) The fitness center must comply with the requirements of RCW 70.54.310, including instruction of personnel on the use of the defibrillator, maintenance of the defibrillator, and notification of the local emergency medical services organization about the location of the defibrillator.

(3) An employee of a fitness center who has completed the instruction required under RCW 70.54.310 may render emergency care or treatment using a semiautomatic external defibrillator on the fitness center premises.

(4) A person who uses a semiautomatic external defibrillator at the scene of an emergency is immune from civil liability pursuant to RCW 70.54.310.

(5)(a) "Fitness center" means any premises used for recreation, instruction, training, physical exercise, body building, weight loss, figure development, martial arts, or other similar activity, that offers access on a membership basis.

(b) "Fitness center" does not include: (i) Public common schools, private schools approved under RCW 28A.195.010, and public or private institutions of higher education; (ii) facilities operated by bona fide nonprofit organizations which have been granted tax-exempt status by the internal revenue service, the functions of which as fitness centers are only incidental to their overall functions; and (iii) private facilities operated out of a home that do not offer memberships."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Hunt moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5592.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

Senator Hunt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hunt that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5592.

The motion by Senator Hunt carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5592 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5592, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5592, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Saldaña

ENGROSSED SENATE BILL NO. 5592, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2024

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5632 with the following amendment(s): 5632.E AMH LAWS H3324.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.71 RCW to read as follows:

(1) By January 1, 2025, the exchange must establish a worker health plan access program to help Washingtonians who lose health care coverage provided by their employer or a joint labor management trust as a result of an active strike, lockout, or other labor dispute.

(2) Subject to the availability of funding, the exchange must provide enrollment assistance to help maintain coverage for individuals and their dependents who:

(a) Provide a self-attestation regarding loss of minimum essential health care coverage from an employer or joint labor management trust fund as a result of an active strike, lockout, or other labor dispute; and

(b) Are eligible for coverage offered through the exchange.

(3) The exchange may request, and an applicable employer, labor organization, or other appropriate representative, must provide, information to determine the status of a strike, lockout, or labor dispute, its impact to coverage, and any other information determined by the exchange as necessary to conduct outreach and determine eligibility for federal and state subsidies offered through the exchange.

(4) The exchange must establish a process for providing outreach and enrollment assistance, and may establish additional procedural requirements to administer the program established in subsection (1) of this section.

NEW SECTION. **Sec. 2.** This act may be known and cited as the worker health care protection act."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5632.

Senator Keiser spoke in favor of the motion.

Senator King spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5632.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5632 by a rising vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5632, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5632, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Saldaña

ENGROSSED SENATE BILL NO. 5632, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2024

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5649 with the following amendment(s): 5649-S AMH LG H3367.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the office of Chehalis basin in the department of ecology is directed to aggressively pursue implementation of an integrated strategy for long-term flood damage reduction in the Chehalis river basin.

The legislature recognizes that restrictions on improvements to residential structures located in floodways may impede the office's ability to successfully carry out the Chehalis basin strategy. Therefore, the legislature intends to create additional regulatory flexibility to allow substantial improvements to residential structures for the primary purpose of reducing risk of flood damage in floodways.

**Sec. 2.** RCW 86.16.041 and 2000 c 222 s 1 are each amended to read as follows:

(1) Beginning July 26, 1987, every county and incorporated city and town shall submit to the department of ecology any new floodplain management ordinance or amendment to any existing floodplain management ordinance. Such ordinance or amendment shall take effect ((thirty)) 30 days from filing with the department unless the department disapproves such ordinance or amendment within that time period.

(2) The department may disapprove any ordinance or amendment submitted to it under subsection (1) of this section if it finds that an ordinance or amendment does not comply with any of the following:

(a) Restriction of land uses within designated floodways including the prohibition of construction or reconstruction, repair, or replacement of residential structures, except for: (i) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction, or improvements to a structure the cost of which does not exceed ((fifty)) 50 percent of the market value of the structure either, (A) before the repair, reconstruction, or repair is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code or building enforcement official and which are the minimum necessary to ensure safe living conditions shall not be included in the ((fifty)) 50 percent determination. However, the floodway prohibition in this subsection does not apply to existing farmhouses in designated floodways that meet the provisions of subsection (3) of this section, ((or)) to ((substantially damaged)) existing residential structures other than farmhouses that meet the depth and velocity and erosion analysis in subsection (4) of this section, or to structures identified as historic places;

(b) The minimum requirements of the national flood insurance program; and

(c) The minimum state requirements adopted pursuant to RCW 86.16.031(8) that are applicable to the particular county, city, or town.

(3) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 shall be permitted subject to the following:

(a) The new farmhouse is a replacement for an existing farmhouse on the same farm site;

(b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;

(c) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;

(d) A replacement farmhouse shall not exceed the total square footage of encroachment of the farmhouse it is replacing;

(e) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ((ninety)) 90 days after occupancy of a new farmhouse;

(f) For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum of one

foot higher than the base flood elevation;

(g) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;

(h) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and

(i) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

(4)(a) For all substantially damaged residential structures other than farmhouses that are located in a designated floodway, the department, at the request of the town, city, or county with land use authority over the structure, is authorized to assess the risk of harm to life and property posed by the specific conditions of the floodway, and, based upon scientific analysis of depth, velocity, and flood-related erosion, may exercise best professional judgment in recommending to the permitting authority, repair, replacement, or relocation of such damaged structures. The effect of the department's recommendation, with the town, city, or county's concurrence, to allow repair or replacement of a substantially damaged residential structure within the designated floodway is a waiver of the floodway prohibition.

(b) For proposed projects that substantially improve residential structures in a designated floodway for the primary purpose of reducing risk of flood damage, the department, at the request of the town, city, or county with land use authority over the structures, is authorized to assess the risk of harm to life and property posed by the specific conditions of the floodway, and, based upon scientific analysis of depth, velocity, and flood-related erosion, may exercise best professional judgment in recommending to the permitting authority whether a project should proceed. The effect of the department's recommendation, with the town, city, or county's concurrence, to allow a project to proceed within the designated floodway is a waiver of the floodway prohibition.

(5) The department shall develop a rule or rule amendment guiding the assessment procedures and criteria described in subsections (3) and (4) of this section no later than December 31, 2000.

(6) For the purposes of this section, "farmhouse" means a single-family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Braun moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5649.

Senator Braun spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Braun that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5649.

The motion by Senator Braun carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5649 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5649, as amended by the House.



ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5649, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Saldaña

SUBSTITUTE SENATE BILL NO. 5649, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2024

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5690 with the following amendment(s): 5690-S.E AMH ENGR H3296.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.77.110 and 2000 c 94 s 14 are each amended to read as follows:

(1) If a defendant is acquitted of a crime by reason of insanity, and it is found that he or she is not a substantial danger to other persons, and does not present a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall direct the defendant's release. If it is found that such defendant is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, the court shall order his or her hospitalization, or any appropriate alternative treatment less restrictive than detention in a state mental hospital, pursuant to the terms of this chapter.

(2) If the defendant has been found not guilty by reason of insanity and a substantial danger, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, so as to require treatment then the secretary shall immediately cause the defendant to be evaluated to ascertain if the defendant ~~((is developmentally disabled))~~ has a developmental disability. When appropriate, and subject to available funds, the defendant may be committed to a program specifically reserved for the treatment and training of ~~((developmentally disabled))~~ persons with developmental disabilities. A person so committed shall receive habilitation services according to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of ~~((developmentally disabled))~~ persons with developmental disabilities. The treatment program shall provide physical security to a degree consistent with the finding that the defendant is dangerous and may

incorporate varying conditions of security and alternative sites when the dangerousness of any particular defendant makes this necessary. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

(3) If it is found that such defendant is not a substantial danger to other persons, and does not present a substantial likelihood of committing criminal acts jeopardizing public safety or security, but that he or she is in need of control by the court or other persons or institutions, the court shall direct the defendant's conditional release to a less restrictive alternative under conditions that satisfy the minimum requirements of RCW 10.77.150 and 10.77.175.

Sec. 2. RCW 10.77.010 and 2023 c 453 s 2 and 2023 c 120 s 5 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Authority" means the Washington state health care authority.

(3) "Clinical intervention specialist" means a licensed professional with prescribing authority who is employed by or contracted with the department to provide direct services, enhanced oversight and monitoring of the behavioral health status of in-custody defendants who have been referred for evaluation or restoration services related to competency to stand trial and who coordinate treatment options with forensic navigators, the department, and jail health services.

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(5) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025.

(6) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms. A conditional release includes partial conditional release where a person continues inpatient at a department institution or facility designated to provide treatment for persons acquitted as not guilty by reason of insanity under RCW 10.77.150, or conditional release to a less restrictive setting that meets the minimum requirements of RCW 10.77.150 and 10.77.175 where the person resides in the community.

(7) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

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

(9) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(10) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(11) "Developmental disabilities professional" means a person who has specialized training and experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(12) "Developmental disability" means the condition as defined in RCW 71A.10.020.

(13) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(14) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(15) "Genuine doubt as to competency" means that there is reasonable cause to believe, based upon actual interactions with or observations of the defendant or information provided by counsel, that a defendant is incompetent to stand trial.

(16) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(17) "History of one or more violent acts" means violent acts committed during: (a) The 10-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the 10-year period in a mental health facility or in confinement as a result of a criminal conviction.

(18) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(19) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(20) "Indigent" means any person who is indigent as defined in RCW 10.101.010, or financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(22) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to

chapter 18.83 RCW;

(c) A psychiatric advanced registered nurse practitioner, as defined in RCW 71.05.020; or

(d) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(23) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(24) "Secretary" means the secretary of the department of social and health services or his or her designee.

(25) "Treatment" means any currently standardized medical or mental health procedure including medication.

(26) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health administrative services organizations and their staffs, by managed care organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others.

(27) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

**Sec. 3.** RCW 10.77.150 and 2023 c 120 s 8 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application ~~((and)).~~ The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person can be conditionally released. ((Conditional release may also contemplate partial release for work, training, or educational purposes.)) Recommendations for terms and conditions for conditional release to a less restrictive alternative must ensure that the conditional release will satisfy the minimum requirements of this section and RCW 10.77.175. The department of corrections may provide information to the secretary as to the proposed terms and conditions for cases considered for partial conditional release or conditional release to a less restrictive alternative for which they have court-ordered supervision.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for conditional release to the court of the county that ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

conditionally released. ~~((Conditional release may also include partial release for work, training, or educational purposes.))~~ Recommendations for terms and conditions for conditional release to a less restrictive alternative must ensure that the conditional release will satisfy the minimum requirements of this section and RCW 10.77.175. The department of corrections may provide information to the secretary as to the proposed terms and conditions for cases considered for partial conditional release or conditional release to a less restrictive alternative for which they have court-ordered supervision. Notice of the secretary's recommendation under this subsection must be provided to the person for whom the secretary has made the recommendation for conditional release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for ~~((conditional release))~~ terms and conditions, shall within 30 days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the person examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent~~((:))~~ and ~~((he or she))~~ so requests, the court shall assist the person in obtaining a qualified expert or professional person to examine the person on ~~((his or her))~~ the person's behalf. An expert or professional person obtained by an indigent person who is committed to state psychiatric care following acquittal by reason of insanity shall be compensated out of funds of the office of public defense as provided in policies and procedures under chapter 2.70 RCW, in a manner consistent with the rules of professional conduct and the standards for indigent defense.

(c) The issue to be determined at such a hearing is whether or not the person may be released conditionally ~~((to less restrictive alternative treatment under the supervision of a multidisciplinary transition team under conditions imposed by the court, including access to services under RCW 10.77.175 without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security))~~ under conditions imposed by the court without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) In cases that come before the court under subsection (1) or (2) of this section, the court may deny conditional release ~~((to a less restrictive alternative))~~ only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary.

(4)(a) If the order of conditional release provides for the conditional release of the person to a less restrictive alternative, ~~((including residential treatment or treatment in the community,))~~ the conditional release order ~~((must also))~~ shall include:

~~((a))~~ (i) A requirement for the committed person to be supervised by a multidisciplinary transition team, including a specially trained community corrections officer, a representative of the department of social and health services, and a representative of the community behavioral health agency providing treatment to the person under RCW 10.77.175.

~~((b))~~ (A) The court may omit appointment of the representative of the community behavioral health agency if the conditional release order does not require participation in behavioral health treatment;

~~((c))~~ (B) The court may omit the appointment of a community corrections officer if it makes a special finding that the appointment of a community corrections officer would not facilitate the success of the person, ~~((e))~~ and the safety of the person and the community;

~~((b))~~ (ii) A requirement for the person to comply with conditions of supervision established by the court which shall include at a minimum reporting as directed to a designated member of the transition team, remaining within prescribed geographical boundaries, and notifying the transition team prior to making any change in the person's address or employment. If the person is not in compliance with the court-ordered conditions of release, the community corrections officer or another designated transition team member shall notify the secretary or the secretary's designee; and

~~((e))~~ (iii) If the court requires participation in behavioral health treatment, the name of the licensed or certified behavioral health agency responsible for identifying the services the person will receive under RCW 10.77.175, and a requirement that the person cooperate with the services planned by the licensed or certified behavioral health agency. The licensed or certified behavioral health agency must comply with the reporting requirements of RCW 10.77.160, and must immediately report to the court, prosecutor, and defense counsel any substantial withdrawal or disengagement from medication or treatment, or any change in the person's mental health condition that renders him or her a potential risk to the public.

~~((f))~~ (b) The court may not order conditional release to a proposed less restrictive alternative unless conditions ensure the conditional release will satisfy the minimum requirements set forth in this section and RCW 10.77.175.

(5) The role of the transition team appointed under subsection (4) of this section shall be to facilitate the success of the person on the conditional release order by monitoring the person's progress in treatment, compliance with court-ordered conditions, and to problem solve around extra support the person may need or circumstances that may arise that threaten the safety of the person or the community. The transition team may develop a monitoring plan that may be carried out by any member of the team. The transition team shall meet according to a schedule developed by the team, and shall communicate as needed if issues arise that require the immediate attention of the team.

(6) The department of corrections shall collaborate with the department to develop specialized training for community corrections officers under this section. The lack of a trained community corrections officer must not be the cause of delay to entry of a conditional release order. Another community corrections officer may be appointed if no specially trained officer is available.

(7) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial, or sooner with the support of the department.

(8) A person examined under RCW 10.77.140 or the department may make a motion for ~~((limited))~~ partial conditional release under this section, on the grounds that there is insufficient evidence that the person may be released conditionally to less restrictive alternative treatment under subsection (3)(c) of this section, but the person would benefit from the opportunity to exercise increased privileges while remaining under the custody and supervision of the department and with the supervision of the department these increased privileges can be exercised without substantial danger to other persons or substantial likelihood of committing criminal acts jeopardizing public safety or security. The department may respond to a person's application for conditional release by instead supporting ~~((limited))~~ partial

conditional release.

**Sec. 4.** RCW 10.77.175 and 2022 c 210 s 22 are each amended to read as follows:

(1) Conditional release planning should start at admission and proceed in coordination between the department and the person's managed care organization, or behavioral health administrative services organization if the person is not eligible for medical assistance under chapter 74.09 RCW. If needed, the department shall assist the person to enroll in medical assistance in suspense status under RCW 74.09.670. The state hospital liaison for the managed care organization or behavioral health administrative services organization shall facilitate conditional release planning in collaboration with the department.

(2) Less restrictive alternative treatment pursuant to a conditional release order, at a minimum, ~~((includes))~~ addresses the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the conditional treatment;
- (c) A psychiatric evaluation or a substance use disorder evaluation, or both;
- (d) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;
- (e) A transition plan addressing access to continued services at the expiration of the order;
- (f) An individual crisis plan;
- (g) Consultation about the formation of a mental health advance directive under chapter 71.32 RCW;
- (h) Appointment of a transition team under RCW 10.77.150; and

(i) Notification to the care coordinator assigned in (a) of this subsection and to the transition team as provided in RCW 10.77.150 if reasonable efforts to engage the client fail to produce substantial compliance with court-ordered treatment conditions.

(3) Less restrictive alternative treatment pursuant to a conditional release order may additionally include requirements to participate in the following services:

- (a) Medication management;
- (b) Psychotherapy;
- (c) Nursing;
- (d) Substance use disorder counseling;
- (e) Residential treatment;
- (f) Partial hospitalization;
- (g) Intensive outpatient treatment;
- (h) Support for housing, benefits, education, and employment; and
- (i) Periodic court review.

(4) Nothing in this section prohibits items in subsection (2) of this section from beginning before the conditional release of the individual.

(5) If the person was provided with involuntary medication under RCW 10.77.094 or pursuant to a judicial order during the involuntary commitment period, the less restrictive alternative treatment pursuant to the conditional release order may authorize the less restrictive alternative treatment provider or its designee to administer involuntary antipsychotic medication to the person if the provider has attempted and failed to obtain the informed consent of the person and there is a concurring medical opinion approving the medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with an independent mental health professional with prescribing authority.

(6) Less restrictive alternative treatment pursuant to a conditional release order must be administered by a provider that

is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(7) The care coordinator assigned to a person ordered to less restrictive alternative treatment pursuant to a conditional release order must, in collaboration with and on behalf of the transition team, submit an individualized plan for the person's treatment services to the court that entered the order. An initial plan must be submitted as soon as possible following the intake evaluation and a revised plan must be submitted upon any subsequent modification in which a type of service is removed from or added to the treatment plan.

(8) A care coordinator may disclose information and records related to mental health treatment under RCW 70.02.230(2)(k) for purposes of implementing less restrictive alternative treatment pursuant to a conditional release order.

(9) For the purpose of this section, "care coordinator" means a representative from the department of social and health services who coordinates the activities of less restrictive alternative treatment pursuant to a conditional release order. The care coordinator coordinates activities with the person's transition team that are necessary for enforcement and continuation of the conditional release order and is responsible for coordinating service activities with other agencies (~~and establishing and maintaining~~). The transition teams establish and maintain a therapeutic relationship with the individual on a continuing basis.

**Sec. 5.** RCW 10.77.160 and 2010 c 263 s 6 are each amended to read as follows:

When a person conditionally released (~~((person))~~) to a less restrictive alternative is required by the terms of his or her conditional release to report to a physician, department of corrections community corrections officer, or medical or mental health practitioner on a regular or periodic basis, the physician, department of corrections community corrections officer, medical or mental health practitioner, or other such person shall monthly, for the first six months after release and semiannually thereafter, or as otherwise directed by the court, submit to the court, the secretary, the institution from which released, and to the prosecuting attorney of the county in which the person was committed, a report stating whether the person is adhering to the terms and conditions of his or her conditional release, and detailing any arrests or criminal charges filed and any significant change in the person's mental health condition or other circumstances. Such reports may be combined for members of a transition team under RCW 10.77.150 and submitted by a designated member unless otherwise directed by the court."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Dhingra moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5690 and ask the House to recede therefrom.

Senators Dhingra and Boehnke spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5690 and ask the House to recede therefrom.

The motion by Senator Dhingra carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5690 and asked the House to recede therefrom by voice vote.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

## MESSAGE FROM THE HOUSE

February 28, 2024

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5774 with the following amendment(s): 5774-S AMH HSEL H3335.3

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that accurate background checks play an important role in ensuring the safety of Washington families seeking child care services and for those involved in the child welfare system. The legislature finds that many areas of the state lack convenient access to fingerprinting services, thereby significantly delaying or inhibiting hiring and approval processes. The legislature finds that completing background checks more quickly will help address child care workforce shortfalls by allowing providers to hire, train, and employ new staff. The legislature therefore intends to improve workforce stability by reducing processing times for background checks and directing the department of children, youth, and families to make fingerprinting services available at selected early learning and child welfare offices as provided in this act.

**Sec. 2.** RCW 43.216.270 and 2023 c 437 s 2 are each amended to read as follows:

(1)(a) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(b) The department may not deny or delay a license to provide child care and early learning services under this chapter to an individual solely because of a founded finding of physical abuse or negligent treatment or maltreatment involving the individual revealed in the background check process or solely because the individual's child was found by a court to be dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b) when that founded finding or court finding is accompanied by a certificate of parental improvement as defined in chapter 74.13 RCW related to the same incident.

(2) In order to determine the suitability of individuals newly applying for an agency license, new licensees, their new employees, and other persons who newly have unsupervised access to children in child care, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b) All individuals applying for first-time agency licenses, all new employees, and other persons who have not been previously qualified by the department to have unsupervised access to children in child care must be fingerprinted and obtain a criminal history record check pursuant to this section.

(c) The secretary shall use the fingerprint criminal history record check information solely for the purpose of determining eligibility for a license and for determining the character,

suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose.

(e) No later than July 1, 2013, all agency licensees holding licenses prior to July 1, 2012, persons who were employees before July 1, 2012, and persons who have been qualified by the department before July 1, 2012, to have unsupervised access to children in child care, must submit a new background application to the department.

(f) The department shall issue a background check clearance card or certificate to the applicant if after the completion of a background check the department concludes the applicant is qualified for unsupervised access to children in child care. The background check clearance card or certificate is valid for five years from the date of issuance. A valid card or certificate must be accepted by a potential employer as proof that the applicant has successfully completed a background check as required under this chapter. For purposes of renewal of the background clearance card or certificate, all agency licensees holding a license, persons who are employees, and persons who have been previously qualified by the department, must submit a new background application to the department on a date to be determined by the department.

(g) The original applicant for an agency license, licensees, their employees, and other persons who have unsupervised access to children in child care shall submit a new background check application to the department, on a form and by a date as determined by the department.

(h) The applicant and agency shall maintain on-site for inspection a copy of the background check clearance card or certificate.

(i) Individuals who have been issued a background check clearance card or certificate shall report nonconviction and conviction information to the department within twenty-four hours of the event constituting the nonconviction or conviction information.

(j) The department shall investigate and conduct a redetermination of an applicant's or licensee's background clearance if the department receives a complaint or information from individuals, a law enforcement agency, or other federal, state, or local government agency. Subject to the requirements contained in RCW 43.216.325 and 43.216.327 and based on a determination that an individual lacks the appropriate character, suitability, or competence to provide child care or early learning services to children, the department may: (i) Invalidate the background card or certificate; or (ii) suspend, modify, or revoke any license authorized by this chapter.

(3) To satisfy the shared background check requirements of the department of children, youth, and families, the office of the superintendent of public instruction, and the department of social and health services, each department shall share federal fingerprint-based background check results as permitted under the law. The purpose of this provision is to allow these departments to fulfill their joint background check responsibility of checking any individual who may have unsupervised access to vulnerable adults, children, or juveniles. These departments may not share the federal background check results with any other state agency or person.

(4) Individuals who have completed a fingerprint background check as required by the office of the superintendent of public instruction, consistent with RCW 28A.400.303, and have been continuously employed by the same school district or educational

service district, can meet the requirements in subsection (2) of this section by providing a true and accurate copy of their Washington state patrol and federal bureau of investigation background check report results to the department or if the school district or the educational service district provides an affidavit to the department that the individual has been authorized to work by the school district or educational service district after completing a record check consistent with RCW 28A.400.303. The department may require that additional background checks be completed that do not require additional fingerprinting.

(5) Subject to the availability of amounts appropriated for this specific purpose and to help satisfy the background check requirements in this section, the department shall maintain the capacity to roll, print, or scan fingerprints in at least seven of the department's early learning and child welfare offices for the purposes of Washington state patrol and federal bureau of investigation fingerprint-based background checks. Office locations must:

(a) Be prioritized based on proximity to existing fingerprinting service capacity, regional demand, and criteria to enhance timely access;

(b) Provide staff support of a minimum of 0.5 full-time equivalent employees per office location; and

(c) Provide fingerprinting services solely for prospective and current child care employees, licensed group care employees, families, and relatives involved in child welfare.

**Sec. 3.** RCW 74.15.030 and 2019 c 470 s 20 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;

(c) Conducting background checks for those who will or may have unsupervised access to children or expectant mothers; however, a background check is not required if a caregiver approves an activity pursuant to the prudent parent standard contained in RCW 74.13.710;

(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;

(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and

through the federal bureau of investigation for:

(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicensure;

(ii) Foster care and adoption placements; and

(iii) Any adult living in a home where a child may be placed;

(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;

(g) The cost of fingerprint background check fees will be paid as required in RCW 43.43.837;

(h) The capacity to roll, print, or scan fingerprints in the department's early learning and child welfare offices for the purposes of Washington state patrol and federal bureau of investigation fingerprint-based background checks as provided in RCW 43.216.270(5);

(i) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;

~~((+))~~ (j) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

~~((+))~~ (k) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children or expectant mothers;

~~((+))~~ (l) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

~~((+))~~ (m) The financial ability of an agency to comply with minimum requirements established pursuant to this chapter and RCW 74.13.031; and

~~((+))~~ (n) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children or expectant mothers prior to authorizing that person to care for children or expectant mothers. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including agencies or facilities operated by the department of social and health services that receive children for care outside their own homes, child day-care centers, and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to this chapter and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with this chapter and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children or expectant mothers.

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

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Billig moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5774.

Senators Billig and Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Billig that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5774.

The motion by Senator Billig carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5774 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5774, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5774, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Saldaña

SUBSTITUTE SENATE BILL NO. 5774, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced The Honorable Dan Newhouse, U.S. Representative, 4<sup>th</sup> Congressional District, former Director of the State Department of Agriculture and former member of the State House of Representatives, who was present in the wings.

#### MESSAGE FROM THE HOUSE

February 27, 2024

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5785 with

the following amendment(s): 5785-S AMH AGNR H3380.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 77.12 RCW to read as follows:

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

(a) "Nonprofit organization" means any:

(i) Organization described in section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and exempt from tax under section 501(a) of the internal revenue code; or

(ii) Not-for-profit organization that is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(b)(i) "Volunteer" or "volunteer organization" means an individual or entity performing services for a nonprofit organization or a governmental entity who does not receive compensation, other than reasonable reimbursement or allowances for expenses actually incurred, or any other thing of value, in excess of \$500 per year.

(ii) "Volunteer" includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

(2) The director is authorized to enter into those contracts, agreements, or other arrangements as are necessary to collaborate with volunteer organizations and nonprofit organizations to maintain, protect, and enhance department lands including, but not limited to, entering into:

(a) Agreements with nonprofit organizations and volunteer organizations for work; and

(b) Master agreements with nonprofit organizations and volunteer organizations, allowing for the issuing of work orders as needed pursuant to the terms of those master agreements.

(3) Agreements under this section are limited to a duration of five years and work valued at less than \$250,000 per year.

(4) The requirements of chapter 39.04 RCW do not apply to contracts, agreements, or other arrangements between the department and nonprofit organizations, volunteers, and volunteer organizations, for the purposes set forth in this section.

(5) Whenever volunteers or volunteer organizations are authorized to perform activities or carry out projects under this section or agreements entered into pursuant to this section, the volunteers or members of the volunteer organization may not be considered employees or agents of the department and the department is not subject to any liability whatsoever arising out of volunteer activities or projects. The liability of the department to volunteers and members of the volunteer organizations is limited in the same manner as provided for in RCW 4.24.210.

(6)(a) Nothing in this section shall diminish the responsibility of the department to protect the resources and access guaranteed to federally recognized Indian tribes in certain treaties made with the United States.

(b) Nothing in this section shall alter, diminish, or expand the rights of any federally recognized Indian tribe with treaty reserved rights."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Warnick moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5785.

Senator Warnick spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Warnick that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5785.

The motion by Senator Warnick carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5785 by voice vote.

#### MOTION

On motion of Senator Wagoner, Senator Rivers was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5785, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5785, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Saldaña

SUBSTITUTE SENATE BILL NO. 5785, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 27, 2024

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5790 with the following amendment(s): 5790.E AMH STON MOET 326

On page 2, beginning on line 34, strike all of section 2  
Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Dhingra moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5790.

Senator Dhingra spoke in favor of the motion.

Senators Hawkins and Van De Wege spoke against the motion.

The President declared the question before the Senate to be the motion that the Senate not concur in the House amendment(s) to Engrossed Senate Bill No. 5790.

The question as declared by the President carried by voice vote.

#### PARLIAMENTARY INQUIRY

Senator Hawkins: "Thank you Mr. President. I believe that perhaps when you restated the motion you may have stated it as a do not concur motion which then we voted that way but the original motion on the floor was a do concur motion. So, I think the body might have been a bit confused."

#### REPLY BY THE PRESIDENT

President Heck: "I think you are absolutely correct and the President extends his deepest apologies for that mistake. With the indulgence of the body I would like to restate the motion and vote again. Do I have your grace to do that?"

Without objection, the Senate agreed with the President's course of correction and the Senate immediately reconsidered the vote by which the motion as stated by the President carried.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5790.

The motion by Senator Dhingra did not carry and the Senate did not concur in the House amendment(s) to Engrossed Senate Bill No. 5790 and asked the House to recede therefrom by voice vote on reconsideration.

#### MESSAGE FROM THE HOUSE

February 28, 2024

MR. PRESIDENT:

The House passed SENATE BILL NO. 5800 with the following amendment(s): 5800 AMH TR H3404.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.075 and 2023 c 445 s 2 are each amended to read as follows:

(1) An intermediate license authorizes the holder to drive a motor vehicle under the conditions specified in this section. An applicant for an intermediate license must be at least 16 years of age and:

(a) Have possessed a valid instruction permit for a period of not less than six months;

(b) Have passed a driver licensing examination administered by the department;

(c) Have passed a course of driver's education in accordance with the standards established in RCW 46.20.100;

(d) Present certification by his or her parent, guardian, ~~((or))~~ employer, or responsible adult to the department stating (i) that the applicant has had at least 50 hours of driving experience, 10 of which were at night, during which the driver was supervised by a person at least 21 years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of traffic infraction or cited for a traffic violation that is pending at the time of the application for the intermediate license;

(e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the intermediate license; and

(f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(2) For the first six months after the issuance of an intermediate license or until the holder reaches 18 years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of 20 who are not members of the holder's immediate family. For the



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of 20 who are not members of the holder's immediate family.

(3) The holder of an intermediate license may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m. except (a) when the holder is accompanied by a licensed driver who is at least 25 years of age, or (b) for school, religious, or employment activities for the holder or a member of the holder's immediate family as defined in this section.

(4) The holder of an intermediate license may not operate a moving motor vehicle while using a wireless communications device unless the holder is using the device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property.

(5) It is a traffic infraction for the holder of an intermediate license to operate a motor vehicle in violation of the restrictions imposed under this section.

(6) Except for a violation of subsection (4) of this section, enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes.

(8) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if, for the 12-month period following the issuance of the intermediate license, he or she:

(a) Has not been involved in an accident involving only one motor vehicle;

(b) Has not been involved in an accident where he or she was cited in connection with the accident or was found to have caused the accident;

(c) Has not been involved in an accident where no one was cited or was found to have caused the accident; and

(d) Has not been convicted of or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate licensee under this section.

(9) For the purposes of this section, (~~"immediate"~~) the following definitions apply:

(a) "Immediate family" means an individual's spouse or domestic partner, child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the individual, including foster children living in the household, and the spouse or the domestic partner of any such person, and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half-brother, sister, or half-sister of the individual's spouse or domestic partner, and the spouse or the domestic partner of any such person.

(b) "Responsible adult" means a person specifically authorized by the department who is over the age of 21 and:

(i) Has a familial, kinship, or caretaker relationship to a minor;

(ii) Is an educational, medical, legal, social service, or Washington state licensed mental health professional who provides support directly to a minor in a professional capacity; or

(iii) Is an employee of a government entity and provides support to a minor in a professional capacity.

**Sec. 2.** RCW 46.20.100 and 2017 c 197 s 7 are each amended to read as follows:

(1) **Application.** The application of a person under the age of (~~eighteen~~) 18 years for a driver's license or a motorcycle endorsement must be signed by a parent (~~(or)~~), guardian (~~(with custody of the minor. If the person under the age of eighteen has~~

~~no father, mother, or guardian, then the application must be signed by the minor's~~), employer, or responsible adult as defined in RCW 46.20.075.

(2) **Traffic safety education requirement.** For a person under the age of (~~eighteen~~) 18 years to obtain a driver's license, he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license, the applicant must satisfactorily complete a driver training education course as defined in RCW 28A.220.020 for a course offered by a school district or approved private school, or as defined by the department of licensing for a course offered by a driver training school licensed under chapter 46.82 RCW. The course offered by a school district or an approved private school must be part of a traffic safety education program authorized by the office of the superintendent of public instruction and certified under chapter 28A.220 RCW. The course offered by a driver training school must meet the standards established by the department of licensing under chapter 46.82 RCW. The driver training education course may be provided by:

(i) A secondary school within a school district or approved private school that establishes and maintains an approved and certified traffic safety education program under chapter 28A.220 RCW; or

(ii) A driver training school licensed under chapter 46.82 RCW that is annually approved by the department of licensing.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the driver training education course requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a driver training education course;

(ii) A need exists for the applicant to operate a motor vehicle; and

(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the driver training education course requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

**Sec. 3.** RCW 46.20.117 and 2021 c 158 s 5 are each amended to read as follows:

(1) **Issuance.** The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves the applicant's identity as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection (7) of this section, the fee is (~~(seventy-two dollars)~~) \$72, unless an applicant is:

(i) A recipient of continuing public assistance grants under Title 74 RCW, (~~(who is referred in writing by the secretary of social and health services or by the secretary of children, youth, and families)~~) or a participant in the Washington women, infants, and children program. Any applicant under this subsection must be verified by documentation sufficient to demonstrate eligibility;

(ii) Under the age of (~~(twenty-five)~~) 25 and does not have a permanent residence address as determined by the department by

rule; or

(iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within ~~((thirty))~~ 30 calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(2)(a) **Design and term.** The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection (7) of this section, expire on the eighth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(4).

(c) If applicable, the identicard may include a medical alert designation as provided in subsection (5) of this section.

(3) **Renewal.** An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department;

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew the identicard by mail or by electronic commerce when it last expired; or

(c) From January 1, 2022, to June 30, 2024, electronic commerce, if permitted by rule of the department.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation.** The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on an identicard issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under ~~((eighteen))~~ 18 years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed; and

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law.

(7) **Alternative issuance/renewal/extension.** The department may issue or renew an identicard for a period other than eight years, or may extend by mail or electronic commerce an identicard that has already been issued. The fee for an identicard issued or renewed for a period other than eight years, or that has been extended by mail or electronic commerce, is ~~((nine dollars))~~ \$9 for each year that the identicard is issued, renewed, or extended. The department must offer the option to issue or renew an identicard for six years in addition to the eight year issuance.

The department may adopt any rules as are necessary to carry out this subsection.

(8) Identicard photos must be updated in the same manner as driver's license photos under RCW 46.20.120(5).

**NEW SECTION. Sec. 4.** (1) The department of licensing must conduct a study on the feasibility of offering a reduced-fee identicard. In completing this study, the department shall:

(a) Examine the current cost of identicards and its impact on families and customers with limited resources;

(b) Conduct a review of additional states and how they handle pricing of their identity credentials;

(c) Review parameters of eligibility for identicards issued under RCW 46.20.117(1)(c);

(d) Recommend improvements to accessing identicards for the public;

(e) Identify any changes in revenue associated with expanded eligibility for reduced-fee identicards; and

(f) Identify any costs associated with administering and promoting a reduced-fee identicard program.

(2) A report of the study findings and any recommendations are due to the governor and the transportation committees of the legislature by December 1, 2025.

(3) This section expires December 1, 2025.

**NEW SECTION. Sec. 5.** Sections 1 through 3 of this act take effect January 1, 2025."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Wilson, C. moved that the Senate concur in the House amendment(s) to Senate Bill No. 5800.

Senator Wilson, C. spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, C. that the Senate concur in the House amendment(s) to Senate Bill No. 5800.

The motion by Senator Wilson, C. carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5800 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5800, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5800, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Saldaña

SENATE BILL NO. 5800, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

## MESSAGE FROM THE HOUSE

February 27, 2024

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5804 with the following amendment(s): 5804-S AMH ED H3341.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.210.390 and 2019 c 314 s 39 are each amended to read as follows:

(1) For the purposes of this section:

(a) (~~("High school" means a school enrolling students in any of grades nine through twelve;~~

~~(b))~~) "Opioid overdose reversal medication" has the meaning provided in RCW 69.41.095;

~~((c))~~) (b) "Opioid-related overdose" has the meaning provided in RCW 69.41.095; and

~~((d))~~) (c) "Standing order" has the meaning provided in RCW 69.41.095.

(2)(a) For the purpose of assisting a person at risk of experiencing an opioid-related overdose, a ~~((high))~~ public school may obtain and maintain opioid overdose reversal medication through a standing order prescribed and dispensed in accordance with RCW 69.41.095.

(b) Opioid overdose reversal medication may be obtained from donation sources, but must be maintained and administered in a manner consistent with a standing order issued in accordance with RCW 69.41.095.

(c) A school district (~~(with two thousand or more students))~~ must obtain and maintain at least one set of opioid overdose reversal medication doses in each of its ~~((high))~~ public schools as provided in (a) and (b) of this subsection. A school district that demonstrates a good faith effort to obtain the opioid overdose reversal medication through a donation source, but is unable to do so, is exempt from the requirement in this subsection (2)(c).

(3)(a) The following personnel may distribute or administer the school-owned opioid overdose reversal medication to respond to symptoms of an opioid-related overdose pursuant to a prescription or a standing order issued in accordance with RCW 69.41.095: (i) A school nurse; (ii) a health care professional or trained staff person located at a health care clinic on public school property or under contract with the school district; or (iii) designated trained school personnel.

(b) Opioid overdose reversal medication may be used on school property, including the school building, playground, and school bus, as well as during field trips or sanctioned excursions away from school property. A school nurse or designated trained school personnel may carry an appropriate supply of school-owned opioid overdose reversal medication on field trips or sanctioned excursions.

(c) Public schools are encouraged to include opioid overdose reversal medication in each first aid kit maintained on school property and in any coach or sports first aid kits maintained by the public school, provided that these kits are not accessible to people other than school personnel who have been designated to distribute or administer opioid overdose reversal medication under this section.

(d) Public schools are encouraged to include at least one location of opioid overdose reversal medication on the school's emergency map.

(4) Training for school personnel who have been designated to distribute or administer opioid overdose reversal medication under this section must meet the requirements for training described in RCW 28A.210.395 and any rules or guidelines for

such training adopted by the office of the superintendent of public instruction. Each ~~((high))~~ public school is encouraged to designate and train at least one school personnel to distribute and administer opioid overdose reversal medication if the ~~((high))~~ public school does not have a full-time school nurse or trained health care clinic staff.

(5)(a) The liability of a person or entity who complies with this section and RCW 69.41.095 is limited as described in RCW 69.41.095.

(b) If a student is injured or harmed due to the administration of opioid overdose reversal medication that a practitioner, as defined in RCW 69.41.095, has prescribed and a pharmacist has dispensed to a school under this section, the practitioner and pharmacist may not be held responsible for the injury unless he or she acted with conscious disregard for safety.

(6) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW.

Sec. 2. RCW 28A.210.395 and 2019 c 314 s 40 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Opioid overdose reversal medication" has the meaning provided in RCW 69.41.095; and

(b) "Opioid-related overdose" has the meaning provided in RCW 69.41.095.

(2)(a) To prevent opioid-related overdoses and respond to medical emergencies resulting from overdoses, by January 1, 2020, the office of the superintendent of public instruction, in consultation with the department of health and the Washington state school directors' association, shall develop opioid-related overdose policy guidelines and training requirements for public schools and school districts.

(b)(i) The opioid-related overdose policy guidelines and training requirements must include information about: The identification of opioid-related overdose symptoms; how to obtain and maintain opioid overdose reversal medication on school property issued through a standing order in accordance with RCW 28A.210.390; how to obtain opioid overdose reversal medication through donation sources; the distribution and administration of opioid overdose reversal medication by designated trained school personnel; free online training resources that meet the training requirements in this section; and sample standing orders for opioid overdose reversal medication.

(ii) The opioid-related overdose policy guidelines may: Include recommendations for the storage and labeling of opioid overdose reversal medications that are based on input from relevant health agencies or experts; and allow for opioid-related overdose reversal medications to be obtained, maintained, distributed, and administered by health care professionals and trained staff located at a health care clinic on public school property or under contract with the school district.

(c) In addition to being offered by the school, training on the distribution or administration of opioid overdose reversal medication that meets the requirements of this subsection (2) may be offered by nonprofit organizations, higher education institutions, and local public health organizations.

(3)(a) By ~~((March 1, 2020))~~ September 1, 2024, the Washington state school directors' association must collaborate with the office of the superintendent of public instruction and the department of health to either update existing model policy or develop a new model policy that meets the requirements of subsection (2) of this section.

(b) ~~((Beginning with the 2020-21 school year, the following school))~~ School districts must adopt an opioid-related overdose

policy(~~(a) [(i)] School districts with a school that obtains, maintains, distributes, or administers opioid overdose reversal medication under RCW 28A.210.390; and (b) [(ii)] school districts with two thousand or more students~~) in accordance with RCW 28A.210.390.

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

(4) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall develop and administer a grant program to provide funding to public schools (~~with any of grades nine through twelve~~) and public higher education institutions to purchase opioid overdose reversal medication and train personnel on the administration of opioid overdose reversal medication to respond to symptoms of an opioid-related overdose. The office must publish on its website a list of annual grant recipients, including award amounts."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Kuderer moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5804.

Senators Kuderer and Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kuderer that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5804.

The motion by Senator Kuderer carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5804 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5804, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5804, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5804, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 28, 2024

MR. PRESIDENT:

The House passed SENATE BILL NO. 5811 with the following

amendment(s): 5811 AMH ENGR H3443.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.88B.041 and 2023 c 424 s 7 are each amended to read as follows:

(1) The following long-term care workers are not required to become a certified home care aide pursuant to this chapter:

(a)(i)(A) Registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved training program for certified nursing assistants under chapter 18.88A RCW, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary, or persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary determines that the circumstances do not require certification.

(B) A person who was initially hired as a long-term care worker prior to January 7, 2012, and who completes all of the training requirements in effect as of the date the person was hired.

(ii) Individuals exempted by (a)(i) of this subsection may obtain certification as a home care aide without fulfilling the training requirements in RCW 74.39A.074(1)(d)(ii) but must successfully complete a certification examination pursuant to RCW 18.88B.031.

(b) All long-term care workers employed by community residential service businesses.

(c)(i) An individual provider caring only for the individual provider's (~~biological, step, or adoptive~~) child or parent, including when related by marriage or domestic partnership; and

(ii) An individual provider caring only for the individual provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership.

(d) A person working as an individual provider who provides (~~twenty~~) 20 hours or less of nonrespite care for one person in any calendar month.

(e) A person working as an individual provider who only provides respite services and works less than (~~three hundred~~) 300 hours in any calendar year.

(f) A long-term care worker providing approved services only for a spouse or registered domestic partner, pursuant to the long-term services and supports trust program established in chapter 50B.04 RCW.

(g) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans affairs home and community-based programs.

(2) A long-term care worker exempted by this section from the training requirements contained in RCW 74.39A.074 may not be prohibited from enrolling in training pursuant to that section.

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

**Sec. 2.** RCW 74.39A.076 and 2023 c 424 s 8 are each amended to read as follows:

(1) Beginning January 7, 2012, except for long-term care workers exempt from certification under RCW 18.88B.041(1)(a):

(a) A (~~biological, step, or adoptive~~) parent who is the individual provider only for the person's developmentally disabled (~~son or daughter~~) child, including when related by marriage or domestic partnership, must receive (~~twelve~~) 12 hours of training relevant to the needs of individuals with developmental disabilities within the first (~~one hundred twenty~~) 120 days after becoming an individual provider.

(b) A spouse or registered domestic partner who is a long-term care worker only for a spouse or domestic partner, pursuant to the long-term services and supports trust program established in

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

chapter 50B.04 RCW, must receive ~~((fifteen))~~ 15 hours of basic training, and at least six hours of additional focused training based on the care-receiving spouse's or partner's needs, within the first ~~((one hundred twenty))~~ 120 days after becoming a long-term care worker.

(c) A person working as an individual provider who (i) provides respite care services only for individuals with developmental disabilities receiving services under Title 71A RCW or only for individuals who receive services under this chapter, and (ii) works ~~((three hundred))~~ 300 hours or less in any calendar year, must complete ~~((fourteen))~~ 14 hours of training within the first ~~((one hundred twenty))~~ 120 days after becoming an individual provider. Five of the ~~((fourteen))~~ 14 hours must be completed before becoming eligible to provide care, including two hours of orientation training regarding the caregiving role and terms of employment and three hours of safety training. The training partnership identified in RCW 74.39A.360 must offer at least ~~((twelve))~~ 12 of the ~~((fourteen))~~ 14 hours online, and five of those online hours must be individually selected from elective courses.

(d) Individual providers identified in (d)(i) or (ii) of this subsection must complete ~~((thirty five))~~ 35 hours of training within the first ~~((one hundred twenty))~~ 120 days after becoming an individual provider. Five of the ~~((thirty five))~~ 35 hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(i)(A) ~~((A))~~ Unless covered by (a) of this subsection, an individual provider caring only for the individual provider's ~~((biological, step, or adoptive))~~ child or parent ~~((unless covered by (a) of this subsection)), including when related by marriage or domestic partnership; ~~((and))~~~~

(B) An individual provider caring only for the individual provider's sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership;

(ii) A person working as an individual provider who provides ~~((twenty))~~ 20 hours or less of care for one person in any calendar month; and

(iii) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans affairs home and community-based programs.

(2) In computing the time periods in this section, the first day is the date of hire.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (4) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines

that all long-term care workers who were unable to complete the training required in subsection (1) of this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (4) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

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

**Sec. 3.** RCW 74.39A.341 and 2023 c 424 s 6 are each amended to read as follows:

(1) All long-term care workers shall complete ~~((twelve))~~ 12 hours of continuing education training in advanced training topics each year. This requirement applies beginning July 1, 2012.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under chapter 18.88B RCW.

(3) Unless voluntarily certified as a home care aide under chapter 18.88B RCW, subsection (1) of this section does not apply to:

(a) ~~((An individual provider caring only for his or her biological, step, or adoptive child;~~

~~((b)))~~ (b) An individual provider caring only for the individual provider's child, parent, sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership;

~~((c)))~~ (c) Registered nurses and licensed practical nurses licensed under chapter 18.79 RCW;

~~((d)))~~ (d) Before January 1, 2016, a long-term care worker employed by a community residential service business;

~~((e)))~~ (e) A person working as an individual provider who provides ~~((twenty))~~ 20 hours or less of care for one person in any calendar month;

~~((f)))~~ (f) A person working as an individual provider who only provides respite services and works less than ~~((three hundred))~~ 300 hours in any calendar year; or

~~((g)))~~ (g) A person whose certificate has been expired for less than five years who seeks to restore the certificate to active status. The person does not need to complete continuing education requirements in order for their certificate to be restored to active status. Subsection (1) of this section applies to persons once the certificate has been restored to active status, beginning on the date the certificate is restored to active status.

(4) Beginning January 1, 2025, individual providers covered under subsection (3) of this section may voluntarily take continuing education. The consumer directed employer must pay individual providers covered in subsection (3) of this section for any continuing education that they may take, up to 12 hours of continuing education annually.

(5) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

~~((5))~~ (6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

~~((6))~~ (7) If a pandemic, natural disaster, or other declared state of emergency impacts the ability of long-term care workers to complete training as required by this section, the department may

adopt rules to allow long-term care workers additional time to complete the training requirements.

(a) Rules adopted under this subsection (~~((6))~~) (7) are effective until the termination of the pandemic, natural disaster, or other declared state of emergency or until the department determines that all long-term care workers who were unable to complete the training required in this section have had adequate access to complete the required training, whichever is later. Once the department determines a rule adopted under this subsection (~~((6))~~) (7) is no longer necessary, it must repeal the rule under RCW 34.05.353.

(b) Within 12 months of the termination of the pandemic, natural disaster, or other declared state of emergency, the department shall conduct a review of training compliance with subsection (1) of this section and provide the legislature with a report.

~~((7))~~ (8) The department of health shall adopt rules to implement subsection (1) of this section.

~~((8))~~ (9) The department shall adopt rules to implement subsection (2) of this section.

NEW SECTION. **Sec. 4.** Section 3 of this act takes effect January 1, 2025."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Kauffman moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5811 and ask the House to recede therefrom.

Senator Kauffman spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kauffman that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5811 and ask the House to recede therefrom.

The motion by Senator Kauffman carried and the Senate refused to concur in the House amendment(s) to Senate Bill No. 5811 and asked the House to recede therefrom by voice vote.

#### MESSAGE FROM THE HOUSE

February 28, 2024

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 5824 with the following amendment(s): 5824.E AMH REED OMLI 179

On page 1, beginning on line 12, after "library))" strike all material through "(b)" on line 13

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Hunt moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5824.

Senator Hunt spoke in favor of the motion.

Senator Wilson, J. spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Hunt that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5824.

The motion by Senator Hunt carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5824 by

voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5824, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5824, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Cleveland, Conway, Dhingra, Dozier, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, MacEwen, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, L.

Voting nay: Senators Boehnke, Fortunato, McCune, Padden and Wilson, J.

ENGROSSED SENATE BILL NO. 5824, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5825 with the following amendment(s): 5825-S2 AMH CRJ H3344.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 11.130.090 and 2019 c 437 s 118 are each amended to read as follows:

(1) Any suitable person over the age of (~~((twenty-one))~~) 21 years, or any parent under the age of (~~((twenty-one))~~) 21 years or, if the petition is for appointment of a professional guardian or conservator, any individual or guardianship or conservatorship service that meets any certification requirements established by the administrator for the courts, may, if not otherwise disqualified, be appointed guardian or conservator of a person subject to guardianship, conservatorship, or both. A financial institution subject to the jurisdiction of the department of financial institutions and authorized to exercise trust powers, and a federally chartered financial institution when authorized to do so, may be appointed to act as a guardian or conservator of a person subject to guardianship, conservatorship, or both without having to meet the certification requirements established by the administrator for the courts. No person is qualified to serve as a guardian or conservator who is:

(a) Under (~~((eighteen))~~) 18 years of age except as otherwise provided herein;

(b)(i) Except as provided otherwise in (b)(ii) of this subsection, convicted of a crime involving dishonesty, neglect, or use of physical force or other crime relevant to the functions the individual would assume as guardian;

(ii) A court may, upon consideration of the facts, find that a relative convicted of a crime is qualified to serve as a guardian or conservator;

(c) A nonresident of this state who has not appointed a resident agent to accept service of process in all actions or proceedings

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

with respect to the estate and caused such appointment to be filed with the court;

(d) A corporation not authorized to act as a fiduciary, guardian, or conservator in the state;

(e) A person whom the court finds unsuitable.

(2) If a guardian, or conservator is not a certified professional guardian, conservator, or financial institution authorized under this section, the guardian or conservator must complete any standardized training video or web cast for lay guardians or conservators made available by the administrative office of the courts and the superior court where the petition is filed unless granted a waiver by the court. The training video or web cast must be provided at no cost to the guardian, or conservator.

(a) If a petitioner requests the appointment of a specific individual to act as a guardian or conservator, the petition for guardianship or conservatorship must include evidence of the successful completion of the required training video or web cast by the proposed guardian or conservator. The superior court may defer the completion of the training requirement to a date no later than ninety days after appointment if the petitioner requests expedited appointment due to emergent circumstances.

(b) If no person is identified to be appointed guardian or conservator at the time the petition is filed, then the court must require that the petitioner identify within ~~((fourteen))~~ 30 days from the filing of the petition a specific individual to act as guardian or conservator subject to the training requirements set forth herein. If the petitioner fails to identify a guardian or conservator within 30 days of filing, the court shall dismiss the guardianship or conservatorship.

**Sec. 2.** RCW 11.130.100 and 2020 c 312 s 304 are each amended to read as follows:

(1) Unless otherwise compensated or reimbursed, an attorney for a respondent in a proceeding under this chapter is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the respondent.

(2) Unless otherwise compensated or reimbursed, an attorney, or other person whose services resulted in an order beneficial to an individual subject to guardianship or conservatorship or for whom a protective arrangement under Article 5 of this chapter was ordered, is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the individual.

(3) Where the person subject to guardianship or conservatorship is a department of social and health services client, or health care authority client, and is required to contribute a portion of their income towards the cost of long-term care services or room and board, the amount of compensation or reimbursement shall not exceed the amount allowed by the department of social and health services or health care authority by rule.

(4) Where the person subject to guardianship or conservatorship receives guardianship, conservatorships, or other protective services from the office of public guardianship, the amount of compensation or reimbursement shall not exceed the amount allowed by the office of public guardianship.

(5) The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred.

(6) If the court dismisses a petition under this chapter and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation, court-appointed attorney, or court visitor against the petitioner.

**Sec. 3.** RCW 11.130.270 and 2019 c 437 s 302 are each amended to read as follows:

(1) A person interested in an adult's welfare, including the adult

for whom the order is sought, may petition for appointment of a guardian for the adult.

(2) A person interested in the welfare of a minor who, within 45 days of the filing of the petition, will attain the age of majority, may petition for appointment of a guardian for the minor. The minor may petition on the minor's own behalf.

(3) A petition under subsection (1) or (2) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(a) The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the ~~((twelve))~~ 12-month period immediately before the filing of the petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; ~~((and))~~

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the petition; and

(iv) Parents, if living and involved in the respondent's life;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for care of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) Any representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or in another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) Any fiduciary for the respondent appointed by the department of veterans affairs;

(vii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(viii) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(ix) A person nominated as guardian by the respondent;

(x) A person nominated as guardian by the respondent's parent or spouse or domestic partner in a will or other signed record;

(xi) A proposed guardian and the reason the proposed guardian should be selected; and

(xii) A person known to have routinely assisted the respondent with decision making during the six months immediately before the filing of the petition;

(d) The reason a guardianship is necessary, including a brief description of:

(i) The nature and extent of the respondent's alleged need;

(ii) Any protective arrangement instead of guardianship or other less restrictive alternatives for meeting the respondent's alleged need which have been considered or implemented;

(iii) If no protective arrangement instead of guardianship or other less restrictive alternatives have been considered or implemented, the reason they have not been considered or implemented; and

(iv) The reason a protective arrangement instead of guardianship or other less restrictive alternative is insufficient to

meet the respondent's alleged need;

(e) Whether the petitioner seeks a limited guardianship or full guardianship;

(f) If the petitioner seeks a full guardianship, the reason a limited guardianship or protective arrangement instead of guardianship is not appropriate;

(g) If a limited guardianship is requested, the powers to be granted to the guardian;

(h) The name and current address, if known, of any person with whom the petitioner seeks to limit the respondent's contact;

(i) If the respondent has property other than personal effects, a general statement of the respondent's property, with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(j) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings.

**Sec. 4.** RCW 11.130.280 and 2020 c 312 s 309 are each amended to read as follows:

(1) On receipt of a petition under RCW 11.130.270 for appointment of a guardian for an adult, the court shall appoint a court visitor. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(2) The court, in the order appointing a court visitor, shall specify the hourly rate the court visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval. The fee shall be charged to the person subject to a guardianship or conservatorship proceeding unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: PROVIDED, That the court may charge such fee to the petitioner, the person subject to a guardianship or conservatorship proceeding, or any person who has appeared in the action; or may allocate the fee, as it deems just. If the petition is found to be frivolous or not brought in good faith, the court visitor fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(3)(a) The court visitor appointed under subsection (1) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under RCW 11.130.080 with a statement including: His or her training relating to the duties as a court visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ~~((ten))~~ 10 years prior to the appointment; his or her hourly rate, if compensated; whether the court visitor has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the court visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the court visitor should not be removed for one of the following three reasons:

(i) Lack of expertise necessary for the proceeding;

(ii) An hourly rate higher than what is reasonable for the particular proceeding; or

(iii) A conflict of interest.

(b) Notice of the hearing shall be provided to the court visitor and all parties. If, after a hearing, the court enters an order replacing the court visitor, findings shall be included, expressly stating the reasons for the removal. If the court visitor is not removed, the court has the authority to assess to the moving party

attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(4) A court visitor appointed under subsection (1) of this section shall interview the respondent in person and, in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, the right to counsel of choice and to a jury trial, and the general powers and duties of a guardian;

(b) Determine whether the respondent would like to request the appointment of an attorney, and determine the respondent's views about the appointment sought by the petitioner, including views about a proposed guardian, the guardian's proposed powers and duties, and the scope and duration of the proposed guardianship; and

(c) Inform the respondent that all costs and expenses of the proceeding, including the respondent's attorney's fees, may be paid from the respondent's assets.

(5) If the respondent objects to the petition or requests appointment of an attorney, the court visitor shall petition the court to have an attorney appointed within five days of meeting the respondent.

(6) The court visitor appointed under subsection (1) of this section shall:

(a) Interview the petitioner and proposed guardian, if any;

(b) Visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the appointment is made;

(c) Obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition; and

(d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

~~((6))~~ (7) A court visitor appointed under subsection (1) of this section shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under RCW 11.130.080 at least ~~((fifteen))~~ 15 days prior to the hearing on the petition filed under RCW 11.130.270, which must include:

(a) A summary of self-care and independent living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making, and cannot manage;

(b) A recommendation regarding the appropriateness of guardianship, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available and:

(i) If a guardianship is recommended, whether it should be full or limited; and

(ii) If a limited guardianship is recommended, the powers to be granted to the guardian;

(c) A statement of the qualifications of the proposed guardian and whether the respondent approves or disapproves of the proposed guardian;

(d) A statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to residence;

(e) A statement whether the respondent declined a professional evaluation under RCW 11.130.290 and what other information is available to determine the respondent's needs and abilities without the professional evaluation;

(f) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(g) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

support that would enhance the respondent's ability to participate; and

(h) Any other matter the court directs.

~~((7))~~ (8) The appointment of a court visitor has no effect on the determination of the adult respondent's legal capacity and does not overcome the presumption of legal capacity or full legal and civil rights of the adult respondent.

**Sec. 5.** RCW 11.130.315 and 2019 c 437 s 311 are each amended to read as follows:

~~((1) A guardian appointed under RCW 11.130.305 shall give the adult subject to guardianship and all other persons given notice under RCW 11.130.275 a copy of the order of appointment, together with notice of the right to request termination or modification. The order and notice must be given not later than fourteen days after the appointment.~~

~~((2))~~ Not later than ~~((thirty))~~ 14 days after appointment of a guardian under RCW 11.130.305, the guardian shall give to the adult subject to guardianship and any other person entitled to notice under RCW 11.130.310 (5) or (6) or a subsequent order a copy of the order of appointment and a statement of the rights of the adult subject to guardianship and procedures to seek relief if the adult is denied those rights. The statement must be in at least sixteen-point font, in plain language, and, to the extent feasible, in a language in which the adult subject to guardianship is proficient. The statement must notify the adult subject to guardianship of the right to:

~~((a))~~ (1) Seek termination or modification of the guardianship, or removal of the guardian, and choose an attorney to represent the adult in these matters;

~~((b))~~ (2) Be involved in decisions affecting the adult, including decisions about the adult's care, dwelling, activities, or social interactions, to the extent reasonably feasible;

~~((c))~~ (3) Be involved in health care decision making to the extent reasonably feasible and supported in understanding the risks and benefits of health care options to the extent reasonably feasible;

~~((d))~~ (4) Be notified at least fourteen days before a change in the adult's primary dwelling or permanent move to a nursing home, mental health facility, or other facility that places restrictions on the individual's ability to leave or have visitors unless the change or move is proposed in the guardian's plan under RCW 11.130.340 or authorized by the court by specific order;

~~((e))~~ (5) Object to a change or move described in ~~((d) of this)~~ subsection (4) of this section and the process for objecting;

~~((f))~~ (6) Communicate, visit, or interact with others, including receiving visitors, and making or receiving telephone calls, personal mail, or electronic communications, including through social media, unless:

~~((a))~~ (a) The guardian has been authorized by the court by specific order to restrict communications, visits, or interactions;

~~((b))~~ (b) A protective order or protective arrangement instead of guardianship is in effect that limits contact between the adult and a person; or

~~((c))~~ (c) The guardian has good cause to believe restriction is necessary because interaction with a specified person poses a risk of significant physical, psychological, or financial harm to the adult, and the restriction is:

~~((A))~~ (i) For a period of not more than seven business days if the person has a relative or preexisting social relationship with the adult; or

~~((B))~~ (ii) For a period of not more than sixty days if the person does not have a relative or preexisting social relationship with the adult;

~~((g))~~ (7) Receive a copy of the guardian's plan under RCW

11.130.340 and the guardian's report under RCW 11.130.345;

~~((H))~~ (8) Object to the guardian's plan or report; and

~~((I))~~ (9) Associate with persons of their choosing as provided in RCW 11.130.335(5).

**Sec. 6.** RCW 11.130.320 and 2020 c 312 s 204 are each amended to read as follows:

(1) A person interested in an adult's welfare, including the adult for whom the order is sought, may petition for appointment of an emergency guardian for the adult.

(2) An emergency petition under subsection (1) of this section must state the petitioner's name, principal residence, and current street address, if different, and ~~((I))~~ to the extent known, the following:

(a) The respondent's name, age, principal residence ~~((I))~~, and current street address, if different;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period immediately before the filing of the emergency petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the emergency petition;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for care of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) Any representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or in another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) Any fiduciary for the respondent appointed by the department of veterans affairs;

(vii) Any representative payee or authorized representative or protective payee;

(viii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(ix) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(x) A person nominated as guardian by the respondent;

(xi) A person nominated as guardian by the respondent's parent or spouse or domestic partner in a will or other signed record;

(xii) A proposed emergency guardian, and the reason the proposed emergency guardian should be selected; and

(xiii) A person known to have routinely assisted the respondent with decision making during the six months immediately before the filing of the emergency petition;

(d) The reason an emergency guardianship is necessary, including a specific description of:

(i) The nature and extent of the emergency situation;

(ii) The nature and extent of the respondent's alleged emergency need that arose because of the emergency situation;

(iii) The substantial and irreparable harm to the respondent's health, safety, welfare, or rights that is likely to be prevented by the appointment of an emergency guardian;

(iv) All protective arrangements or other less restrictive alternatives that have been considered or implemented to meet the respondent's alleged emergency need instead of emergency guardianship;

(v) If no protective arrangements or other less restrictive alternatives have been considered or implemented instead of emergency guardianship, the reason they have not been considered or implemented; and

(vi) The reason a protective arrangement or other less restrictive alternative instead of emergency guardianship is insufficient to meet the respondent's alleged emergency need;

(e) The reason the petitioner believes that a basis for appointment of a guardian under RCW 11.130.265 exists;

(f) Whether the petitioner intends to also seek guardianship for an adult under RCW 11.130.270;

(g) The reason the petitioner believes that no other person appears to have authority and willingness to act to address the respondent's identified needs caused by the emergency circumstances;

(h) The specific powers to be granted to the proposed emergency guardian and a description of how those powers will be used to meet the respondent's alleged emergency need;

(i) If the respondent has property other than personal effects, a general statement of the respondent's property, with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(j) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings.

(3) The requirements of RCW 11.130.090 apply to an emergency guardian appointed for an adult with the following exceptions for any proposed emergency guardian required to complete the training under RCW 11.130.090:

(a) The proposed emergency guardian shall present evidence of the successful completion of the required training video or web cast to the court no later than the hearing on the petition for appointment of an emergency guardian for an adult; and

(b) The superior court may defer the completion of the training requirement to a date no later than fourteen days after appointment if the petitioner requests an extension of time to complete the training due to emergent circumstances beyond the control of ~~((the))~~ the petitioner.

(4) On its own after a petition has been filed under RCW 11.130.270, or on petition for appointment of an emergency guardian for an adult, the court may appoint an emergency guardian for the adult if the court makes specific findings based on clear and convincing evidence that:

(a) An emergency exists such that appointment of an emergency guardian is likely to prevent substantial and irreparable harm to the adult's physical health, safety, or welfare;

(b) The respondent's identified needs caused by the emergency cannot be met by a protective arrangement or other less restrictive alternative instead of emergency guardianship;

(c) No other person appears to have authority and willingness to act to address the respondent's identified needs caused by the emergency circumstances; and

(d) There is reason to believe that a basis for appointment of a guardian under RCW 11.130.265 exists.

(5) If the court acts on its own to appoint an emergency guardian after a petition has been filed under RCW 11.130.270, all requirements of this section shall be met.

(6) A court order appointing an emergency guardian for an adult shall:

(a) Grant only the specific powers necessary to meet the adult's identified emergency need and to prevent substantial and irreparable harm to the adult's physical health, safety, or welfare;

(b) Include a specific finding that clear and convincing evidence established that an emergency exists such that appointment of an emergency guardian is likely to prevent substantial and irreparable harm to the respondent's health, safety,

or welfare;

(c) Include a specific finding that the identified emergency need of the respondent cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative, including any relief available under chapter 74.34 RCW or use of appropriate supportive services, technological assistance, or supported decision making;

(d) Include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition;

(e) State that the adult subject to emergency guardianship retains all rights the adult enjoyed prior to the emergency guardianship with the exception of the rights not retained during the period of emergency guardianship;

(f) Include the date that the sixty-day period of emergency guardianship ends, and the date the emergency guardian's report, required by this section, is due to the court; and

(g) Identify any person or notice party that subsequently is entitled to:

(i) Notice of the rights of the adult;

(ii) Notice of a change in the primary dwelling of the adult;

(iii) Notice of the removal of the guardian;

(iv) A copy of the emergency guardian's plan and the emergency guardian's report under this section;

(v) Access to court records relating to the emergency guardianship;

(vi) Notice of the death or significant change in the condition of the adult;

(vii) Notice that the court has limited or modified the powers of the emergency guardian; and

(viii) Notice of the removal of the emergency guardian.

(7) A spouse, a domestic partner, and adult children of an adult subject to emergency guardianship are entitled to notice under this section unless the court orders otherwise based on good cause. Good cause includes the court's determination that notice would be contrary to the preferences or prior directions of the adult subject to emergency guardianship or not in the best interest of the adult subject to the emergency guardianship.

(8) The duration of authority of an emergency guardian for an adult may not exceed sixty days, and the emergency guardian may exercise only the powers specified in the order of appointment. Upon a motion by the petitioner, adult subject to emergency guardianship, court visitor, or the emergency guardian, with notice served upon all applicable notice parties, the emergency guardian's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency guardian in subsection (4) of this section continue.

(9) Immediately on filing of a petition for appointment of an emergency guardian for an adult, the court shall appoint an attorney to represent the respondent in the proceeding. Except as otherwise provided in subsection (10) of this section, an order appointing an emergency guardian for the respondent may not be entered unless the respondent, the respondent's attorney, and the court visitor appointed under subsection (11) of this section have received a minimum of fourteen days' notice of the date, time, and place of a hearing on the petition. ~~((A))~~ The petitioner must cause a copy of the emergency petition and notice of a hearing on the petition ~~((must be served personally))~~ to be personally served on the respondent, the respondent's attorney, and the court visitor not more than two court days after the petition has been filed. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the emergency petition. The court shall not grant the emergency petition if notice substantially complying with this subsection is not served on the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

respondent.

(10) The court may appoint an emergency guardian for an adult without notice to the adult and any attorney for the adult only if the court finds from an affidavit or testimony that the respondent's physical health, safety, or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without giving notice under subsection (9) of this section, the court must:

(a) Give notice of the appointment not later than forty-eight hours after the appointment to:

- (i) The respondent;
- (ii) The respondent's attorney; and
- (iii) Any other person the court determines; and

(b) ~~((Hold))~~ Schedule and hold a hearing on the appropriateness of the appointment not later than five days after the appointment.

(11) On receipt of a petition for appointment of emergency guardian for an adult, the court shall appoint a court visitor. ~~((Notice))~~ The petitioner must cause notice of appointment of the court visitor ~~((must))~~ to be served upon the court visitor within two days of appointment. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the emergency petition. The court, in the order appointing a court visitor, shall specify the hourly rate the ~~((court))~~ court visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval.

(a) The court visitor shall within two days of service of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or the respondent's legal counsel, the petitioner or the petitioner's legal counsel, and any notice party with a statement including the court visitor's: Training relating to the duties as a court visitor; criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; hourly rate, if compensated; contact, if any, with a party to the proceeding prior to appointment; and apparent or actual conflicts of interest.

(b) A court visitor appointed under this section shall use due diligence to attempt to interview the respondent in person and, in a manner the respondent is best able to understand:

(i) Explain to the respondent the substance of the emergency petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the proposed specific powers and duties of the proposed guardian as stated in the emergency petition;

(ii) Determine the respondent's views about the emergency appointment sought by the petitioner, including views about a proposed emergency guardian, the emergency guardian's proposed powers and duties, and the scope and duration of the proposed emergency guardianship; and

(iii) Inform the respondent that all costs and expenses of the proceeding, including but not limited to the respondent's attorneys' fees, the appointed guardian's fees, and the appointed guardian's attorneys' fees, will be paid from the respondent's assets upon approval by the court.

(c) The court visitor appointed under this section shall:

(i) Interview the petitioner and proposed emergency guardian;

(ii) Use due diligence to attempt to visit the respondent's present dwelling;

(iii) Use due diligence to attempt to obtain information from any physician or other person known to have treated, advised, or assessed the respondent's relevant physical or mental condition; and

(iv) Investigate the allegations in the emergency petition and any other matter relating to the emergency petition the court

directs.

(d) A court visitor appointed under this section shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any notice party at least seven days prior to the hearing on the emergency petition, which must include:

(i) A summary of self-care and independent living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance, or supported decision making, and cannot manage;

(ii) A recommendation regarding the appropriateness of emergency guardianship, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available, and if an emergency guardianship is recommended;

(iii) A detailed summary of the alleged emergency and the substantial and irreparable harm to the respondent's health, safety, welfare, or rights that is likely to be prevented by the appointment of an emergency guardian;

(iv) A statement as to whether the alleged emergency and the respondent's alleged needs are likely to require an extension of sixty days as authorized under this section;

(v) The specific powers to be granted to the emergency guardian and how the specific powers will address the alleged emergency and the respondent's alleged need;

(vi) A recommendation regarding the appropriateness of an ongoing guardianship for an adult, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available;

(vii) A statement of the qualifications of the proposed emergency guardian and whether the respondent approves or disapproves of the proposed emergency guardian, and the reasons for such approval or disapproval;

(viii) A recommendation whether a professional evaluation under RCW 11.130.290 is necessary;

(ix) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(x) A statement whether the respondent is able to participate in a hearing which identifies any technology or other form of support that would enhance the respondent's ability to participate;

(xi) A statement, as needed when the petition seeks emergency authority to change the respondent's place of dwelling, as to whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to residence; and

(xii) Any other matter the court directs.

(12) An emergency guardian shall:

(a) Comply with the requirements of RCW 11.130.325, the requirements regarding the adult's right to association under RCW 11.130.335, and the requirements of this chapter that pertain to the rights of an adult subject to guardianship;

(b) Not have authority to make decisions or take actions that a guardian for an adult is prohibited by law from having; and

(c) Be subject to the same special limitations on a guardian's power that apply to a guardian for an adult.

(13) Appointment of an emergency guardian under this section is not a determination that a basis exists for appointment of a guardian under RCW 11.130.265.

(14) The court may remove an emergency guardian appointed under this section at any time.

(15) The emergency guardian shall file a report in a record with the court and provide a copy of the report to the adult subject to emergency guardianship, and any notice party no later than forty-five days after appointment. The report shall include specific and

updated information regarding the emergency alleged in the emergency petition, the adult's emergency needs, all actions and decisions by the emergency guardian, and a recommendation as to whether a guardian for an adult should be appointed. If the appointment of the emergency guardian is extended for an additional sixty days, the emergency guardian shall file a second report in a record with the court and provide a copy of the report to the adult subject to emergency guardianship, and any notice party no later than forty-five days after extension of the appointment is granted by the court, which shall include the same information required for the first report. The emergency guardian shall make any other report the court requires.

(16) The court shall issue letters of emergency guardianship to the emergency guardian in compliance with RCW 11.130.040. Such letters shall be issued on an expedited basis.

**Sec. 7.** RCW 11.130.345 and 2020 c 312 s 208 are each amended to read as follows:

(1) A guardian for an adult shall file with the court by the date established by the court a report in a record regarding the condition of the adult and accounting for funds and other property in the guardian's possession or subject to the guardian's control. The guardian shall provide a copy of the report to the adult subject to guardianship and any other notice party.

(2) A report under subsection (1) of this section must state or contain:

- (a) The mental, physical, and social condition of the adult;
- (b) The living arrangements of the adult during the reporting period;
- (c) A summary of the supported decision making, technological assistance, medical services, educational and vocational services, and other supports and services provided to the adult and the guardian's opinion as to the adequacy of the adult's care;
- (d) A summary of the guardian's visits with the adult, including the dates of the visits;
- (e) Action taken on behalf of the adult;
- (f) The extent to which the adult has participated in decision making;
- (g) If the adult is living in a care setting, whether the guardian considers the facility's current plan for support, care, treatment, or habilitation consistent with the adult's preferences, values, prior directions, and best interests;
- (h) Anything of more than de minimis value which the guardian, any individual who resides with the guardian, or the spouse, domestic partner, parent, child, or sibling of the guardian has received from an individual providing goods or services to the adult. A professional guardian must abide by the standards of practice regarding the acceptance of gifts;
- (i) If the guardian delegated a power to an agent, the power delegated and the reason for the delegation;
- (j) Any business relation the guardian has with a person the guardian has paid or that has benefited from the property of the adult;
- (k) A copy of the guardian's most recently approved plan under RCW 11.130.340 and a statement whether the guardian has deviated from the plan and, if so, how the guardian has deviated and why;
- (l) Plans for future care and support of the adult;
- (m) A recommendation as to the need for continued guardianship and any recommended change in the scope of the guardianship; and
- (n) Whether any co-guardian or successor guardian appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a court visitor to review a report submitted under this section or a guardian's plan submitted under RCW 11.130.340, interview the guardian or adult subject to

guardianship, or investigate any other matter involving the guardianship.

(4) Notice of the filing under this section of a guardian's report, together with a copy of the report, must be given to the adult subject to guardianship and any other notice party. The notice and report must be given not later than fourteen days after the filing.

(5) The court shall establish procedures for monitoring a report submitted under this section and review each report to determine whether:

- (a) The report provides sufficient information to establish the guardian has complied with the guardian's duties;
  - (b) The guardianship should continue; and
  - (c) The guardian's requested fees, if any, should be approved.
- (6) If the court determines there is reason to believe a guardian for an adult has not complied with the guardian's duties or the guardianship should be modified or terminated, the court:
- (a) Shall notify the adult, the guardian, and any other person entitled to notice under RCW 11.130.310(5) or a subsequent order;
  - (b) May require additional information from the guardian;
  - (c) May appoint a court visitor to interview the adult or guardian or investigate any matter involving the guardianship; and
  - (d) Consistent with this section and RCW 11.130.350, may hold a hearing to consider removal of the guardian, termination of the guardianship, or a change in the powers granted to the guardian or terms of the guardianship.

(7) If the court has reason to believe fees requested by a guardian for an adult are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A guardian for an adult must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review interval at annual, biennial, or triennial with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the guardian has been serving the person under guardianship; whether the guardian has timely filed all required reports with the court; whether the guardian is monitored by other state or local agencies; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the guardian.

(10) If the court approves a report filed under this section, the order approving the report shall contain a guardianship summary or be accompanied by a guardianship summary in the form or substantially in the same form as set forth in RCW 11.130.665.

(11) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in RCW 11.130.660 to the guardian containing an expiration date which will be within ~~((one hundred twenty))~~ 180 days (after the date the court directs the guardian file its next report) of the anniversary date of appointment.

(12) Any requirement to establish a monitoring program under this section is subject to appropriation.

**Sec. 8.** RCW 11.130.365 and 2019 c 437 s 402 are each amended to read as follows:

(1) The following may petition for the appointment of a conservator:

- (a) The individual for whom the order is sought;
- (b) A person interested in the estate, financial affairs, or welfare

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

of the individual, including a person that would be adversely affected by lack of effective management of property or financial affairs of the individual; or

(c) The guardian for the individual.

(2) A petition under subsection (1) of this section must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the appointment, the name and address of any attorney representing the petitioner, and, to the extent known, the following:

(a) The respondent's name, age, principal residence, current street address, if different, and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(b) The name and address of the respondent's:

(i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period before the filing of the petition;

(ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; ~~(and)~~

(iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship during the two years immediately before the filing of the petition; and

(iv) Parents, if living and involved in the respondent's life;

(c) The name and current address of each of the following, if applicable:

(i) A person responsible for the care or custody of the respondent;

(ii) Any attorney currently representing the respondent;

(iii) The representative payee appointed by the social security administration for the respondent;

(iv) A guardian or conservator acting for the respondent in this state or another jurisdiction;

(v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(vi) The fiduciary appointed for the respondent by the department of veterans affairs;

(vii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;

(viii) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(ix) A person known to have routinely assisted the respondent with decision making in the six-month period immediately before the filing of the petition;

(x) Any proposed conservator, including a person nominated by the respondent, if the respondent is twelve years of age or older; and

(xi) If the individual for whom a conservator is sought is a minor:

(A) An adult not otherwise listed with whom the minor resides; and

(B) Each person not otherwise listed that had primary care or custody of the minor for at least sixty days during the two years immediately before the filing of the petition or for at least seven hundred thirty days during the five years immediately before the filing of the petition;

(d) A general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts;

(e) The reason conservatorship is necessary, including a brief description of:

(i) The nature and extent of the respondent's alleged need;

(ii) If the petition alleges the respondent is missing, detained, or unable to return to the United States, the relevant circumstances, including the time and nature of the disappearance or detention and any search or inquiry concerning the respondent's whereabouts;

(iii) Any protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's alleged need which has been considered or implemented;

(iv) If no protective arrangement or other less restrictive alternatives have been considered or implemented, the reason it has not been considered or implemented; and

(v) The reason a protective arrangement or other less restrictive alternative is insufficient to meet the respondent's need;

(f) Whether the petitioner seeks a limited conservatorship or a full conservatorship;

(g) If the petitioner seeks a full conservatorship, the reason a limited conservatorship or protective arrangement instead of conservatorship is not appropriate;

(h) If the petition includes the name of a proposed conservator, the reason the proposed conservator should be appointed;

(i) If the petition is for a limited conservatorship, a description of the property to be placed under the conservator's control and any requested limitation on the authority of the conservator;

(j) Whether the respondent needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings; and

(k) The name and address of an attorney representing the petitioner, if any.

**Sec. 9.** RCW 11.130.380 and 2020 c 312 s 310 are each amended to read as follows:

(1) If the respondent in a proceeding to appoint a conservator is a minor, the court may appoint a court visitor to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(2) If the respondent in a proceeding to appoint a conservator is an adult, the court shall appoint a court visitor. The duties and reporting requirements of the court visitor are limited to the relief requested in the petition. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the petition.

(3) The court, in the order appointing court visitor, shall specify the hourly rate the court visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval. The fee shall be charged to the person subject to a guardianship or conservatorship proceeding unless the court finds that such payment would result in substantial hardship upon such person, in which case the county shall be responsible for such costs: **PROVIDED**, That the court may charge such fee to the petitioner, the person subject to a guardianship or conservatorship proceeding, or any person who has appeared in the action; or may allocate the fee, as it deems just. If the petition is found to be frivolous or not brought in good faith, the court visitor fee shall be charged to the petitioner. The court shall not be required to provide for the payment of a fee to any salaried employee of a public agency.

(4)(a) The court visitor appointed under subsection (1) or (2) of this section shall within five days of receipt of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or his or her legal counsel, the petitioner or his or her legal counsel, and any interested party entitled to notice under RCW 11.130.080 with a statement including: His or her training relating to the duties as a court visitor; his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the

appointment; his or her hourly rate, if compensated; whether the court visitor has had any contact with a party to the proceeding prior to his or her appointment; and whether he or she has an apparent conflict of interest. Within three days of the later of the actual service or filing of the court visitor's statement, any party may set a hearing and file and serve a motion for an order to show cause why the court visitor should not be removed for one of the following three reasons:

- (i) Lack of expertise necessary for the proceeding;
  - (ii) An hourly rate higher than what is reasonable for the particular proceeding; or
  - (iii) A conflict of interest.
- (b) Notice of the hearing shall be provided to the court visitor and all parties. If, after a hearing, the court enters an order replacing the court visitor, findings shall be included, expressly stating the reasons for the removal. If the court visitor is not removed, the court has the authority to assess to the moving party attorneys' fees and costs related to the motion. The court shall assess attorneys' fees and costs for frivolous motions.

(5) A court visitor appointed under subsection (2) of this section for an adult shall interview the respondent in person and in a manner the respondent is best able to understand:

(a) Explain to the respondent the substance of the petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, the right to counsel of choice and to a jury trial, and the general powers and duties of a conservator;

(b) Determine whether the respondent would like to request the appointment of an attorney, and determine the respondent's views about the appointment sought by the petitioner, including views about a proposed conservator, the conservator's proposed powers and duties, and the scope and duration of the proposed conservatorship; and

(c) Inform the respondent that all costs and expenses of the proceeding, including respondent's attorneys' fees, may be paid from the respondent's assets.

(6) If the respondent objects to the petition or requests appointment of an attorney, the court visitor shall petition the court to have an attorney appointed within five days of meeting the respondent.

(7) A court visitor appointed under subsection (2) of this section for an adult shall:

- (a) Interview the petitioner and proposed conservator, if any;
- (b) Review financial records of the respondent, if relevant to the court visitor's recommendation under subsection ((7)) (8)(b) of this section;
- (c) Investigate whether the respondent's needs could be met by a protective arrangement instead of conservatorship or other less restrictive alternative and, if so, identify the arrangement or other less restrictive alternative;
- (d) Investigate the allegations in the petition and any other matter relating to the petition the court directs.

((7)) (8) A court visitor appointed under subsection (2) of this section for an adult shall file a report in a record with the court and provide a copy of the report to the respondent, petitioner, and any interested party entitled to notice under RCW 11.130.080 at least fifteen days prior to the hearing on the petition filed under RCW 11.130.365, which must include:

- (a) A recommendation:
- (i) Regarding the appropriateness of conservatorship, or whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available;
- (ii) If a conservatorship is recommended, whether it should be full or limited;
- (iii) If a limited conservatorship is recommended, the powers

to be granted to the conservator, and the property that should be placed under the conservator's control; and

(iv) If a conservatorship is recommended, the amount of the bond or other verified receipt needed under RCW 11.130.445 and 11.130.500;

(b) A statement of the qualifications of the proposed conservator and whether the respondent approves or disapproves of the proposed conservator;

(c) A statement whether the respondent declined a professional evaluation under RCW 11.130.390 and what other information is available to determine the respondent's needs and abilities without the professional evaluation;

(d) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(e) A statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(f) Any other matter the court directs.

((8)) (9) The appointment of a court visitor has no effect on the determination of the adult respondent's legal capacity and does not overcome the presumption of legal capacity or full legal and civil rights of the adult respondent.

**Sec. 10.** RCW 11.130.425 and 2020 c 312 s 216 are each amended to read as follows:

(1) ~~((A conservator appointed under RCW 11.130.420 shall give to the individual subject to conservatorship and to all other persons entitled to notice pursuant to an order under RCW 11.130.420(6) or a subsequent order a copy of the order of appointment, together with notice of the right to request termination or modification. The order and notice must be given not later than fourteen days after the appointment.~~

(2) Not later than thirty days after appointment of a conservator under RCW 11.130.420, the conservator shall give to the individual subject to conservatorship and any other person entitled to notice under RCW 11.130.420 (6) and (7) a copy of the order of appointment and a statement of the rights of the individual subject to conservatorship and procedures to seek relief if the individual is denied those rights. The statement must be in plain language, in at least sixteen-point font, and to the extent feasible, in a language in which the individual subject to conservatorship is proficient. The statement must notify the individual subject to conservatorship of the right to:

- (a) Seek termination or modification of the conservatorship, or removal of the conservator, and choose an attorney to represent the individual in these matters;
- (b) Participate in decision making to the extent reasonably feasible;
- (c) Receive a copy of the conservator's plan under RCW 11.130.510, the conservator's inventory under RCW 11.130.515, and the conservator's report under RCW 11.130.530; and
- (d) Object to the conservator's inventory, plan, or report.

((3)) (2) If a conservator is appointed for the reasons stated in RCW 11.130.360(2)(a)(ii) and the individual subject to conservatorship is missing, notice under this section to the individual is not required.

**Sec. 11.** RCW 11.130.430 and 2020 c 312 s 217 are each amended to read as follows:

(1) A person interested in an individual's welfare, including the individual for whom the order is sought, may petition for appointment of an emergency conservator for the individual.

(2) An emergency petition under subsection (1) of this section must state the petitioner's name, principal residence, and current street address, if different, and((+))<sub>2</sub> to the extent known, the following:

- (a) The respondent's name, age, principal residence((+))<sub>2</sub> and

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

current street address, if different;

- (b) The name and address of the respondent's:
  - (i) Spouse or domestic partner or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the twelve-month period immediately before the filing of the emergency petition;
  - (ii) Adult children or, if none, each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and
  - (iii) Adult stepchildren whom the respondent actively parented during the stepchildren's minor years and with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the emergency petition;
- (c) The name and current address of each of the following, if applicable:
  - (i) A person responsible for care of the respondent;
  - (ii) Any attorney currently representing the respondent;
  - (iii) Any representative payee appointed by the social security administration for the respondent;
  - (iv) A guardian or conservator acting for the respondent in this state or in another jurisdiction;
  - (v) A trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;
  - (vi) Any fiduciary for the respondent appointed by the department of veterans affairs;
  - (vii) Any representative payee or authorized representative or protective payee;
  - (viii) An agent designated under a power of attorney for health care in which the respondent is identified as the principal;
  - (ix) An agent designated under a power of attorney for finances in which the respondent is identified as the principal;
  - (x) A person nominated as conservator by the respondent;
  - (xi) A person nominated as conservator by the respondent's parent or spouse or domestic partner in a will or other signed record;
  - (xii) A proposed emergency conservator, and the reason the proposed emergency conservator should be selected; and
  - (xiii) A person known to have routinely assisted the respondent with decision making during the six months immediately before the filing of the emergency petition;
- (d) The reason an emergency conservatorship is necessary, including a specific description of:
  - (i) The nature and extent of the emergency situation;
  - (ii) The nature and extent of the individual's alleged emergency need that arose because of the emergency situation;
  - (iii) The substantial and irreparable harm to the individual's property or financial interests that is likely to be prevented by the appointment of an emergency conservator;
  - (iv) All protective arrangements or other less restrictive alternatives that have been considered or implemented to meet the individual's alleged emergency needs instead of emergency conservatorship;
  - (v) If no protective arrangements or other less restrictive alternatives have been considered or implemented instead of emergency conservatorship, the reason they have not been considered or implemented; and
  - (vi) The reason a protective arrangement or other less restrictive alternative instead of emergency conservatorship is insufficient to meet the individual's alleged emergency need;
- (e) The reason the petitioner believes that a basis for appointment of a conservator under RCW 11.130.360 exists;
- (f) Whether the petitioner intends to also seek conservatorship for an individual under RCW 11.130.365;
- (g) The reason the petitioner believes that no other person appears to have authority and willingness to act to address the

individual's identified needs caused by the emergency circumstances;

- (h) The specific powers to be granted to the proposed emergency conservator and a description of how those powers will be used to meet the individual's alleged emergency need;
  - (i) If the individual has property other than personal effects, a general statement of the individual's property, with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and
  - (j) Whether the individual needs an interpreter, translator, or other form of support to communicate effectively with the court or understand court proceedings.
- (3) The requirements of RCW 11.130.090 apply to an emergency conservator appointed for an individual with the following exceptions for any proposed emergency conservator required to complete the training under RCW 11.130.090:
  - (a) The proposed emergency conservator shall present evidence of the successful completion of the required training video or web cast to the court no later than the hearing on the petition for appointment of an emergency conservator for an individual; and
  - (b) The superior court may defer the completion of the training requirement to a date no later than fourteen days after appointment if the petitioner requests an extension of time to complete the training due to emergent circumstances beyond the control of ~~((the))~~ the petitioner.
- (4) On its own or on petition for appointment of an emergency conservator for an individual after a petition has been filed under RCW 11.130.365, the court may appoint an emergency conservator for the individual if the court makes specific findings based on clear and convincing evidence that:
  - (a) An emergency exists such that appointment of an emergency conservator is likely to prevent substantial and irreparable harm to the individual's property or financial interests;
  - (b) The individual's identified needs caused by the emergency cannot be met by a protective arrangement or other less restrictive alternative instead of emergency conservatorship;
  - (c) No other person appears to have authority and willingness to act to address the individual's identified needs caused by the emergency circumstances; and
  - (d) There is reason to believe that a basis for appointment of a conservator under RCW 11.130.360 exists.
- (5) If the court acts on its own to appoint an emergency conservator after a petition has been filed under RCW 11.130.365, all requirements of this section shall be met.
- (6) A court order appointing an emergency conservator for an individual shall:
  - (a) Grant only the specific powers necessary to meet the individual's identified emergency need and to prevent substantial and irreparable harm to the individual's property or financial interests;
  - (b) Include a specific finding that clear and convincing evidence established that an emergency exists such that appointment of an emergency conservator is likely to prevent substantial and irreparable harm to the individual's property or financial interests;
  - (c) Include a specific finding that the identified emergency need of the individual cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternative, including any relief available under chapter 74.34 RCW or use of appropriate supportive services, technological assistance, or supported decision making;
  - (d) Include a specific finding that clear and convincing evidence established the adult respondent was given proper notice of the hearing on the petition;

(e) State that the individual subject to emergency conservatorship retains all rights the individual enjoyed prior to the emergency conservatorship with the exception of the rights not retained during the period of emergency conservatorship;

(f) Require the emergency conservator to furnish a bond or other security under RCW 11.130.445;

(g) Include the date that the sixty-day period of emergency conservatorship ends, and the date the emergency conservator's report, required by this section, is due to the court; and

(h) Identify any person or notice party that subsequently is entitled to:

- (i) Notice of the rights of the individual;
- (ii) Notice of a change in the primary dwelling of the individual;
- (iii) Notice of the removal of the conservator;
- (iv) A copy of the emergency conservator's plan and the emergency conservator's report under this section;
- (v) Access to court records relating to the emergency conservatorship;
- (vi) Notice of the death or significant change in the condition of the individual;
- (vii) Notice that the court has limited or modified the powers of the emergency conservator; and
- (viii) Notice of the removal of the emergency conservator.

(7) A spouse, a domestic partner, and adult children of an adult subject to emergency conservatorship are entitled to notice under this section unless the court orders otherwise based on good cause. Good cause includes the court's determination that notice would be contrary to the preferences or prior directions of the individual subject to emergency conservatorship or in the best interest of the individual.

(8) The duration of authority of an emergency conservator may not exceed sixty days and the emergency conservator may exercise only the powers specified in the order of appointment. Upon a motion by the emergency conservator, with notice served upon all applicable notice parties, the emergency conservator's authority may be extended once for not more than sixty days if the court finds that the conditions for appointment of an emergency conservator under subsection (4) of this section continue.

(9) Immediately on filing of a petition for an emergency conservator for an adult, the court shall appoint an attorney to represent the adult in the proceeding. An order appointing an emergency conservator for an adult may not be entered unless the adult respondent, the adult respondent's attorney, and the court visitor appointed under subsection (10) of this section have received a minimum of fourteen days' notice of the date, time, and place of a hearing on the petition. ~~((A))~~ The petitioner must personally serve a copy of the emergency petition and notice of a hearing on the petition ~~((must be served personally))~~ on the adult respondent, the adult respondent's attorney, and the court visitor appointed under subsection (10) of this section not more than two court days after the petition has been filed. The notice must inform the respondent of the adult respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose, and consequences of granting the emergency petition. The court shall not grant the emergency petition if notice substantially complying with this subsection is not served on the respondent.

(10)(a) On receipt of a petition for appointment of emergency conservator for an individual, the court:

- (i) Shall appoint a court visitor if an emergency conservator is sought for an adult; or
- (ii) May appoint a court visitor if an emergency conservator is sought for a minor.

(b) Notice of appointment of the court visitor must be served upon the court visitor within two days of appointment by the petitioner. The court visitor must be an individual with training or experience in the type of abilities, limitations, and needs alleged in the emergency petition. The court, in the order appointing a court visitor, shall specify the hourly rate the ~~((court))~~ court visitor may charge for his or her services, and shall specify the maximum amount the court visitor may charge without additional court review and approval.

(c) The court visitor shall within two days of service of notice of appointment file with the court and serve, either personally or by certified mail with return receipt, the respondent or the respondent's legal counsel, the petitioner or the petitioner's legal counsel, and any notice party with a statement including the court visitor's: Training relating to the duties as a court visitor; criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment; hourly rate, if compensated; contact, if any, with a party to the proceeding prior to appointment; and apparent or actual conflicts of interest.

(d) A court visitor appointed under this section shall use due diligence to attempt to interview the adult respondent in person and, in a manner the individual is best able to understand:

(i) Explain to the adult respondent the substance of the emergency petition, the nature, purpose, and effect of the proceeding, the respondent's rights at the hearing on the petition, and the proposed specific powers and duties of the proposed conservator as stated in the emergency petition;

(ii) Determine the adult respondent's views about the emergency appointment sought by the petitioner, including views about a proposed emergency conservator, the emergency conservator's proposed powers and duties, and the scope and duration of the proposed emergency conservatorship; and

(iii) Inform the adult respondent that all costs and expenses of the proceeding, including but not limited to the adult respondent's attorneys' fees, the appointed conservator's fees, and the appointed conservator's attorneys' fees, will be paid from the individual's assets upon approval by the court.

(e) The court visitor appointed under this section shall:

(i) Interview the petitioner and proposed emergency conservator;

(ii) Use due diligence to attempt to visit the adult respondent's present dwelling;

(iii) Use due diligence to attempt to obtain information from any physician or other person known to have treated, advised, or assessed the adult respondent's relevant physical or mental condition; and

(iv) Investigate the allegations in the emergency petition and any other matter relating to the emergency petition the court directs.

(f) A court visitor appointed under this section shall file a report in a record with the court and provide a copy of the report to the petitioner, the adult subject to the emergency conservatorship, and any notice party at least seven days prior to the hearing on the emergency petition, which must include:

(i) A recommendation regarding the appropriateness of emergency conservatorship, including whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available, and if an emergency conservatorship is recommended;

(ii) A detailed summary of the alleged emergency and the substantial and irreparable harm to the individual's property or finances that is likely to be prevented by the appointment of an emergency conservator;

(iii) A statement as to whether the alleged emergency and the respondent's alleged needs are likely to require an extension of sixty days as authorized under this section;



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(iv) The specific powers to be granted to the emergency conservator and how the specific powers will address the alleged emergency and the respondent's alleged need;

(v) A recommendation regarding the appropriateness of an ongoing conservatorship for an individual, including whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available;

(vi) A statement of the qualifications of the proposed emergency conservator and whether the respondent approves or disapproves of the proposed emergency conservator, and the reasons for such approval or disapproval;

(vii) A recommendation whether a professional evaluation under RCW 11.130.390 is necessary;

(viii) A statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(ix) A statement whether the respondent is able to participate in a hearing which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(x) Any other matter the court directs.

(11) An emergency conservator shall:

(a) Comply with the requirements of RCW 11.130.505 and the requirements of this chapter that pertain to the rights of an individual subject to conservatorship;

(b) Not have authority to make decisions or take actions that a conservator for an individual is prohibited by law from having; and

(c) Be subject to the same special limitations on a conservator's power that apply to a conservator for an individual.

(12) Appointment of an emergency conservator under this section is not a determination that a basis exists for appointment of a conservator under RCW 11.130.360.

(13) The court may remove an emergency conservator appointed under this section at any time.

(14) The emergency conservator shall file a report in a record with the court and provide a copy of the report to the individual subject to emergency conservatorship, and any notice party no later than forty-five days after appointment. The report shall include specific and updated information regarding the emergency alleged in the emergency petition, the individual's emergency needs, all actions and decisions by the emergency conservator, and a recommendation as to whether a conservator for an individual should be appointed. If the appointment of the emergency conservator is extended for an additional sixty days, the emergency conservator shall file a second report in a record with the court and provide a copy of the report to the individual subject to emergency conservatorship, and any notice party no later than forty-five days after the emergency conservatorship is extended by the court, which shall include the same information required for the first report. The emergency conservator shall make any other report the court requires.

(15) The court shall issue letters of emergency conservatorship to the emergency conservator in compliance with RCW 11.130.040.

**Sec. 12.** RCW 11.130.435 and 2020 c 312 s 218 are each amended to read as follows:

(1) Except as otherwise ordered by the court, a conservator must give notice to persons entitled to notice under RCW 11.130.370(4) and receive specific authorization by the court before the conservator may exercise with respect to the conservatorship the power to:

(a) Make a gift, except a gift of de minimis value;

(b) Sell, encumber an interest in, or surrender a lease to the primary dwelling of the individual subject to conservatorship;

(c) Sell, or encumber an interest in, any other real estate;

(d) Convey, release, or disclaim a contingent or expectant interest in property, including marital property and any right of survivorship incident to joint tenancy or tenancy by the entireties;

(e) Exercise or release a power of appointment;

(f) Create a revocable or irrevocable trust of property of the conservatorship estate, whether or not the trust extends beyond the duration of the conservatorship, or revoke or amend a trust revocable by the individual subject to conservatorship;

(g) Exercise a right to elect an option or change a beneficiary under an insurance policy or annuity or surrender the policy or annuity for its cash value;

(h) Exercise a right to a quasi-community property share under RCW 26.16.230 or a right to an elective share under other law in the estate of a deceased spouse or domestic partner of the individual subject to conservatorship or renounce or disclaim a property interest;

(i) Grant a creditor priority for payment over creditors of the same or higher class if the creditor is providing property or services used to meet the basic living and care needs of the individual subject to conservatorship and preferential treatment otherwise would be impermissible under RCW 11.130.555(5);

(j) Make, modify, amend, or revoke the will of the individual subject to conservatorship in compliance with chapter 11.12 RCW;

(k) Acquire or dispose of property, including real property in another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of, or abandon property. In all transactions involving the sale of real property, the conservator shall receive additional authority from the court as to the disposition of the proceedings from the sale of the real property;

(l) Make ordinary or extraordinary repairs or alterations in a building or other structure, demolish any improvement, or raze an existing or erect a new party wall or building;

(m) Subdivide or develop land, dedicate land to public use, make or obtain the vacation of a plat and adjust a boundary, adjust a difference in valuation of land, exchange or partition land by giving or receiving consideration, and dedicate an easement to public use without consideration;

(n) Enter for any purpose into a lease of property as lessor or lessee, with or without an option to purchase or renew, for a term within or extending beyond the term of the conservatorship; and

(o) Structure the finances of the individual subject to conservatorship to establish eligibility for a public benefit including by making gifts consistent with the individual's preferences, values, and prior directions, if the conservator's action does not jeopardize the individual's welfare and otherwise is consistent with the conservator's duties.

(2) In approving a conservator's exercise of a power listed in subsection (1) of this section, the court shall consider primarily the decision the individual subject to conservatorship would make if able, to the extent the decision can be ascertained.

(3) To determine under subsection (2) of this section the decision the individual subject to conservatorship would make if able, the court shall consider the individual's prior or current directions, preferences, opinions, values, and actions, to the extent actually known or reasonably ascertainable by the conservator. The court also shall consider:

(a) The financial needs of the individual subject to conservatorship and individuals who are in fact dependent on the individual subject to conservatorship for support, and the interests of creditors of the individual;

(b) Possible reduction of income, estate, inheritance, or other tax liabilities;

- (c) Eligibility for governmental assistance;
  - (d) The previous pattern of giving or level of support provided by the individual;
  - (e) Any existing estate plan or lack of estate plan of the individual;
  - (f) The life expectancy of the individual and the probability the conservatorship will terminate before the individual's death; and
  - (g) Any other relevant factor.
- (4) A conservator may not revoke or amend a power of attorney for finances executed by the individual subject to conservatorship. If a power of attorney for finances is in effect, a decision of the agent within the scope of the agent's authority takes precedence over that of the conservator, unless the court orders otherwise. The court has authority to revoke or amend any power of attorney executed by the adult.

**Sec. 13.** RCW 11.130.530 and 2020 c 312 s 222 are each amended to read as follows:

(1) A conservator shall file with the court by the date established by the court a report in a record regarding the administration of the conservatorship estate unless the court otherwise directs, on resignation or removal, on termination of the conservatorship, and at any other time the court directs.

(2) A report under subsection (1) of this section must state or contain:

(a) An accounting that lists property included in the conservatorship estate and the receipts, disbursements, liabilities, and distributions during the period for which the report is made;

(b) A list of the services provided to the individual subject to conservatorship;

(c) A copy of the conservator's most recently approved plan and a statement whether the conservator has deviated from the plan and, if so, how the conservator has deviated and why;

(d) A recommendation as to the need for continued conservatorship and any recommended change in the scope of the conservatorship;

(e) To the extent feasible, a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts, and mortgages or other debts of the individual subject to conservatorship with all but the last four digits of the account numbers and social security number redacted;

(f) Anything of more than de minimis value which the conservator, any individual who resides with the conservator, or the spouse, domestic partner, parent, child, or sibling of the conservator has received from a person providing goods or services to the individual subject to conservatorship;

(g) Any business relation the conservator has with a person the conservator has paid or that has benefited from the property of the individual subject to conservatorship; and

(h) Whether any co-conservator or successor conservator appointed to serve when a designated event occurs is alive and able to serve.

(3) The court may appoint a court visitor to review a report under this section or conservator's plan under RCW 11.130.510, interview the individual subject to conservatorship or conservator, or investigate any other matter involving the conservatorship. In connection with the report, the court may order the conservator to submit the conservatorship estate to appropriate examination in a manner the court directs.

(4) Notice of the filing under this section of a conservator's report, together with a copy of the report, must be provided to the individual subject to conservatorship, a person entitled to notice under RCW 11.130.420(6) or a subsequent order, and other persons the court determines. The notice and report must be given not later than fourteen days after filing.

(5) The court shall establish procedures for monitoring a report

submitted under this section and review each report at least annually to determine whether:

(a) The reports provide sufficient information to establish the conservator has complied with the conservator's duties;

(b) The conservatorship should continue; and

(c) The conservator's requested fees, if any, should be approved.

(6) If the court determines there is reason to believe a conservator has not complied with the conservator's duties or the conservatorship should not continue, the court:

(a) Shall notify the individual subject to conservatorship, the conservator, and any other person entitled to notice under RCW 11.130.420(6) or a subsequent order;

(b) May require additional information from the conservator;

(c) May appoint a court visitor to interview the individual subject to conservatorship or conservator or investigate any matter involving the conservatorship; and

(d) Consistent with RCW 11.130.565 and 11.130.570, may hold a hearing to consider removal of the conservator, termination of the conservatorship, or a change in the powers granted to the conservator or terms of the conservatorship.

(7) If the court has reason to believe fees requested by a conservator are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(8) A conservator must petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(9) An order, after notice and hearing, approving an interim report of a conservator filed under this section adjudicates liabilities concerning a matter adequately disclosed in the report, as to a person given notice of the report or accounting.

(10) If the court approves a report filed under this section, the order approving the report shall set the due date for the filing of the next report to be filed under this section. The court may set the review at annual, biennial, or triennial intervals with the report due date to be within ninety days of the anniversary date of appointment. When determining the report interval, the court can consider: The length of time the conservator has been serving the person under conservatorship; whether the conservator has timely filed all required reports with the court; whether the conservator is monitored by other state or local agencies; the income of the person subject to conservatorship; the value of the property of the person subject to conservatorship; the adequacy of the bond and other verified receipt; and whether there have been any allegations of abuse, neglect, or a breach of fiduciary duty against the conservator.

(11) If the court approves a report filed under this section, the order approving the report shall contain a conservatorship summary or accompanied by a conservatorship summary in the form or substantially in the same form as set forth in RCW 11.130.665.

(12) If the court approves a report filed under this section, the order approving the report shall direct the clerk of the court to reissue letters of office in the form or substantially in the same form as set forth in RCW 11.130.660 to the conservator containing an expiration date which will be within one hundred eighty days ~~((after the date the court directs the conservator file its next report))~~ of the anniversary date of appointment.

(13) An order, after notice and hearing, approving a final report filed under this section discharges the conservator from all liabilities, claims, and causes of action by a person given notice of the report and the hearing as to a matter adequately disclosed in the report.

(14) Any requirement to establish a monitoring program under

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

this section is subject to appropriation.

**NEW SECTION. Sec. 14.** A new section is added to chapter 11.130 RCW to read as follows:

The court shall have authority to bring before it, in the manner prescribed by RCW 11.48.070, any person or persons suspected of having in their possession or having concealed, embezzled, conveyed, or disposed of any of the property of the estate of the individual subject to conservatorship subject to administration of this title.

**NEW SECTION. Sec. 15.** A new section is added to chapter 2.72 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the office shall contract with public or private entities or individuals to provide decision-making assistance services, prioritizing persons who are:

(a) Age 18 or older whose income does not exceed 400 percent of the federal poverty level determined annually by the United States department of health and human services or who are eligible to receive long-term care services through the Washington state department of social and health services;

(b) In an acute care hospital licensed under chapter 70.41 RCW, a psychiatric hospital licensed under chapter 71.12 RCW, or a state psychiatric hospital licensed under chapter 72.23 RCW, or in a location funded by such a hospital;

(c) Medically ready for discharge, or will soon be medically ready for discharge, to a postacute care or community setting; and

(d) Without a qualified person who is willing and able to serve as a decision maker.

(2) For decision-making assistance services provided pursuant to subsection (1) of this section, the office shall establish a streamlined process to review requests for decision-making assistance for persons who meet the requirement in subsection (1) of this section on a weekly basis.

(3) Subject to the availability of funds appropriated for this specific purpose, the office shall establish a navigator service to provide assistance and support for hospitals and persons in hospitals, including assistance to navigate options for guardianship, public conservatorship, decision-making assistance, and estate administration services as appropriate for the person.

(4) Subject to the availability of funds appropriated for this specific purpose, the office shall fund training for decision makers regarding considerations for specific populations, including behavioral health, involuntary treatment, disability, family law, and medicaid programs.

(5) Subject to the availability of funds appropriated for this specific purpose, the office shall offer low-barrier trainings to certified professional guardians on topics such as aging, mental health, and dementia.

**NEW SECTION. Sec. 16.** A new section is added to chapter 2.72 RCW to read as follows:

(1) By October 1, 2025, and annually thereafter, and in compliance with RCW 43.01.036, the office of public guardianship must submit a report to the legislature regarding the demand for the services provided by the office, barriers to service delivery, and outcomes achieved.

(2) The report required in subsection (1) of this section must contain, at a minimum, the following information for the year prior to the report:

(a) The number of contract service providers under contract with the office of public guardianship;

(b) The caseload of each contract service provider;

(c) The number of guardianships, conservatorships, and each of the less restrictive options supported by the office;

(d) The total number of persons prioritized pursuant to section

15 of this act;

(e) For each person prioritized pursuant to section 15 of this act, the number of days between when the person was deemed medically ready for discharge from a hospital to a postacute care or community setting and when the person was discharged from the hospital;

(f) A summary of postdischarge outcomes with regard to persons prioritized pursuant to section 15 of this act; and

(g) Policy recommendations for consideration by the legislature."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Pedersen moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5825.

Senator Pedersen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pedersen that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5825.

The motion by Senator Pedersen carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5825 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5825, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5825, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5825, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 27, 2024

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5828 with the following amendment(s): 5828-S.E AMH LEKA BAKY 379

On page 1, after line 20, insert the following:

"(5)(a) A person appointed as a water commissioner must receive training as soon as reasonably practicable from the administrative office of the courts on the following topics:

(i) Water law, including state, federal, tribal, and international

statutory and case law;

(ii) Indian law, including statutory and case law, agreements, executive orders, and treaties;

(iii) An overview of subjects in water science, such as physical and groundwater hydrology, hydrogeology, and irrigation management; and

(iv) Cultural awareness, including state and tribal history related to treaty and non-treaty tribes and governmental relationships with federally recognized tribes.

(b) The administrative office of the courts may contract with one or more academic institutions in Washington, as appropriate, to develop and deliver the training described in (a) of this subsection."

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Shewmake moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5828.

Senator Shewmake spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Shewmake that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5828.

The motion by Senator Shewmake carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5828 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5828, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5828, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5828, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

SENATE BILL NO. 5419,  
 SUBSTITUTE SENATE BILL NO. 5652,  
 SUBSTITUTE SENATE BILL NO. 5667,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5788,  
 SENATE BILL NO. 5792,  
 SUBSTITUTE SENATE BILL NO. 5812,  
 ENGROSSED SENATE BILL NO. 5816,

SENATE BILL NO. 5852,  
 SUBSTITUTE SENATE BILL NO. 5919,  
 SENATE BILL NO. 5938,  
 ENGROSSED SECOND SUBSTITUTE  
 SENATE BILL NO. 5955,  
 SENATE BILL NO. 6080,  
 ENGROSSED SENATE BILL NO. 6089,  
 SUBSTITUTE SENATE BILL NO. 6121,  
 SUBSTITUTE SENATE BILL NO. 6125,  
 SENATE BILL NO. 6173,  
 SENATE BILL NO. 6215,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6291,  
 ENGROSSED SENATE JOINT MEMORIAL NO. 8005,  
 and SENATE JOINT MEMORIAL NO. 8007.

#### MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5838 with the following amendment(s): 5838-S2.E AMH APP H3451.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that artificial intelligence is a fast-evolving technology that holds extraordinary potential and has a myriad of uses for both the public and private sectors. Advances in artificial intelligence technology have led to programs that are capable of creating text, audio, and media that are difficult to distinguish from media created by a human. This technology has the potential to provide great benefits to people if used well and to cause great harm if used irresponsibly.

The legislature further finds that generative artificial intelligence has become widely available to consumers and has great potential to become a versatile tool for a wide audience. It can streamline tasks, save time and money for users, and facilitate further innovation. Artificial intelligence has the potential to help solve urgent challenges, while making our world more prosperous, productive, innovative, and secure when used responsibly.

Washington state is in a unique position to become a center for artificial intelligence and machine learning. When used irresponsibly, artificial intelligence has the potential to further perpetuate bias and harm to historically excluded groups. It is vital that the fundamental rights to privacy and freedom from discrimination are properly safeguarded as society explores this emerging technology.

The federal government has not yet enacted binding regulations, however in July 2023, the federal government announced voluntary commitments by seven leading artificial intelligence companies, including three companies headquartered in Washington, to move toward safe, secure, and transparent development of artificial intelligence technology. The October 2023 executive order on the safe, secure, and trustworthy development and use of artificial intelligence builds on this work by directing developers of artificial intelligence systems to share their safety test results for certain highly capable models with the United States government.

Numerous businesses and agencies have developed principles for artificial intelligence. In Washington, Washington technology solutions (WaTech) developed guiding principles for artificial intelligence use by state agencies. These principles share common themes: Accountability, transparency, human control, privacy and security, advancing equity, and promoting innovation and

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

economic development.

The legislature finds that the possible impacts of advancements in generative artificial intelligence for Washingtonians requires careful consideration in order to mitigate risks and potential harms, while promoting transparency, accountability, equity, and innovation that drives technological breakthroughs. On January 30, 2024, governor Inslee issued Executive Order 24-01 directing WaTech to identify generative artificial intelligence initiatives that could be implemented in state operations and issue guidelines for public sector procurement and usage.

**NEW SECTION. Sec. 2.** (1) Subject to the availability of amounts appropriated for this specific purpose, a task force to assess current uses and trends and make recommendations to the legislature regarding guidelines and potential legislation for the use of artificial intelligence systems is established.

(2) The task force is composed of an executive committee consisting of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The attorney general shall appoint the following members, selecting only individuals with experience in technology policy:

- (i) One member from the office of the governor;
  - (ii) One member from the office of the attorney general;
  - (iii) One member from Washington technology solutions;
  - (iv) One member from the Washington state auditor;
  - (v) One member representing universities or research institutions that are experts in the design and effect of an algorithmic system;
  - (vi) One member representing private technology industry groups;
  - (vii) One member representing business associations;
  - (viii) Three members representing community advocate organizations that represent communities that are disproportionately vulnerable to being harmed by algorithmic bias;
  - (ix) One member representing the LGBTQ+ community;
  - (x) One member representing the retail industry;
  - (xi) One member representing the hospitality industry;
  - (xii) One member representing statewide labor organizations;
- and

(xiii) One member representing public safety.

(d) The task force may meet in person or by telephone conference call, videoconference, or other similar telecommunications method, or a combination of such methods.

(e) The executive committee may convene subcommittees to advise the task force on the recommendations and findings set out in subsection (4) of this section.

(i) The executive committee shall define the scope of activity and subject matter focus required of the subcommittees including, but not limited to: Education and workforce development; public safety and ethics; health care and accessibility; labor; government and public sector efficiency; state security and cybersecurity; consumer protection and privacy; and industry and innovation.

(ii) Subcommittees and their members may be invited to participate on an ongoing, recurring, or one-time basis.

(iii) The executive committee in collaboration with the attorney general shall appoint members to the subcommittees that must be comprised of industry participants, subject matter experts, representatives of federally recognized tribes, or other relevant stakeholders.

(iv) Each subcommittee must contain at least one member possessing relevant industry expertise and at least one member

from an advocacy organization that represents communities that are disproportionately vulnerable to being harmed by algorithmic bias including, but not limited to: African American; Hispanic American; Native American; Asian American; Native Hawaiian and Pacific Islander communities; religious minorities; individuals with disabilities; and other vulnerable communities.

(v) Meeting summaries and reports delivered by the subcommittees to the executive committee must be made available on the attorney general's website within 30 days of delivery.

(3) The office of the attorney general must administer and provide staff support for the task force. The office of the attorney general may, when deemed necessary by the task force, retain consultants to provide data analysis, research, recommendations, training, and other services to the task force for the purposes provided in subsection (4) of this section. The office of the attorney general may work with the task force to determine appropriate subcommittees as needed.

(4) The executive committee and subcommittees of the task force shall examine the development and use of artificial intelligence by private and public sector entities and make recommendations to the legislature regarding guidelines and potential legislation for the use and regulation of artificial intelligence systems to protect Washingtonians' safety, privacy, and civil and intellectual property rights. The task force findings and recommendations must include:

(a) A literature review of public policy issues with artificial intelligence, including benefits and risks to the public broadly, historically excluded communities, and other identifiable groups, racial equity considerations, workforce impacts, and ethical concerns;

(b) A review of existing protections under state and federal law for individual data and privacy rights, safety, civil rights, and intellectual property rights, and how federal, state, and local laws relating to artificial intelligence align, differ, conflict, and interact across levels of government;

(c) A recommended set of guiding principles for artificial intelligence use informed by standards established by relevant bodies, including recommending a definition for ethical artificial intelligence and guiding principles;

(d) Identification of high-risk uses of artificial intelligence, including those that may negatively affect safety or fundamental rights;

(e) Opportunities to support and promote the innovation of artificial intelligence technologies through grants and incentives;

(f) Recommendations on appropriate uses of and limitations on the use of artificial intelligence by state and local governments and the private sector;

(g) Recommendations relating to the appropriate and legal use of training data;

(h) Algorithmic discrimination issues which may occur when artificial intelligence systems are used and contribute to unjustified differential treatment or impacts disfavoring people on the basis of race, color, national origin, citizen or immigration status, families with children, creed, religious belief or affiliation, sex, marital status, the presence of any sensory, mental, or physical disability, age, honorably discharged veteran or military status, sexual orientation, gender expression or gender identity, or any other protected class under RCW 49.60.010 and recommendations to mitigate and protect against algorithmic discrimination;

(i) Recommendations on minimizing unlawful discriminatory or biased outputs or applications;

(j) Recommendations on prioritizing transparency so that the behavior and functional components artificial intelligence can be

understood in order to enable the identification of performance issues, safety and privacy concerns, biases, exclusionary practices, and unintended outcomes;

(k) Racial equity issues posed by artificial intelligence systems and ways to mitigate the concerns to build equity into the systems;

(l) Civil liberties issues posed by artificial intelligence systems and civil rights and civil liberties protections to be incorporated into artificial intelligence systems;

(m) Recommendations as to how the state should educate the public on the development and use of artificial intelligence, including information about data privacy and security, data collection and retention practices, use of individual data in machine learning, and intellectual property considerations regarding generative artificial intelligence;

(n) A review of protections of personhood, including replicas of voice or likeness, in typical contract structures, and a review of artificial intelligence tools used to support employment decisions;

(o) Proposed state guidelines for the use of artificial intelligence to inform the development, deployment, and use of artificial intelligence systems to:

(i) Retain appropriate human agency and oversight;

(ii) Be subject to internal and external security testing of systems before public release for high-risk artificial intelligence systems;

(iii) Protect data privacy and security;

(iv) Promote appropriate transparency for consumers when they interact with artificial intelligence systems or products created by artificial intelligence; and

(v) Ensure accountability, considering oversight, impact assessment, auditability, and due diligence mechanisms;

(p) A review of existing civil and criminal remedies for addressing potential harms resulting from the use of artificial intelligence systems and recommendations, if needed, for new means of enforcement and remedies; and

(q) Recommendations for establishing an ongoing committee that must study emerging technologies not limited to artificial technology.

(5) The executive committee of the task force must hold its first meeting within 45 days of final appointments to the task force and must meet at least twice each year thereafter. The task force must submit reports to the governor and the appropriate committees of the legislature detailing its findings and recommendations. A preliminary report must be delivered by December 31, 2024, an interim report by December 1, 2025, and a final report by July 1, 2026. Meeting summaries must be posted to the website of the attorney general's office within 30 days of any meeting by the task force.

(6) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members, including subcommittee members, whose participation in the task force may be hampered by financial hardship and may be compensated as provided in RCW 43.03.220.

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

(a) "Artificial intelligence" means the use of machine learning and related technologies that use data to train statistical models for the purpose of enabling computer systems to perform tasks normally associated with human intelligence or perception, such as computer vision, speech or natural language processing, and

content generation.

(b) "Generative artificial intelligence" means an artificial intelligence system that generates novel data or content based on a foundation model.

(c) "Machine learning" means the process by which artificial intelligence is developed using data and algorithms to draw inferences therefrom to automatically adapt or improve its accuracy without explicit programming.

(d) "Training data" means labeled data that is used to teach artificial intelligence models or machine learning algorithms to make proper decisions. Training data may include, but is not limited to, annotated text, images, video, or audio.

(9) This section expires June 30, 2027.

**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."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Nguyen moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5838.

Senator Nguyen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Nguyen that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5838.

The motion by Senator Nguyen carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5838 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5838, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5838, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Cleveland, Conway, Dhingra, Frame, Hansen, Hawkins, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Braun, Dozier, Fortunato, Gildon, Hasegawa, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5838, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 27, 2024

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5857 with the following amendment(s): 5857-S AMH SGOV H3393.1

Strike everything after the enacting clause and insert the following:

**"PART I  
NEW TITLE CREATED**

NEW SECTION. Sec. 101. This act is intended to make technical amendments to certain codified statutes that involve campaign disclosure and contribution. Any statutory changes made by this act should be interpreted as technical in nature and not interpreted to have any substantive, policy implications.

NEW SECTION. Sec. 102. A rule adopted under authority provided in chapter 42.17A RCW remains valid and is not affected by the recodification in this act.

NEW SECTION. Sec. 103. A new title is added to the Revised Code of Washington to be codified as Title 29B RCW.

**PART II  
DEFINITIONS SPLIT**

NEW SECTION. Sec. 201. Words and phrases as defined in this chapter, wherever used in this title, shall have the meaning as in this chapter ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part.

NEW SECTION. Sec. 202. "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

NEW SECTION. Sec. 203. "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency. "Agency" does not include a comprehensive cancer center participating in a collaborative arrangement as defined in RCW 28B.10.930 that is operated in conformance with RCW 28B.10.930.

NEW SECTION. Sec. 204. "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

NEW SECTION. Sec. 205. "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency before its circulation for signatures.

NEW SECTION. Sec. 206. "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

NEW SECTION. Sec. 207. "Bona fide political party" means:

- (1) An organization that has been recognized as a minor political party by the secretary of state;
- (2) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body

authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(3) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

NEW SECTION. Sec. 208. "Books of account" means:

(1) In the case of a campaign or political committee, a ledger or similar listing of contributions, expenditures, and debts, such as a campaign or committee is required to file regularly with the commission, current as of the most recent business day; or

(2) In the case of a commercial advertiser, details of political advertising or electioneering communications provided by the advertiser, including the names and addresses of persons from whom it accepted political advertising or electioneering communications, the exact nature and extent of the services rendered, and the total cost and the manner of payment for the services.

NEW SECTION. Sec. 209. "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when the individual first:

- (1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote the individual's candidacy for office;
- (2) Announces publicly or files for office;
- (3) Purchases commercial advertising space or broadcast time to promote the individual's candidacy; or
- (4) Gives consent to another person to take on behalf of the individual any of the actions in subsection (1) or (3) of this section.

NEW SECTION. Sec. 210. "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

NEW SECTION. Sec. 211. "Commercial advertiser" means any person that sells the service of communicating messages or producing material for broadcast or distribution to the general public or segments of the general public whether through brochures, fliers, newspapers, magazines, television, radio, billboards, direct mail advertising, printing, paid internet or digital communications, or any other means of mass communication used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

NEW SECTION. Sec. 212. "Commission" means the agency established under RCW 42.17A.100 (as recodified by this act).

NEW SECTION. Sec. 213. "Committee" unless the context indicates otherwise, includes a political committee such as a candidate, ballot proposition, recall, political, or continuing political committee.

NEW SECTION. Sec. 214. "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind. For the purpose of compliance with RCW 42.17A.710 (as recodified by this act), "compensation" does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

NEW SECTION. Sec. 215. "Continuing political committee" means a political committee that is an organization of continuing existence not limited to participation in any particular election campaign or election cycle.

NEW SECTION. Sec. 216. (1) "Contribution" includes:

(a) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds, or anything of value, including personal and professional services for less than full consideration;

(b) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political or incidental committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(c) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, digital, or other form of political advertising or electioneering communication prepared by a candidate, a political or incidental committee, or its authorized agent;

(d) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(2) "Contribution" does not include:

(a) Accrued interest on money deposited in a political or incidental committee's account;

(b) Ordinary home hospitality;

(c) A contribution received by a candidate or political or incidental committee that is returned to the contributor within 10 business days of the date on which it is received by the candidate or political or incidental committee;

(d) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of interest to the public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political or incidental committee;

(e) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(f) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of \$50 personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person;

(g) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts toward any applicable contribution limit of the person providing the facility;

(h) Legal or accounting services rendered to or on behalf of:

(i) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(ii) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(i) The performance of ministerial functions by a person on behalf of two or more candidates or political or incidental committees either as volunteer services defined in (f) of this subsection or for payment by the candidate or political or incidental committee for whom the services are performed as long as:

(i) The person performs solely ministerial functions;

(ii) A person who is paid by two or more candidates or political

or incidental committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17A.205 (as recodified by this act); and

(iii) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under subsection (1)(b) of this section.

A person who performs ministerial functions under this subsection (2)(i) is not considered an agent of the candidate or committee as long as the person has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(3) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

**NEW SECTION. Sec. 217.** "Depository" means a bank, mutual savings bank, savings and loan association, or credit union doing business in this state.

**NEW SECTION. Sec. 218.** "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

**NEW SECTION. Sec. 219.** "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters. An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this title.

**NEW SECTION. Sec. 220.** "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

**NEW SECTION. Sec. 221.** "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

**NEW SECTION. Sec. 222.** (1) "Electioneering communication" means any broadcast, cable, or satellite television, radio transmission, digital communication, United States postal service mailing, billboard, newspaper, or periodical that:

(a) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(b) Is broadcast, transmitted electronically or by other means, mailed, erected, distributed, or otherwise published within 60 days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(c) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the 60 days before an election, has a fair market value or cost of \$1,000 or more.

(2) "Electioneering communication" does not include:



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(a) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least 12 months preceding the candidate becoming a candidate;

(b) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(c) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

- (i) Of interest to the public;
- (ii) In a news medium controlled by a person whose business is that news medium; and

(iii) Not a medium controlled by a candidate or a political or incidental committee;

- (d) Slate cards and sample ballots;
- (e) Advertising for books, films, dissertations, or similar works (i) written by a candidate when the candidate entered into a contract for such publications or media at least 12 months before becoming a candidate, or (ii) written about a candidate;

(f) Public service announcements;

(g) An internal political communication primarily limited to the members of or contributors to a political party organization or political or incidental committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(h) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(i) Any other communication exempted by the commission through rule consistent with the intent of this title.

**NEW SECTION. Sec. 223.** "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this title, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. "Expenditure" shall not include the partial or complete repayment by a candidate or political or incidental committee of the principal of a loan, the receipt of which loan has been properly reported.

**NEW SECTION. Sec. 224.** "Final report" means the report described as a final report in RCW 42.17A.235(11)(a) (as recodified by this act).

**NEW SECTION. Sec. 225.** "Foreign national" means:

- (1) An individual who is not a citizen of the United States and is not lawfully admitted for permanent residence;
- (2) A government, or subdivision, of a foreign country;
- (3) A foreign political party; and
- (4) Any entity, such as a partnership, association, corporation, organization, or other combination of persons, that is organized under the laws of or has its principal place of business in a foreign country.

**NEW SECTION. Sec. 226.** "General election," for the purposes of RCW 42.17A.405 (as recodified by this act), means the election that results in the election of a person to a state or local office. It does not include a primary.

**NEW SECTION. Sec. 227.** "Gift" has the definition in RCW 42.52.010.

**NEW SECTION. Sec. 228.** "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of the definition of "intermediary" in section 232 of this act, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

**NEW SECTION. Sec. 229.** "Incidental committee" means any nonprofit organization not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in excess of the reporting thresholds in RCW 42.17A.235 (as recodified by this act), directly or through a political committee. Any nonprofit organization is not an incidental committee if it is only remitting payments through the nonprofit organization in an aggregated form and the nonprofit organization is not required to report those payments in accordance with this title.

**NEW SECTION. Sec. 230.** "Incumbent" means a person who is in present possession of an elected office.

**NEW SECTION. Sec. 231.** (1) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not:

- (i) A candidate for that office;
- (ii) An authorized committee of that candidate for that office; and

(iii) A person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) It is made in support of or in opposition to a candidate for office by a person with whom the candidate has not collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(c) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(d) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of \$1,000 or more. A series of expenditures, each of which is under \$1,000, constitutes one independent expenditure if their cumulative value is \$1,000 or more.

(2) "Independent expenditure" does not include: Ordinary home hospitality; communications with journalists or editorial staff designed to elicit a news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, controlled by a person whose business is that news medium, and not controlled by a candidate or a political committee; participation in the creation of a publicly funded voters' pamphlet statement in written or video form; an internal political communication primarily limited to contributors to a political party organization or political action committee, the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of

the sort commonly performed by volunteer campaign workers or incidental expenses personally incurred by volunteer campaign workers not in excess of \$250 personally paid for by the worker.

**NEW SECTION. Sec. 232.** (1) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family, or an association to which the individual belongs.

(2) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(3) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(4) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

**NEW SECTION. Sec. 233.** "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

**NEW SECTION. Sec. 234.** "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

**NEW SECTION. Sec. 235.** "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

**NEW SECTION. Sec. 236.** "Lobbyist" includes any person who lobbies either on the person's own or another's behalf.

**NEW SECTION. Sec. 237.** "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom the lobbyist is compensated for acting as a lobbyist.

**NEW SECTION. Sec. 238.** "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

**NEW SECTION. Sec. 239.** "Participate" means that, with respect to a particular election, an entity:

(1) Makes either a monetary or in-kind contribution to a candidate;

(2) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(3) Endorses a candidate before contributions are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(4) Makes a recommendation regarding whether a candidate should be supported or opposed before a contribution is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(5) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services, or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

**NEW SECTION. Sec. 240.** "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental

entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

**NEW SECTION. Sec. 241.** "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

**NEW SECTION. Sec. 242.** "Political committee" means any person (except a candidate or an individual dealing with the candidate's or individual's own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

**NEW SECTION. Sec. 243.** "Primary," for the purposes of RCW 42.17A.405 (as recodified by this act), means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

**NEW SECTION. Sec. 244.** "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

**NEW SECTION. Sec. 245.** "Public record" has the definition in RCW 42.56.010.

**NEW SECTION. Sec. 246.** "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending 30 days after the recall election.

**NEW SECTION. Sec. 247.** "Remediable violation" means any violation of this title that:

(1) Involved expenditures or contributions totaling no more than the contribution limits set out under RCW 42.17A.405(2) (as recodified by this act) per election, or \$1,000 if there is no statutory limit;

(2) Occurred:

(a) More than 30 days before an election, where the commission entered into an agreement to resolve the matter; or

(b) At any time where the violation did not constitute a material violation because it was inadvertent and minor or otherwise has been cured and, after consideration of all the circumstances, further proceedings would not serve the purposes of this title;

(3) Does not materially harm the public interest, beyond the harm to the policy of this title inherent in any violation; and

(4) Involved:

(a) A person who:

(i) Took corrective action within five business days after the commission first notified the person of noncompliance, or where the commission did not provide notice and filed a required report within 21 days after the report was due to be filed; and

(ii) Substantially met the filing deadline for all other required reports within the immediately preceding 12-month period; or

(b) A candidate who:

(i) Lost the election in question; and

(ii) Did not receive contributions over 100 times the contribution limit in aggregate per election during the campaign in question.

**NEW SECTION. Sec. 248.** (1) "Sponsor," for purposes of an electioneering communications, independent expenditures, or political advertising, means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the

payment is the sponsor.

(2) "Sponsor," for purposes of a political or incidental committee, means any person, except an authorized committee, to whom any of the following applies:

(a) The committee receives 80 percent or more of its contributions either from the person or from the person's members, officers, employees, or shareholders;

(b) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

**NEW SECTION. Sec. 249.** "Sponsored committee" means a committee, other than an authorized committee, that has one or more sponsors.

**NEW SECTION. Sec. 250.** "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

**NEW SECTION. Sec. 251.** "State official" means a person who holds a state office.

**NEW SECTION. Sec. 252.** "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts or expenses incurred by the committee or candidate with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts or expenses when it makes its final report under RCW 42.17A.255 (as recodified by this act).

**NEW SECTION. Sec. 253.** "Technical correction" means the correction of a minor or ministerial error in a required report that does not materially harm the public interest and needs to be corrected for the report to be in full compliance with the requirements of this title.

**NEW SECTION. Sec. 254.** "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political or incidental committee, pursuant to RCW 42.17A.210 (as recodified by this act), to perform the duties specified in that section.

**NEW SECTION. Sec. 255.** "Violation" means a violation of this title that is not a remediable violation, minor violation, or an error classified by the commission as appropriate to address by a technical correction.

**NEW SECTION. Sec. 256.** Sections 201 through 255 of this act are each added to a new chapter in the new title created in section 103 of this act.

**NEW SECTION. Sec. 257.** RCW 42.17A.005 (Definitions) and 2022 c 71 s 14, 2020 c 152 s 2, & 2019 c 428 s 3 are each repealed.

**PART III  
RECODIFICATION**

**NEW SECTION. Sec. 301. GENERAL PROVISIONS.** RCW 42.17A.001, 42.17A.010, and 42.17A.020 are recodified as a new chapter in the new title created in section 103 of this act.

**NEW SECTION. Sec. 302. ELECTRONIC ACCESS.** RCW 42.17A.055, 42.17A.060, and 42.17A.065 are recodified as a new chapter in the new title created in section 103 of this act.

**NEW SECTION. Sec. 303. ADMINISTRATION.** RCW 42.17A.100, 42.17A.105, 42.17A.110, 42.17A.120, 42.17A.125, 42.17A.130, 42.17A.135, 42.17A.140, 42.17A.145, 42.17A.150, and 42.17A.160 are recodified as a new chapter in the new title

created in section 103 of this act.

**NEW SECTION. Sec. 304. CAMPAIGN FINANCE REPORTING.** RCW 42.17A.200, 42.17A.205, 42.17A.207, 42.17A.210, 42.17A.215, 42.17A.220, 42.17A.225, 42.17A.230, 42.17A.235, 42.17A.240, 42.17A.250, 42.17A.255, 42.17A.260, 42.17A.265, and 42.17A.270 are recodified as a new chapter in the new title created in section 103 of this act.

**NEW SECTION. Sec. 305. POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS.** RCW 42.17A.300, 42.17A.305, 42.17A.310, 42.17A.315, 42.17A.320, 42.17A.330, 42.17A.335, 42.17A.340, 42.17A.345, and 42.17A.350 are recodified as a new chapter in the new title created in section 103 of this act.

**NEW SECTION. Sec. 306. CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS.** RCW 42.17A.400, 42.17A.405, 42.17A.410, 42.17A.415, 42.17A.417, 42.17A.418, 42.17A.420, 42.17A.425, 42.17A.430, 42.17A.435, 42.17A.440, 42.17A.442, 42.17A.445, 42.17A.450, 42.17A.455, 42.17A.460, 42.17A.465, 42.17A.470, 42.17A.475, 42.17A.480, 42.17A.485, 42.17A.490, 42.17A.495, 42.17A.500, and 42.17A.550 are recodified as a new chapter in the new title created in section 103 of this act.

**NEW SECTION. Sec. 307. PUBLIC OFFICIALS', EMPLOYEES', AND AGENCIES' CAMPAIGN RESTRICTIONS AND PROHIBITIONS—REPORTING.** RCW 42.17A.555, 42.17A.560, 42.17A.565, 42.17A.570, and 42.17A.575 are recodified as a new chapter in the new title created in section 103 of this act.

**NEW SECTION. Sec. 308. LOBBYING DISCLOSURE AND RESTRICTIONS.** RCW 42.17A.600, 42.17A.603, 42.17A.605, 42.17A.610, 42.17A.615, 42.17A.620, 42.17A.625, 42.17A.630, 42.17A.635, 42.17A.640, 42.17A.645, 42.17A.650, and 42.17A.655 are recodified as a new chapter in the new title created in section 103 of this act.

**NEW SECTION. Sec. 309. PERSONAL FINANCIAL AFFAIRS REPORTING BY CANDIDATES AND PUBLIC OFFICIALS.** RCW 42.17A.700, 42.17A.705, 42.17A.710, and 42.17A.715 are recodified as a new chapter in the new title created in section 103 of this act.

**NEW SECTION. Sec. 310. ENFORCEMENT.** RCW 42.17A.750, 42.17A.755, 42.17A.760, 42.17A.765, 42.17A.770, 42.17A.775, 42.17A.780, and 42.17A.785 are recodified as a new chapter in the new title created in section 103 of this act.

**NEW SECTION. Sec. 311.** RCW 42.62.020, 42.62.030, and 42.62.040 are recodified as a new chapter in the new title created in section 103 of this act.

**NEW SECTION. Sec. 312.** RCW 42.62.010 and 2023 c 360 s 1 are each repealed.

**PART IV  
CONFORMING AMENDMENTS**

**Sec. 401.** RCW 42.17A.001 and 2019 c 428 s 2 are each amended to read as follows:

It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this ((chapter)) title shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence of fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. In promoting such complete disclosure, however, this ((chapter)) title shall be enforced so as to ensure that the information disclosed will not be misused for arbitrary and capricious purposes and to ensure that all persons reporting under this ((chapter)) title will be protected from harassment and unfounded allegations based on information they have freely disclosed.

**Sec. 402.** RCW 42.17A.010 and 2002 c 43 s 4 are each amended to read as follows:

Elections of conservation district supervisors held pursuant to chapter 89.08 RCW shall not be considered general or special elections for purposes of the campaign disclosure and personal financial affairs reporting requirements of this ((chapter)) title. Elected conservation district supervisors are not considered elected officials for purposes of the annual personal financial affairs reporting requirement of this ((chapter)) title.

**Sec. 403.** RCW 42.17A.020 and 1973 c 1 s 44 are each amended to read as follows:

All statements and reports filed under this ((chapter)) title shall be public records of the agency where they are filed, and shall be available for public inspection and copying during normal business hours at the expense of the person requesting copies, provided that the charge for such copies shall not exceed actual cost to the agency.

**Sec. 404.** RCW 42.17A.055 and 2019 c 428 s 4 are each amended to read as follows:

(1) For each required report, as technology permits, the commission shall make an electronic reporting tool available to

all those who are required to file that report under this ((chapter)) title.

(2) All persons required to file reports under this ((chapter)) title must file them electronically where the commission has provided an electronic option. The executive director may make exceptions on a case-by-case basis for persons who lack the technological ability to file reports electronically.

(3) If the electronic filing system provided by the commission is inoperable for any period of time, the commission must keep a record of the date and time of each instance and post outages on its website. If a report is due on a day the electronic filing system is inoperable, it is not late if filed the first business day the system is back in operation. The commission must provide notice to all reporting entities when the system is back in operation.

(4) All persons required to file reports under this ((chapter)) title shall, at the time of initial filing, provide the commission an email address, or other electronic contact information, that shall constitute the official address for purposes of all communications from the commission. The person required to file one or more reports must provide any new electronic contact information to the commission within ((ten)) 10 days, if the address has changed from that listed on the most recent report. Committees must provide the committee treasurer's electronic contact information to the commission. Committees must also provide any new electronic contact information for the committee's treasurer to the commission within ((ten)) 10 days of the change. The executive director may waive the electronic contact information requirement and allow use of a postal address, upon the showing of hardship.

**Sec. 405.** RCW 42.17A.060 and 2011 1st sp.s. c 43 s 732 are each amended to read as follows:

It is the intent of the legislature to ensure that the commission provide the general public timely access to all contribution and expenditure reports submitted by candidates, continuing political committees, bona fide political parties, lobbyists, and lobbyists' employers. The legislature finds that failure to meet goals for full and timely disclosure threatens to undermine our electoral process.

Furthermore, the legislature intends for the commission to consult with the office of the chief information officer as it seeks to implement chapter 401, Laws of 1999, and that the commission follow the standards and procedures established by the office of the chief information officer in chapter 43.105 RCW as they relate to information technology.

**Sec. 406.** RCW 42.17A.065 and 2019 c 428 s 5 are each amended to read as follows:

By July 1st of each year, the commission shall calculate the following performance measures, provide a copy of the performance measures to the governor and appropriate legislative committees, and make the performance measures available to the public:

(1) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17A.205 (as recodified by this act), 42.17A.225 (as recodified by this act), 42.17A.235 (as recodified by this act), 42.17A.255 (as recodified by this act), 42.17A.265 (as recodified by this act), 42.17A.600 (as recodified by this act), 42.17A.615 (as recodified by this act), 42.17A.625 (as recodified by this act), and 42.17A.630 (as recodified by this act) and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's website;

(2) The percentage of filers pursuant to RCW 42.17A.055 (as recodified by this act) who have used: (a) Hard copy paper format; or (b) electronic format.

**Sec. 407.** RCW 42.17A.100 and 2019 c 428 s 6 are each

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

amended to read as follows:

(1) The public disclosure commission is established. The commission shall be composed of five commissioners appointed by the governor, with the consent of the senate. The commission shall have the authority and duties as set forth in this ~~((chapter))~~ title. All appointees shall be persons of the highest integrity and qualifications. No more than three commissioners shall have an identification with the same political party.

(2) The term of each commissioner shall be five years, which may continue until a successor is appointed, but may not exceed an additional ~~((twelve))~~ 12 months. No commissioner is eligible for appointment to more than one full term. Any commissioner may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

(3)(a) During a commissioner's tenure, the commissioner is prohibited from engaging in any of the following activities, either within or outside the state of Washington:

- (i) Holding or campaigning for elective office;
- (ii) Serving as an officer of any political party or political committee;
- (iii) Permitting the commissioner's name to be used in support of or in opposition to a candidate or proposition;
- (iv) Soliciting or making contributions to a candidate or in support of or in opposition to any candidate or proposition;
- (v) Participating in any way in any election campaign; or
- (vi) Lobbying, employing, or assisting a lobbyist, except that a commissioner or the staff of the commission may lobby to the limited extent permitted by RCW 42.17A.635 (as recodified by this act) on matters directly affecting this ~~((chapter))~~ title.

(b) This subsection is not intended to prohibit a commissioner from participating in or supporting nonprofit or other organizations, in the commissioner's private capacity, to the extent such participation is not prohibited under (a) of this subsection.

(c) The provisions of this subsection do not relieve a commissioner of any applicable disqualification and recusal requirements.

(4) A vacancy on the commission shall be filled within ~~((thirty))~~ 30 days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of the appointee's predecessor. A vacancy shall not impair the powers of the remaining commissioners to exercise all of the powers of the commission.

(5) Three commissioners shall constitute a quorum. The commission shall elect its own chair and adopt its own rules of procedure in the manner provided in chapter 34.05 RCW.

(6) Commissioners shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses incurred while engaged in the business of the commission as provided in RCW 43.03.050 and 43.03.060. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created under the laws of this state.

**Sec. 408.** RCW 42.17A.105 and 2010 c 204 s 302 are each amended to read as follows:

The commission shall:

- (1) Develop and provide forms for the reports and statements required to be made under this ~~((chapter))~~ title;
- (2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this ~~((chapter))~~ title;
- (3) Compile and maintain a current list of all filed reports and statements;
- (4) Investigate whether properly completed statements and

reports have been filed within the times required by this ~~((chapter))~~ title;

(5) Upon complaint or upon its own motion, investigate and report apparent violations of this ~~((chapter))~~ title to the appropriate law enforcement authorities;

(6) Conduct a sufficient number of audits and field investigations to provide a statistically valid finding regarding the degree of compliance with the provisions of this ~~((chapter))~~ title by all required filers. Any documents, records, reports, computer files, papers, or materials provided to the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within one week of the commission's completion of an audit or field investigation;

(7) Prepare and publish an annual report to the governor as to the effectiveness of this ~~((chapter))~~ title and its enforcement by appropriate law enforcement authorities;

(8) Enforce this ~~((chapter))~~ title according to the powers granted it by law;

(9) Adopt rules governing the arrangement, handling, indexing, and disclosing of those reports required by this ~~((chapter))~~ title to be filed with a county auditor or county elections official. The rules shall:

- (a) Ensure ease of access by the public to the reports; and
- (b) Include, but not be limited to, requirements for indexing the reports by the names of candidates or political committees and by the ballot proposition for or against which a political committee is receiving contributions or making expenditures;

(10) Adopt rules to carry out the policies of chapter 348, Laws of 2006. The adoption of these rules is not subject to the time restrictions of RCW 42.17A.110(1) (as recodified by this act);

(11) Adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports; and

(12) Maintain and make available to the public and political committees of this state a toll-free telephone number.

**Sec. 409.** RCW 42.17A.110 and 2019 c 428 s 8 are each amended to read as follows:

In addition to the duties in RCW 42.17A.105 (as recodified by this act), the commission may:

(1) Adopt, amend, and rescind suitable administrative rules to carry out the policies and purposes of this ~~((chapter))~~ title, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint an executive director and set, within the limits established by the office of financial management under RCW 43.03.028, the executive director's compensation. The executive director shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this ~~((chapter))~~ title efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor may it delegate authority to determine that a violation of this ~~((chapter))~~ title has occurred or to assess penalties for such violations;

(3) Prepare and publish reports and technical studies as in its judgment will tend to promote the purposes of this ~~((chapter))~~ title, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this ~~((chapter))~~ title;

(4) Conduct, as it deems appropriate, audits and field investigations;

(5) Make public the time and date of any formal hearing set to

determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence, and require the production of any records relevant to any investigation authorized under this ~~((chapter))~~ title, or any other proceeding under this ~~((chapter))~~ title;

(7) Adopt a code of fair campaign practices;

(8) Adopt rules relieving candidates or political committees of obligations to comply with election campaign provisions of this ~~((chapter))~~ title, if they have not received contributions nor made expenditures in connection with any election campaign of more than five thousand dollars;

(9) Develop and provide to filers a system for certification of reports required under this ~~((chapter))~~ title which are transmitted electronically to the commission. Implementation of the program is contingent on the availability of funds; and

(10) Make available and keep current on its website a glossary of all defined terms in this ~~((chapter))~~ title and in rules adopted by the commission.

**Sec. 410.** RCW 42.17A.120 and 2019 c 428 s 10 are each amended to read as follows:

(1) The commission may suspend or modify any of the reporting requirements of this ~~((chapter))~~ title if it finds that literal application of this ~~((chapter))~~ title works a manifestly unreasonable hardship in a particular case and the suspension or modification will not frustrate the purposes of this ~~((chapter))~~ title. The commission may suspend or modify reporting requirements only to the extent necessary to substantially relieve the hardship and only after a hearing is held and the suspension or modification receives approval. A suspension or modification of the financial affairs reporting requirements in RCW 42.17A.710 (as recodified by this act) may be approved for an elected official's term of office or for up to three years for an executive state officer. If a material change in the applicant's circumstances or relevant information occurs or has occurred, the applicant must request a modification at least one month prior to the next filing deadline rather than at the conclusion of the term.

(2) A manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17A.710(1)(g)(ii) (as recodified by this act) would be likely to adversely affect the competitive position of any entity in which the person filing the report, or any member of the person's immediate family, holds any office, directorship, general partnership interest, or an ownership interest of ~~((ten))~~ 10 percent or more.

(3) Requests for reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. The commission, the commission chair acting as presiding officer, or another commissioner appointed by the chair to serve as presiding officer, may preside over a brief adjudicatory proceeding. If a modification is requested by a filer because of a concern for personal safety, the information submitted regarding that safety concern shall not be made public prior to, or at, the hearing on the request. Any information provided or prepared for the modification hearing shall remain exempt from public disclosure under this ~~((chapter))~~ title and chapter 42.56 RCW to the extent it is determined at the hearing that disclosure of such information would present a personal safety risk to a reasonable person.

(4) If the commission, or presiding officer, grants a modification request, the commission or presiding officer may apply the modification retroactively to previously filed reports. In that event, previously reported information of the kind that is no longer being reported is confidential and exempt from public

disclosure under this ~~((chapter))~~ title and chapter 42.56 RCW.

(5) Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order.

(6) The commission shall adopt rules governing the proceedings.

**Sec. 411.** RCW 42.17A.125 and 2019 c 428 s 11 are each amended to read as follows:

At least once every five years, but no more often than every two years, the commission must consider whether to revise the monetary contribution limits and reporting thresholds and code values of this ~~((chapter))~~ title. If the commission chooses to make revisions, the revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management, and may be rounded off to amounts as determined by the commission to be most accessible for public understanding. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this ~~((chapter))~~ title, reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials, the revisions shall equally affect all thresholds within each category. The revisions authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold.

Revisions made in accordance with this section shall be adopted as rules in accordance with chapter 34.05 RCW.

**Sec. 412.** RCW 42.17A.130 and 2010 c 205 s 8 and 2010 c 204 s 306 are each reenacted and amended to read as follows:

The attorney general, through his or her office, shall provide assistance as required by the commission to carry out its responsibilities under this ~~((chapter))~~ title. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this ~~((chapter))~~ title.

**Sec. 413.** RCW 42.17A.135 and 2019 c 428 s 12 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (7) of this section, the reporting provisions of this ~~((chapter))~~ title do not apply to:

(a) Candidates, elected officials, and agencies in political subdivisions with fewer than ~~((two thousand))~~ 2,000 registered voters as of the date of the most recent general election in the jurisdiction;

(b) Political committees formed to support or oppose candidates or ballot propositions in such political subdivisions; or

(c) Persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The reporting provisions of this ~~((chapter))~~ title apply in any exempt political subdivision from which a "petition for disclosure" containing the valid signatures of ~~((fifteen))~~ 15 percent of the number of registered voters, as of the date of the most recent general election in the political subdivision, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the political subdivision is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every known affected person in the political subdivision to file the initially required

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

statement and reports within ~~((fourteen))~~ 14 days of the date of the order.

(3) The reporting provisions of this ~~((chapter))~~ title apply in any exempt political subdivision that by ordinance, resolution, or other official action has petitioned the commission to make the provisions applicable to elected officials and candidates of the exempt political subdivision. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall order every known affected person in the political subdivision to file the initially required statement and reports within ~~((fourteen))~~ 14 days of the date of the order.

(4) The commission shall void any order issued by it pursuant to subsection (2) or (3) of this section when, at least four years after issuing the order, the commission is presented a petition or official action so requesting from the affected political subdivision. Such petition or official action shall meet the respective requirements of subsection (2) or (3) of this section.

(5) Any petition for disclosure, ordinance, resolution, or official action of an agency petitioning the commission to void the exemption in RCW 42.17A.200(3) (as recodified by this act) shall not be considered unless it has been filed with the commission:

(a) In the case of a ballot proposition, at least ~~((sixty))~~ 60 days before the date of any election in which campaign finance reporting is to be required;

(b) In the case of a candidate, at least ~~((sixty))~~ 60 days before the first day on which a person may file a declaration of candidacy for any election in which campaign finance reporting is to be required.

(6) Any person exempted from reporting under this ~~((chapter))~~ title may at the person's option file the statement and reports.

(7) The reporting provisions of this ~~((chapter))~~ title apply to a candidate in any political subdivision if the candidate receives or expects to receive five thousand dollars or more in contributions.

**Sec. 414.** RCW 42.17A.140 and 2019 c 428 s 13 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the date of receipt of any properly addressed application, report, statement, notice, or payment required to be made under the provisions of this ~~((chapter))~~ title is the date shown by the post office cancellation mark on the envelope of the submitted material. The provisions of this section do not apply to reports required to be delivered under RCW 42.17A.265 (as recodified by this act) and 42.17A.625 (as recodified by this act).

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail or electronically. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17A.265 (as recodified by this act) and 42.17A.625 (as recodified by this act).

**Sec. 415.** RCW 42.17A.145 and 1973 c 1 s 43 are each amended to read as follows:

Every report and statement required to be filed under this ~~((chapter))~~ title shall identify the person preparing it, and shall be certified as complete and correct, both by the person preparing it and by the person on whose behalf it is filed.

**Sec. 416.** RCW 42.17A.150 and 2010 c 205 s 9 are each amended to read as follows:

The commission must preserve statements or reports required

to be filed under this ~~((chapter))~~ title for not less than ~~((ten))~~ 10 years.

**Sec. 417.** RCW 42.17A.160 and 2019 c 428 s 9 are each amended to read as follows:

(1) The commission may apply for and obtain a superior court order approving and authorizing a subpoena in advance of its issuance. The application may be made in Thurston county, the county where the subpoenaed person resides or is found, or the county where the subpoenaed documents, records, or evidence are located. The application must:

(a) State that an order is sought under this section;

(b) Adequately specify the documents, records, evidence, or testimony; and

(c) Include a declaration made under oath that an investigation is being conducted for a lawfully authorized purpose related to an investigation within the commission's authority and that the subpoenaed documents, records, evidence, or testimony are reasonably related to an investigation within the commission's authority.

(2) When an application under this section is made to the satisfaction of the court, the court must issue an order approving the subpoena. An order under this subsection constitutes authority of law for the agency to subpoena the documents, records, evidence, or testimony.

(3) The commission may seek approval and a court may issue an order under this section without prior notice to any person, including the person to whom the subpoena is directed and the person who is the subject of an investigation. An application for court approval is subject to the fee and process set forth in RCW 36.18.012(3).

**Sec. 418.** RCW 42.17A.200 and 2010 c 204 s 401 are each amended to read as follows:

The provisions of this ~~((chapter))~~ title relating to the financing of election campaigns shall apply in all election campaigns other than (1) for precinct committee officer; (2) for a federal elective office; and (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than ~~((five thousand))~~ 5,000 registered voters as of the date of the most recent general election in the subdivision, unless required by RCW 42.17A.135 (2) through (5) and (7) (as recodified by this act).

**Sec. 419.** RCW 42.17A.205 and 2019 c 428 s 14 are each amended to read as follows:

(1) Every political committee shall file a statement of organization with the commission. The statement must be filed within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier. A political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

(2) The statement of organization shall include but not be limited to:

(a) The name, address, and electronic contact information of the committee;

(b) The names, addresses, and electronic contact information of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(d) The name, address, and electronic contact information of its treasurer and depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made, in accordance with RCW 42.17A.430 (as recodified by this act), in the event of dissolution;

(i) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this ~~(chapter)~~ title;

(j) The name, address, and title of any person who authorizes expenditures or makes decisions on behalf of the candidate or committee; and

(k) The name, address, and title of any person who is paid by or is a volunteer for a candidate or political committee to perform ministerial functions and who performs ministerial functions on behalf of two or more candidates or committees.

(3) No two political committees may have the same name.

(4) Any material change in information previously submitted in a statement of organization shall be reported to the commission within the ~~(ten)~~ 10 days following the change.

(5) As used in this section, the "name" of a sponsored committee must include the name of the person who is the sponsor of the committee. If more than one person meets the definition of sponsor, the name of the committee must include the name of at least one sponsor, but may include the names of other sponsors. A person may sponsor only one political committee for the same elected office or same ballot proposition per election cycle.

**Sec. 420.** RCW 42.17A.207 and 2019 c 428 s 15 are each amended to read as follows:

(1)(a) An incidental committee must file a statement of organization with the commission within two weeks after the date the committee first:

(i) Has the expectation of making any expenditures aggregating at least twenty-five thousand dollars in a calendar year in any election campaign, or to a political committee; and

(ii) Is required to disclose a payment received under RCW 42.17A.240(2)(d) (as recodified by this act).

(b) If an incidental committee first meets the criteria requiring filing a statement of organization as specified in (a) of this subsection in the last three weeks before an election, then it must file the statement of organization within three business days.

(2) The statement of organization must include but is not limited to:

(a) The name, address, and electronic contact information of the committee;

(b) The names and addresses of all related or affiliated political or incidental committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders and the name of the person designated as the treasurer of the incidental committee;

(d) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing if the committee contributes directly to a candidate and, if donating to a political committee, the name and address of that political committee;

(e) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition; and

(f) Such other information as the commission may by rule prescribe, in keeping with the policies and purposes of this ~~(chapter)~~ title.

(3) Any material change in information previously submitted in a statement of organization must be reported to the commission within the ~~((ten))~~ 10 days following the change.

**Sec. 421.** RCW 42.17A.210 and 2019 c 428 s 16 are each amended to read as follows:

(1) Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the commission the name and address of one legally competent individual, who may be the candidate, to serve as a treasurer.

(2) A candidate, a political committee, or a treasurer may appoint as many deputy treasurers as is considered necessary and shall file the names and addresses of the deputy treasurers with the commission.

(3)(a) A candidate or political committee may at any time remove a treasurer or deputy treasurer.

(b) In the event of the death, resignation, removal, or change of a treasurer or deputy treasurer, the candidate or political committee shall designate and file with the commission the name and address of any successor.

(4) No treasurer or deputy treasurer may be deemed to be in compliance with the provisions of this ~~(chapter)~~ title until the treasurer's or deputy treasurer's name, address, and electronic contact information is filed with the commission.

**Sec. 422.** RCW 42.17A.215 and 2019 c 428 s 17 are each amended to read as follows:

Each candidate and each political committee shall designate and file with the commission the name and address of not more than one depository for each county in which the campaign is conducted in which the candidate's or political committee's accounts are maintained and the name of the account or accounts maintained in that depository on behalf of the candidate or political committee. The candidate or political committee may at any time change the designated depository and shall file with the commission the same information for the successor depository as for the original depository. The candidate or political committee may not be deemed in compliance with the provisions of this ~~(chapter)~~ title until the information required for the depository is filed with the commission.

**Sec. 423.** RCW 42.17A.220 and 2018 c 304 s 5 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by candidates, political committee members, paid staff, or treasurers in a depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution. For online or credit card contributions, the contribution is considered received at the time the transfer is made from the merchant account to a candidate or political committee account, except that a contribution made to a candidate who is a state official or legislator outside the restriction period established in RCW 42.17A.560 (as recodified by this act), but transferred to the candidate's account within the restricted period, is considered received outside of the restriction period.

(2) Political committees that support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose only if:

(a) Each such account bears the same name;

(b) Each such account is followed by an appropriate designation that accurately identifies its separate purpose; and

(c) Transfers of funds that must be reported under RCW 42.17A.240~~((5))~~ (6) as recodified by this act are not made from



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a depository in bonds, certificates, or tax-exempt securities, or in savings accounts or other similar instruments in financial institutions, or in mutual funds other than the depository but only if:

(a) The commission is notified in writing of the initiation and the termination of the investment; and

(b) The principal of such investment, when terminated together with all interest, dividends, and income derived from the investment, is deposited in the depository in the account from which the investment was made and properly reported to the commission before any further disposition or expenditure.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's treasurer pursuant to RCW 42.17A.240(2) (as recodified by this act), in excess of one percent of the total accumulated contributions received in the current calendar year, or three hundred dollars, whichever is more, may not be deposited, used, or expended, but shall be returned to the donor if his or her identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state and shall be paid to the state treasurer for deposit in the state general fund.

**Sec. 424.** RCW 42.17A.225 and 2019 c 428 s 18 are each amended to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17A.205 (as recodified by this act), 42.17A.210 (as recodified by this act), and 42.17A.220 (as recodified by this act).

(2) A continuing political committee shall file with the commission a report on the tenth day of each month detailing expenditures made and contributions received for the preceding calendar month. This report need only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars. The report shall be on a form supplied by the commission and shall include the following information:

(a) The information required by RCW 42.17A.240 (as recodified by this act);

(b) Each expenditure made to retire previously accumulated debts of the committee identified by recipient, amount, and date of payments;

(c) Other information the commission shall prescribe by rule.

(3) If a continuing political committee makes a contribution in support of or in opposition to a candidate or ballot proposition within (~~sixty~~) 60 days before the date that the candidate or ballot proposition will be voted upon, the committee shall report pursuant to RCW 42.17A.235 (as recodified by this act).

(4)(a) A continuing political committee shall file reports as required by this (~~chapter~~) title until the committee has ceased to function and intends to dissolve, at which time, when there is no outstanding debt or obligation and the committee is concluded in all respects, a final report shall be filed. Upon submitting a final report, the continuing political committee so intending to dissolve must file notice of intent to dissolve with the commission and the commission must post the notice on its website.

(b) The continuing political committee may dissolve (~~sixty~~) 60 days after it files its notice to dissolve, only if:

(i) The continuing political committee does not make any expenditures other than those related to the dissolution process or engage in any political activity or any other activities that generate additional reporting requirements under this (~~chapter~~)

title after filing such notice;

(ii) No complaint or court action, pursuant to this (~~chapter~~) title, is pending against the continuing political committee; and

(iii) All penalties assessed by the commission or court order have been paid by the continuing political committee.

(c) The continuing political committee must continue to report regularly as required under this (~~chapter~~) title until all the conditions under (b) of this subsection are resolved.

(d) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there shall be no further obligations under this (~~chapter~~) title. Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution.

(5) The treasurer shall maintain books of account, current within five business days, that accurately reflect all contributions and expenditures. During the (~~ten~~) 10 calendar days immediately preceding the date of any election that the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection in the same manner as provided for candidates and other political committees in RCW 42.17A.235(6) (as recodified by this act).

(6) All reports filed pursuant to this section shall be certified as correct by the treasurer.

(7) The treasurer shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

**Sec. 425.** RCW 42.17A.230 and 2019 c 428 s 19 are each amended to read as follows:

(1) Fund-raising activities meeting the standards of subsection (2) of this section may be reported in accordance with the provisions of this section in lieu of reporting in accordance with RCW 42.17A.235 (as recodified by this act).

(2) Standards:

(a) The activity consists of one or more of the following:

(i) A sale of goods or services sold at a reasonable approximation of the fair market value of each item or service; or

(ii) A gambling operation that is licensed, conducted, or operated in accordance with the provisions of chapter 9.46 RCW; or

(iii) A gathering where food and beverages are purchased and the price of admission or the per person charge for the food and beverages is no more than twenty-five dollars; or

(iv) A concert, dance, theater performance, or similar entertainment event and the price of admission is no more than twenty-five dollars; or

(v) An auction or similar sale for which the total fair market value or cost of items donated by any person is no more than fifty dollars; and

(b) No person responsible for receiving money at the fund-raising activity knowingly accepts payments from a single person at or from such an activity to the candidate or committee aggregating more than fifty dollars unless the name and address of the person making the payment, together with the amount paid to the candidate or committee, are disclosed in the report filed pursuant to subsection (6) of this section; and

(c) Any other standards established by rule of the commission to prevent frustration of the purposes of this (~~chapter~~) title.

(3) All funds received from a fund-raising activity that conforms with subsection (2) of this section must be deposited in the depository within five business days of receipt by the treasurer or deputy treasurer.

(4) At the time reports are required under RCW 42.17A.235 (as recodified by this act), the treasurer or deputy treasurer making the deposit shall file with the commission a report of the fund-raising activity which must contain the following information:

- (a) The date of the activity;
  - (b) A precise description of the fund-raising methods used in the activity; and
  - (c) The total amount of cash receipts from persons, each of whom paid no more than fifty dollars.
- (5) The treasurer or deputy treasurer shall certify the report is correct.

(6) The treasurer shall report pursuant to RCW 42.17A.235 (as recodified by this act) and 42.17A.240 (as recodified by this act):

- (a) The name and address and the amount contributed by each person contributing goods or services with a fair market value of more than fifty dollars to a fund-raising activity reported under subsection (4) of this section; and
- (b) The name and address and the amount paid by each person whose identity can be ascertained, who made a contribution to the candidate or committee aggregating more than fifty dollars at or from such a fund-raising activity.

**Sec. 426.** RCW 42.17A.235 and 2019 c 428 s 20 are each amended to read as follows:

(1)(a) In addition to the information required under RCW 42.17A.205 (as recodified by this act) and 42.17A.210 (as recodified by this act), each candidate or political committee must file with the commission a report of all contributions received and expenditures made as a political committee on the next reporting date pursuant to the timeline established in this section.

(b) In addition to the information required under RCW 42.17A.207 (as recodified by this act) and 42.17A.210 (as recodified by this act), on the day an incidental committee files a statement of organization with the commission, each incidental committee must file with the commission a report of any election campaign expenditures under RCW 42.17A.240(~~(6)~~) (7) (as recodified by this act), as well as the source of the (~~ten~~) 10 largest cumulative payments of ten thousand dollars or greater it received in the current calendar year from a single person, including any persons tied as the (~~ten~~) 10th largest source of payments it received, if any.

(2) Each treasurer of a candidate or political committee, or an incidental committee, required to file a statement of organization under this (~~chapter~~) title, shall file with the commission a report, for each election in which a candidate, political committee, or incidental committee is participating, containing the information required by RCW 42.17A.240 (as recodified by this act) at the following intervals:

- (a) On the (~~twenty-first~~) 21st day and the seventh day immediately preceding the date on which the election is held; and
- (b) On the (~~ten~~) 10th day of the first full month after the election.

(3)(a) Each treasurer of a candidate or political committee shall file with the commission a report on the (~~ten~~) 10th day of each month during which the candidate or political committee is not participating in an election campaign, only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

(b) Each incidental committee shall file with the commission a report on the (~~ten~~) 10th day of each month during which the incidental committee is not otherwise required to report under this section only if the committee has:

- (i) Received a payment that would change the information required under RCW 42.17A.240(2)(d) (as recodified by this act) as included in its last report; or

(ii) Made any election campaign expenditure reportable under RCW 42.17A.240(~~(6)~~) (7) (as recodified by this act) since its last report, and the total election campaign expenditures made since the last report exceed two hundred dollars.

(4) The report filed (~~(twenty-one)~~) 21 days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. Reports filed on the (~~ten~~) 10th day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(5) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer for a candidate or a political committee shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for the treasurer's records. In the event of deposits made by candidates, political committee members, or paid staff other than the treasurer, the copy shall be immediately provided to the treasurer for the treasurer's records. Each report shall be certified as correct by the treasurer.

(6)(a) The treasurer for a candidate or a political committee shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the (~~ten~~) 10 calendar days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the political committee's statement of organization filed under RCW 42.17A.205 (as recodified by this act), the books of account must be open for public inspection by appointment at a place agreed upon by both the treasurer and the requestor, for inspections between 9:00 a.m. and 5:00 p.m. on any day from the (~~ten~~) 10th calendar day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this (~~chapter~~) title for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within (~~(forty-eight)~~) 48 hours of the time and day that is requested for the inspection. The treasurer may provide digital access or copies of the books of account in lieu of scheduling an appointment at a designated place for inspection. If the treasurer and requestor are unable to agree on a location and the treasurer has not provided digital access to the books of account, the default location for an appointment shall be a place of public accommodation selected by the treasurer within a reasonable distance from the treasurer's office.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification. The commission may issue limited rules to modify the requirements set forth in this section in consideration of other

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

technology and best practices.

(7) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection (6) of this section.

(8) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred or for any longer period as otherwise required by law.

(9) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(10) Where there is not a pending complaint concerning a report, it is not evidence of a violation of this section to submit an amended report within ~~((twenty one))~~ 21 days of filing an initial report if:

(a) The report is accurately amended;

(b) The amended report is filed more than ~~((thirty))~~ 30 days before an election;

(c) The total aggregate dollar amount of the adjustment for the amended report is within three times the contribution limit per election or two hundred dollars, whichever is greater; and

(d) The committee reported all information that was available to it at the time of filing, or made a good faith effort to do so, or if a refund of a contribution or expenditure is being reported.

(11)(a) When there is no outstanding debt or obligation, the campaign fund is closed, the campaign is concluded in all respects, and the political committee has ceased to function and intends to dissolve, the treasurer shall file a final report. Upon submitting a final report, the political committee so intending to dissolve must file notice of intent to dissolve with the commission and the commission must post the notice on its website.

(b) Any political committee may dissolve ~~((sixty))~~ 60 days after it files its notice to dissolve, only if:

(i) The political committee does not make any expenditures other than those related to the dissolution process or engage in any political activity or any other activities that generate additional reporting requirements under this ~~((chapter))~~ title after filing such notice;

(ii) No complaint or court action under this ~~((chapter))~~ title is pending against the political committee; and

(iii) All penalties assessed by the commission or court order have been paid by the political committee.

(c) The political committee must continue to report regularly as required under this ~~((chapter))~~ title until all the conditions under (b) of this subsection are resolved.

(d) Upon dissolution, the commission must issue an acknowledgment of dissolution, the duties of the treasurer shall cease, and there shall be no further obligations under this ~~((chapter))~~ title. Dissolution does not absolve the candidate or board of the committee from responsibility for any future obligations resulting from the finding after dissolution of a violation committed prior to dissolution.

(12) The commission must adopt rules for the dissolution of incidental committees.

**Sec. 427.** RCW 42.17A.240 and 2020 c 152 s 3 are each amended to read as follows:

Each report required under RCW 42.17A.235 (1) through (4) (as recodified by this act) must be certified as correct by the treasurer and the candidate and shall disclose the following, except an incidental committee only must disclose and certify as correct the information required under subsections (2)(d) and (7) of this section:

- (1) The funds on hand at the beginning of the period;
- (2) The name and address of each person who has made one or

more contributions during the period, together with the money value and date of each contribution and the aggregate value of all contributions received from each person during the campaign, or in the case of a continuing political committee, the current calendar year, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported;

(b) Income that results from a fund-raising activity conducted in accordance with RCW 42.17A.230 (as recodified by this act) may be reported as one lump sum, with the exception of that portion received from persons whose names and addresses are required to be included in the report required by RCW 42.17A.230 (as recodified by this act);

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum if the treasurer maintains a separate and private list of the name, address, and amount of each such contributor;

(d) Payments received by an incidental committee from any one person need not be reported unless the person is one of the committee's ~~((ten))~~ 10 largest sources of payments received, including any persons tied as the ~~((tenth))~~ 10th largest source of payments received, during the current calendar year, and the value of the cumulative payments received from that person during the current calendar year is ten thousand dollars or greater. For payments to incidental committees from multiple persons received in aggregated form, any payment of more than ten thousand dollars from any single person must be reported, but the aggregated payment itself may not be reported. The commission may suspend or modify reporting requirements for payments received by an incidental committee in cases of manifestly unreasonable hardship under this ~~((chapter))~~ title;

(e) Payments from private foundations organized under section 501(c)(3) of the internal revenue code to an incidental committee do not have to be reported if:

(i) The private foundation is contracting with the incidental committee for a specific purpose other than election campaign purposes;

(ii) Use of the funds for election campaign purposes is explicitly prohibited by contract; and

(iii) Funding from the private foundation represents less than ~~((twenty five))~~ 25 percent of the incidental committee's total budget;

(f) Commentary or analysis on a ballot proposition by an incidental committee is not considered a contribution if it does not advocate specifically to vote for or against the ballot proposition; and

(g) The money value of contributions of postage is the face value of the postage;

(3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

(4) All other contributions not otherwise listed or exempted;

(5) A statement that the candidate or political committee has received a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution to the candidate or political committee that:

(a) The contribution is not financed in any part by a foreign national; and

(b) Foreign nationals are not involved in making decisions regarding the contribution in any way;

(6) The name and address of each candidate or political

committee to which any transfer of funds was made, including the amounts and dates of the transfers;

(7) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, the amount, date, and purpose of each expenditure, and the total sum of all expenditures. An incidental committee only must report on expenditures, made and reportable as contributions as defined in ~~((RCW 42.17A.005))~~ section 216 of this act, to election campaigns. For purposes of this subsection, commentary or analysis on a ballot proposition by an incidental committee is not considered an expenditure if it does not advocate specifically to vote for or against the ballot proposition;

(8) The name, address, and electronic contact information of each person to whom an expenditure was made for soliciting or procuring signatures on an initiative or referendum petition, the amount of the compensation to each person, and the total expenditures made for this purpose. Such expenditures shall be reported under this subsection in addition to what is required to be reported under subsection (7) of this section;

(9)(a) The name and address of any person and the amount owed for any debt with a value of more than seven hundred fifty dollars that has not been paid for any invoices submitted, goods received, or services performed, within five business days during the period within ~~((thirty))~~ 30 days before an election, or within ~~((ten))~~ 10 business days during any other period.

(b) For purposes of this subsection, debt does not include regularly recurring expenditures of the same amount that have already been reported at least once and that are not late or outstanding;

(10) The surplus or deficit of contributions over expenditures;

(11) The disposition made in accordance with RCW 42.17A.430 (as recodified by this act) of any surplus funds; and

(12) Any other information required by the commission by rule in conformance with the policies and purposes of this ~~((chapter))~~ title.

**Sec. 428.** RCW 42.17A.250 and 2020 c 152 s 4 are each amended to read as follows:

(1) An out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 (as recodified by this act) through 42.17A.240 (as recodified by this act) shall report as required in this section when it makes an expenditure supporting or opposing a Washington state candidate or political committee. The committee shall file with the commission a statement disclosing:

- (a) Its name and address;
- (b) The purposes of the out-of-state committee;
- (c) The names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;

(d) The name, office sought, and party affiliation of each candidate in the state of Washington whom the out-of-state committee is supporting or opposing and, if the committee is supporting or opposing the entire ticket of any party, the name of the party;

(e) The ballot proposition supported or opposed in the state of Washington, if any, and whether the committee is in favor of or opposed to that proposition;

(f) The name and address of each person residing in the state of Washington or corporation that has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions;

(g) The name, address, and employer of each person or

corporation residing outside the state of Washington who has made one or more contributions in the aggregate of more than two thousand five hundred fifty dollars to the out-of-state committee during the current calendar year, together with the money value and date of the contributions. Annually, the commission must modify the two thousand five hundred fifty dollar limit in this subsection based on percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent ~~((twelve))~~ 12-month period by the bureau of economic analysis of the federal department of commerce;

(h) The name and address of each person in the state of Washington to whom an expenditure was made by the out-of-state committee with respect to a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of the expenditure, and the total sum of the expenditures;

(i) A statement that the out-of-state committee has received a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution reportable under this section that:

(i) The contribution is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the contribution in any way; and

(j) Any other information as the commission may prescribe by rule in keeping with the policies and purposes of this ~~((chapter))~~ title.

(2) Each statement shall be filed no later than the ~~((tenth))~~ 10th day of the month following any month in which a contribution or other expenditure reportable under subsection (1) of this section is made. An out-of-state committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing reports that supplement previously filed information.

**Sec. 429.** RCW 42.17A.255 and 2020 c 152 s 5 are each amended to read as follows:

(1) For the purposes of this section the term "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17A.225 (as recodified by this act), 42.17A.235 (as recodified by this act), and 42.17A.240 (as recodified by this act). "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent expenditure that by itself or when added to all other such independent expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission an initial report of all independent expenditures made during the campaign prior to and including such date.

(3) At the following intervals each person who is required to

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

file an initial report pursuant to subsection (2) of this section shall file with the commission a further report of the independent expenditures made since the date of the last report:

(a) On the (~~twenty-first~~) 21st day and the seventh day preceding the date on which the election is held; and

(b) On the (~~tenth~~) 10th day of the first month after the election; and

(c) On the (~~tenth~~) 10th day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

The report filed pursuant to (a) of this subsection (3) shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

(4) All reports filed pursuant to this section shall be certified as correct by the reporting person.

(5) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than one business day before the date the report is due:

(a) The name, address, and electronic contact information of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each such expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure and where appropriate to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date;

(d) A statement from the person making an independent expenditure that:

(i) The expenditure is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the expenditure in any way; and

(e) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this (~~chapter~~) title.

**Sec. 430.** RCW 42.17A.260 and 2020 c 152 s 6 are each amended to read as follows:

(1) The sponsor of political advertising shall file a special report to the commission within (~~twenty-four~~) 24 hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public, if the political advertising:

(a) Is published, mailed, or otherwise presented to the public within (~~twenty-one~~) 21 days of an election; and

(b) Either:

(i) Qualifies as an independent expenditure with a fair market value or actual cost of one thousand dollars or more, for political advertising supporting or opposing a candidate; or

(ii) Has a fair market value or actual cost of one thousand dollars or more, for political advertising supporting or opposing a ballot proposition.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a

special report for each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent, or, in the case of a subsequent expenditure of any size made in support of or in opposition to a ballot proposition not otherwise required to be reported pursuant to RCW 42.17A.225 (as recodified by this act), 42.17A.235 (as recodified by this act), or 42.17A.240 (as recodified by this act), supporting or opposing the same ballot proposition that was the subject of the previous expenditure.

(3) The special report must include:

(a) The name and address of the person making the expenditure;

(b) The name and address of the person to whom the expenditure was made;

(c) A detailed description of the expenditure;

(d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;

(e) The amount of the expenditure;

(f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition;

(g) A statement from the sponsor that:

(i) The political advertising is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the political advertising in any way; and

(h) Any other information the commission may require by rule.

(4) All persons required to report under RCW 42.17A.225 (as recodified by this act), 42.17A.235 (as recodified by this act), 42.17A.240 (as recodified by this act), 42.17A.255 (as recodified by this act), and 42.17A.305 (as recodified by this act) are subject to the requirements of this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255 (as recodified by this act).

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

**Sec. 431.** RCW 42.17A.265 and 2020 c 152 s 7 are each amended to read as follows:

(1) Treasurers shall prepare and deliver to the commission a special report when a contribution or aggregate of contributions totals one thousand dollars or more, is from a single person or entity, and is received during a special reporting period.

(2) A political committee shall prepare and deliver to the commission a special report when it makes a contribution or an aggregate of contributions to a single entity that totals one thousand dollars or more during a special reporting period.

(3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. Any subsequent contribution of any size made to or received from the same person or entity during the special reporting period must also be reported.

(4) Special reporting periods, for purposes of this section,

include:

(a) The period beginning on the day after the last report required by RCW 42.17A.235 (as recodified by this act) and 42.17A.240 (as recodified by this act) to be filed before a primary and concluding on the end of the day before that primary;

(b) The period (~~(twenty one)~~) 21 days preceding a general election; and

(c) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.

(5) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.

(6) Special reports required by this section shall be delivered electronically, or in written form if an electronic alternative is not available.

(a) The special report required of a contribution recipient under subsection (1) of this section shall be delivered to the commission within (~~(forty eight)~~) 48 hours of the time, or on the first working day after: The contribution of one thousand dollars or more is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first equals one thousand dollars or more; or any subsequent contribution from the same source is received by the candidate or treasurer.

(b) The special report required of a contributor under subsection (2) of this section or RCW 42.17A.625 (as recodified by this act) shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within (~~(twenty four)~~) 24 hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first equals one thousand dollars or more; or any subsequent contribution to the same person or entity is made.

(7) The special report shall include:

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient;

(e) A statement that the candidate or political committee has received a certification from any partnership, association, corporation, organization, or other combination of persons making a contribution reportable under this section that:

(i) The contribution is not financed in any part by a foreign national; and

(ii) Foreign nationals are not involved in making decisions regarding the contribution in any way; and

(f) Any other information the commission may by rule require.

(8) Contributions reported under this section shall also be reported as required by other provisions of this (~~(chapter)~~) title.

(9) The commission shall prepare daily a summary of the special reports made under this section and RCW 42.17A.625 (as recodified by this act).

(10) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270 (as recodified by this act).

**Sec. 432.** RCW 42.17A.270 and 2010 c 204 s 416 are each amended to read as follows:

A political committee receiving a contribution earmarked for the benefit of a candidate or another political committee shall:

(1) Report the contribution as required in RCW 42.17A.235 (as recodified by this act) and 42.17A.240 (as recodified by this act);

(2) Complete a report, entitled "Earmarked contributions," on a form prescribed by the commission that identifies the name and address of the person who made the contribution, the candidate or political committee for whose benefit the contribution is earmarked, the amount of the contribution, and the date that the contribution was received; and

(3) Mail or deliver to the commission and the candidate or political committee benefiting from the contribution a copy of the "Earmarked contributions" report within two working days of receipt of the contribution.

(4) A candidate or political committee receiving notification of an earmarked contribution under subsection (3) of this section shall report the contribution, once notification of the contribution is received by the candidate or committee, in the same manner as any other contribution, as required by RCW 42.17A.235 (as recodified by this act) and 42.17A.240 (as recodified by this act).

**Sec. 433.** RCW 42.17A.300 and 2010 c 204 s 501 are each amended to read as follows:

(1) The legislature finds that:

(a) Timely disclosure to voters of the identity and sources of funding for electioneering communications is vitally important to the integrity of state, local, and judicial elections.

(b) Electioneering communications that identify political candidates for state, local, or judicial office and that are distributed (~~(sixty)~~) 60 days before an election for those offices are intended to influence voters and the outcome of those elections.

(c) The state has a compelling interest in providing voters information about electioneering communications in political campaigns concerning candidates for state, local, or judicial office so that voters can be fully informed as to the: (i) Source of support or opposition to those candidates; and (ii) identity of persons attempting to influence the outcome of state, local, and judicial candidate elections.

(d) Nondisclosure of financial information about advertising that masquerades as relating only to issues and not to candidate campaigns fosters corruption or the appearance of corruption. These consequences can be substantially avoided by full disclosure of the identity and funding of those persons paying for such advertising.

(e) The United States supreme court held in *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003) that speakers seeking to influence elections do not possess an inviolable free speech right to engage in electioneering communications regarding elections, including when issue advocacy is the functional equivalent of express advocacy. Therefore, such election campaign communications can be regulated and the source of funding disclosed.

(f) The state has a sufficiently compelling interest in preventing corruption in political campaigns to justify and restore contribution limits and restrictions on the use of soft money in RCW 42.17A.405 (as recodified by this act). Those interests include restoring restrictions on the use of such funds for electioneering communications, as well as the laws preventing circumvention of those limits and restrictions.

(2) Based upon the findings in this section, chapter 445, Laws of 2005 is narrowly tailored to accomplish the following and is intended to:

(a) Improve the disclosure to voters of information concerning persons and entities seeking to influence state, local, and judicial

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

campaigns through reasonable and effective mechanisms, including improving disclosure of the source, identity, and funding of electioneering communications concerning state, local, and judicial candidate campaigns;

(b) Regulate electioneering communications that mention state, local, and judicial candidates and that are broadcast, mailed, erected, distributed, or otherwise published right before the election so that the public knows who is paying for such communications;

(c) Reenact and amend the contribution limits in RCW 42.17A.405 (7) and (15) (as recodified by this act) and the restrictions on the use of soft money, including as applied to electioneering communications, as those limits and restrictions were in effect following the passage of chapter 2, Laws of 1993 (Initiative Measure No. 134) and before the state supreme court decision in *Washington State Republican Party v. Washington State Public Disclosure Commission*, 141 Wn.2d 245, 4 P.3d 808 (2000). The commission is authorized to fully restore the implementation of the limits and restrictions of RCW 42.17A.405 (7) and (15) (as recodified by this act) in light of *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003). The United States supreme court upheld the disclosure and regulation of electioneering communications in political campaigns, including but not limited to issue advocacy that is the functional equivalent of express advocacy; and

(d) Authorize the commission to adopt rules to implement chapter 445, Laws of 2005.

**Sec. 434.** RCW 42.17A.305 and 2020 c 152 s 8 are each amended to read as follows:

(1) A payment for or promise to pay for any electioneering communication shall be reported to the commission by the sponsor on forms the commission shall develop by rule to include, at a minimum, the following information:

(a) Name and address of the sponsor;

(b) Source of funds for the communication, including:

(i) General treasury funds. The name and address of businesses, unions, groups, associations, or other organizations using general treasury funds for the communication, however, if a business, union, group, association, or other organization undertakes a special solicitation of its members or other persons for an electioneering communication, or it otherwise receives funds for an electioneering communication, that entity shall report pursuant to (b)(ii) of this subsection;

(ii) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the electioneering communication, along with the amount, if such funds from the person have exceeded two hundred fifty dollars in the aggregate for the electioneering communication;

(iii) A statement from the sponsor that:

(A) The electioneering communication is not financed in any part by a foreign national; and

(B) Foreign nationals are not involved in making decisions regarding the electioneering communication in any way; and

(iv) Any other source information required or exempted by the commission by rule;

(c) Name and address of the person to whom an electioneering communication related expenditure was made;

(d) A detailed description of each expenditure of more than one hundred dollars;

(e) The date the expenditure was made and the date the electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published;

(f) The amount of the expenditure;

(g) The name of each candidate clearly identified in the

electioneering communication, the office being sought by each candidate, and the amount of the expenditure attributable to each candidate; and

(h) Any other information the commission may require or exempt by rule.

(2) Electioneering communications shall be reported as follows: The sponsor of an electioneering communication shall report to the commission within ~~((twenty-four))~~ 24 hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, digitally or otherwise, or otherwise published.

(3) Electioneering communications shall be reported electronically by the sponsor using software provided or approved by the commission. The commission may make exceptions on a case-by-case basis for a sponsor who lacks the technological ability to file reports using the electronic means provided or approved by the commission.

(4) All persons required to report under RCW 42.17A.225 (as recodified by this act), 42.17A.235 (as recodified by this act), 42.17A.240 (as recodified by this act), and 42.17A.255 (as recodified by this act) are subject to the requirements of this section, although the commission may determine by rule that persons filing according to those sections may be exempt from reporting some of the information otherwise required by this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17A.255 (as recodified by this act) and 42.17A.260 (as recodified by this act).

(5) Failure of any sponsor to report electronically under this section shall be a violation of this ~~((chapter))~~ title.

**Sec. 435.** RCW 42.17A.310 and 2010 c 204 s 503 are each amended to read as follows:

(1) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents is a contribution to the candidate.

(2) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a political committee or its agents is a contribution to the political committee.

(3) If an electioneering communication is not a contribution pursuant to subsection (1) or (2) of this section, the sponsor shall file an affidavit or declaration so stating at the time the sponsor is required to report the electioneering communication expense under RCW 42.17A.305 (as recodified by this act).

**Sec. 436.** RCW 42.17A.315 and 2010 c 204 s 504 are each amended to read as follows:

(1) The sponsor of an electioneering communication shall preserve all financial records relating to the communication, including books of account, bills, receipts, contributor information, and ledgers, for not less than five calendar years following the year in which the communication was broadcast, transmitted, mailed, erected, or otherwise published.

(2) All reports filed under RCW 42.17A.305 (as recodified by this act) shall be certified as correct by the sponsor. If the sponsor is an individual using his or her own funds to pay for the communication, the certification shall be signed by the individual. If the sponsor is a political committee, the certification shall be signed by the committee treasurer. If the sponsor is another entity, the certification shall be signed by the individual responsible for authorizing the expenditure on the entity's behalf.

**Sec. 437.** RCW 42.17A.320 and 2019 c 261 s 3 are each amended to read as follows:

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name

and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.

(2) In addition to the information required by subsection (1) of this section, except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure or an electioneering communication by a person or entity other than a bona fide political party must include as part of the communication:

(a) The statement: "No candidate authorized this ad. It is paid for by (name, address, city, state)";

(b) If the sponsor is a political committee, the statement: "Top Five Contributors," followed by a listing of the names of the five persons making the largest contributions as determined by RCW 42.17A.350(1) (as recodified by this act); and if necessary, the statement "Top Three Donors to PAC Contributors," followed by a listing of the names of the three individuals or entities, other than political committees, making the largest aggregated contributions as determined by RCW 42.17A.350(2) (as recodified by this act); and

(c) If the sponsor is a political committee established, maintained, or controlled directly, or indirectly through the formation of one or more political committees, by an individual, corporation, union, association, or other entity, the full name of that individual or entity.

(3) The information required by subsections (1) and (2) of this section shall:

(a) Appear on the first page or fold of the written advertisement or communication in at least ~~((ten))~~ 10-point type, or in type at least ten percent of the largest size type used in a written advertisement or communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process; and

(c) Be set apart from any other printed matter. No text may be before, after, or immediately adjacent to the information required by subsections (1) and (2) of this section.

(4) In an independent expenditure or electioneering communication transmitted via television or other medium that includes a visual image, the following statement must either be clearly spoken, or appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height on a solid black background on the entire bottom one-third of the television or visual display screen, or bottom one-fourth of the screen if the sponsor does not have or is otherwise not required to list its top five contributors, and have a reasonable color contrast with the background: "No candidate authorized this ad. Paid for by (name, city, state)." If the advertisement or communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors" followed by a listing of the names of the five persons making the largest aggregate contributions as determined by RCW 42.17A.350(1) (as recodified by this act); and if necessary, the statement "Top Three Donors to PAC Contributors," followed by a listing of the names of the three individuals or entities other than political committees making the largest aggregate contributions to political committees as determined by RCW 42.17A.350(2) (as recodified by this act). Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(5) The following statement shall be clearly spoken in an independent expenditure or electioneering communication transmitted by a method that does not include a visual image: "No candidate authorized this ad. Paid for by (name, city, state)." If the independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following statement must also be included: "Top Five Contributors" followed by a listing of the names of the five persons making the largest contributions as determined by RCW 42.17A.350(1) (as recodified by this act); and if necessary, the statement "Top Three Donors to PAC Contributors," followed by a listing of the names of the three individuals or entities, other than political committees, making the largest aggregate contributions to political committees as determined by RCW 42.17A.350(2) (as recodified by this act). Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(6) Political advertising costing one thousand dollars or more supporting or opposing ballot measures sponsored by a political committee must include the information on the top five contributors and top three contributors, other than political committees, as required by RCW 42.17A.350 (as recodified by this act). A series of political advertising sponsored by the same political committee, each of which is under one thousand dollars, must include the top five contributors and top three contributors, other than political committees, as required by RCW 42.17A.350 (as recodified by this act) once their cumulative value reaches one thousand dollars or more.

(7) Political yard signs are exempt from the requirements of this section that the sponsor's name and address, and the top five contributors and top three PAC contributors as required by RCW 42.17A.350 (as recodified by this act), be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

(8) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet.

**Sec. 438.** RCW 42.17A.330 and 2010 c 204 s 506 are each amended to read as follows:

At least one picture of the candidate used in any political advertising shall have been taken within the last five years and shall be no smaller than any other picture of the same candidate used in the same advertisement.

**Sec. 439.** RCW 42.17A.335 and 2009 c 222 s 2 are each amended to read as follows:

(1) It is a violation of this ~~((chapter))~~ title for a person to sponsor with actual malice a statement constituting libel or defamation per se under the following circumstances:

(a) Political advertising or an electioneering communication that contains a false statement of material fact about a candidate for public office;

(b) Political advertising or an electioneering communication that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent;

(c) Political advertising or an electioneering communication that makes either directly or indirectly, a false claim stating or implying the support or endorsement of any person or organization when in fact the candidate does not have such support or endorsement.

(2) For the purposes of this section, "libel or defamation per se" means statements that tend (a) to expose a living person to hatred, contempt, ridicule, or obloquy, or to deprive him or her of the



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

benefit of public confidence or social intercourse, or to injure him or her in his or her business or occupation, or (b) to injure any person, corporation, or association in his, her, or its business or occupation.

(3) It is not a violation of this section for a candidate or his or her agent to make statements described in subsection (1)(a) or (b) of this section about the candidate himself or herself because a person cannot defame himself or herself. It is not a violation of this section for a person or organization referenced in subsection (1)(c) of this section to make a statement about that person or organization because such persons and organizations cannot defame themselves.

(4) Any violation of this section shall be proven by clear and convincing evidence. If a violation is proven, damages are presumed and do not need to be proven.

**Sec. 440.** RCW 42.17A.340 and 2010 c 204 s 507 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the responsibility for compliance with RCW 42.17A.320 (as recodified by this act) through 42.17A.335 (as recodified by this act) shall be with the sponsor of the political advertising and not with the broadcasting station or other medium.

(2) If a broadcasting station or other medium changes the content of a political advertisement, the station or medium shall be responsible for any failure of the advertisement to comply with RCW 42.17A.320 (as recodified by this act) through 42.17A.335 (as recodified by this act) that results from that change.

**Sec. 441.** RCW 42.17A.345 and 2019 c 428 s 26 are each amended to read as follows:

(1) Each commercial advertiser who has accepted or provided political advertising or electioneering communications during the election campaign shall maintain current books of account and related materials as provided by rule that shall be open for public inspection during normal business hours during the campaign and for a period of no less than five years after the date of the applicable election. The documents and books of account shall specify:

(a) The names and addresses of persons from whom it accepted political advertising or electioneering communications;

(b) The exact nature and extent of the services rendered; and

(c) The total cost and the manner of payment for the services.

(2) At the request of the commission, each commercial advertiser required to comply with subsection (1) of this section shall provide to the commission copies of the information that must be maintained and be open for public inspection pursuant to subsection (1) of this section.

**Sec. 442.** RCW 42.17A.350 and 2019 c 261 s 2 are each amended to read as follows:

(1) For any requirement to include the top five contributors under RCW 42.17A.320 (as recodified by this act) or any other provision of this ((chapter)) title, the sponsor must identify the five persons or entities making the largest contributions to the sponsor in excess of the threshold aggregate value to be considered an independent expenditure in an election for public office under ((RCW 42.17A.005(29)(a)(iv))) section 231(1)(d) of this act reportable under this ((chapter)) title during the ((twelve)) 12-month period preceding the date on which the advertisement is initially to be published or otherwise presented to the public.

(2) If one or more of the top five contributors identified under subsection (1) of this section is a political committee, the top three contributors to each of those political committees during the same period must then be identified, and so on, until the individuals or entities other than political committees with the largest aggregate contributions to each political committee identified under subsection (1) of this section have also been identified. The

sponsor must identify the three individuals or entities, not including political committees, who made the largest aggregate contributions to any political committee identified under subsection (1) of this section in excess of the threshold aggregate value to be considered an independent expenditure in an election for public office under ((RCW 42.17A.005(29)(a)(iv))) section 231(1)(d) of this act reportable under this ((chapter)) title during the same period, and the names of those individuals or entities must be displayed in the advertisement alongside the statement "Top Three Donors to PAC Contributors."

(3) Contributions to the sponsor or a political committee that are earmarked, tracked, and used for purposes other than the advertisement in question should not be counted in identifying the top five contributors under subsection (1) of this section or the top three contributors under subsection (2) of this section.

(4) The sponsor shall not be liable for a violation of this section that occurs because a contribution to any political committee identified under subsection (1) of this section has not been reported to the commission.

(5) The commission is authorized to adopt rules, as needed, to prevent ways to circumvent the purposes of the required disclosures in this section to inform voters about the individuals and entities sponsoring political advertisements.

**Sec. 443.** RCW 42.17A.400 and 2010 c 204 s 601 are each amended to read as follows:

(1) The people of the state of Washington find and declare that:

(a) The financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates.

(b) Rapidly increasing political campaign costs have led many candidates to raise larger percentages of money from special interests with a specific financial stake in matters before state government. This has caused the public perception that decisions of elected officials are being improperly influenced by monetary contributions.

(c) Candidates are raising less money in small contributions from individuals and more money from special interests. This has created the public perception that individuals have an insignificant role to play in the political process.

(2) By limiting campaign contributions, the people intend to:

(a) Ensure that individuals and interest groups have fair and equal opportunity to influence elective and governmental processes;

(b) Reduce the influence of large organizational contributors; and

(c) Restore public trust in governmental institutions and the electoral process.

**Sec. 444.** RCW 42.17A.405 and 2019 c 100 s 1 are each amended to read as follows:

(1) The contribution limits in this section apply to:

(a) Candidates for legislative office;

(b) Candidates for state office other than legislative office;

(c) Candidates for county office;

(d) Candidates for port district office;

(e) Candidates for city council office;

(f) Candidates for mayoral office;

(g) Candidates for school board office;

(h) Candidates for public hospital district board of commissioners in districts with a population over ((one hundred fifty thousand)) 150,000;

(i) Persons holding an office in (a) through (h) of this subsection against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of a person holding the

office;

- (j) Caucus political committees;
- (k) Bona fide political parties.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a legislative office, county office, city council office, mayoral office, school board office, or public hospital district board of commissioners that in the aggregate exceed eight hundred dollars or to a candidate for a public office in a port district or a state office other than a legislative office that in the aggregate exceed one thousand six hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions to candidates subject to the limits in this section made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until ~~((thirty))~~ 30 days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions to candidates subject to the limits in this section made with respect to a general election may not be made after the final day of the applicable election cycle.

(3) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official, a county official, a city official, a school board member, a public hospital district commissioner, or a public official in a port district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, county official, city official, school board member, public hospital district commissioner, or public official in a port district during a recall campaign that in the aggregate exceed eight hundred dollars if for a legislative office, county office, school board office, public hospital district office, or city office, or one thousand six hundred dollars if for a port district office or a state office other than a legislative office.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) eighty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed forty cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(5)(a) Notwithstanding subsection (3) of this section, no bona fide political party or caucus political committee may make contributions to a state official, county official, city official, school board member, public hospital district commissioner, or a public official in a port district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, county official, city official, school board member, public hospital district commissioner, or a public official in a port district during a recall campaign that in the aggregate exceed (i) eighty cents multiplied by the number of eligible registered voters in the

jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No official holding an office specified in subsection (1) of this section against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of the official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(6) For purposes of determining contribution limits under subsections (4) and (5) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(7) Notwithstanding subsections (2) through (5) of this section, no person other than an individual, bona fide political party, or caucus political committee may make contributions reportable under this ~~((chapter))~~ title to a caucus political committee that in the aggregate exceed eight hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed four thousand dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(8) For the purposes of RCW 42.17A.125 (as recodified by this act), 42.17A.405 (as recodified by this act) through 42.17A.415 (as recodified by this act), 42.17A.450 (as recodified by this act) through 42.17A.495 (as recodified by this act), 42.17A.500 (as recodified by this act), 42.17A.560 (as recodified by this act), and 42.17A.565 (as recodified by this act), a contribution to the authorized political committee of a candidate or of an official specified in subsection (1) of this section against whom recall charges have been filed is considered to be a contribution to the candidate or official.

(9) A contribution received within the ~~((twelve))~~ 12-month period after a recall election concerning an office specified in subsection (1) of this section is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(10) The contributions allowed by subsection (3) of this section are in addition to those allowed by subsection (2) of this section, and the contributions allowed by subsection (5) of this section are in addition to those allowed by subsection (4) of this section.

(11) RCW 42.17A.125 (as recodified by this act), 42.17A.405 (as recodified by this act) through 42.17A.415 (as recodified by this act), 42.17A.450 (as recodified by this act) through 42.17A.495 (as recodified by this act), 42.17A.500 (as recodified by this act), 42.17A.560 (as recodified by this act), and 42.17A.565 (as recodified by this act) apply to a special election conducted to fill a vacancy in an office specified in subsection (1) of this section. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(12) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ~~((ten))~~ 10 members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least

FIFTY SEVENTH DAY, MARCH 4, 2024

((ten)) 10 persons registered to vote in Washington state during the preceding ((one hundred eighty)) 180 days may make contributions reportable under this ((chapter)) title to a state office candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

(13) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this ((chapter)) title to a candidate specified in subsection (1) of this section, or an official specified in subsection (1) of this section against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of an official specified in subsection (1) of this section if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the official.

(14) No person may accept contributions that exceed the contribution limitations provided in this section.

(15) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates;

(b) An expenditure by a political committee for its own internal organization or fund-raising without direct association with individual candidates; or

(c) An expenditure or contribution for independent expenditures as defined in ((RCW 42.17A.005)) section 231 of this act or electioneering communications as defined in ((RCW 42.17A.005)) section 222 of this act.

**Sec. 445.** RCW 42.17A.410 and 2010 c 204 s 603 are each amended to read as follows:

(1) No person may make contributions to a candidate for judicial office that in the aggregate exceed one thousand six hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until ((thirty)) 30 days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) This section through RCW 42.17A.490 (as recodified by this act) apply to a special election conducted to fill a vacancy in an office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy will not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(3) No person may accept contributions that exceed the contribution limitations provided in this section.

(4) The dollar limits in this section must be adjusted according to RCW 42.17A.125 (as recodified by this act).

**Sec. 446.** RCW 42.17A.415 and 2011 c 60 s 25 are each amended to read as follows:

(1) Contributions to candidates for state office made and received before December 3, 1992, are considered to be

2024 REGULAR SESSION

contributions under ((RCW 42.17.640 through 42.17.790)) RCW 42.17A.125 (as recodified by this act), 42.17A.405 (as recodified by this act) through 42.17A.415 (as recodified by this act), 42.17A.450 (as recodified by this act) through 42.17A.495 (as recodified by this act), 42.17A.500 (as recodified by this act), 42.17A.560 (as recodified by this act), and 42.17A.565 (as recodified by this act). Monetary contributions that exceed the contribution limitations and that have not been spent by the recipient of the contribution by December 3, 1992, must be disposed of in accordance with RCW 42.17A.430 (as recodified by this act).

(2) Contributions to other candidates subject to the contribution limits of this ((chapter)) title made and received before June 7, 2006, are considered to be contributions under ((RCW 42.17.640 through 42.17.790)) RCW 42.17A.125 (as recodified by this act), 42.17A.405 (as recodified by this act) through 42.17A.415 (as recodified by this act), 42.17A.450 (as recodified by this act) through 42.17A.495 (as recodified by this act), 42.17A.500 (as recodified by this act), 42.17A.560 (as recodified by this act), and 42.17A.565 (as recodified by this act). Contributions that exceed the contribution limitations and that have not been spent by the recipient of the contribution by June 7, 2006, must be disposed of in accordance with RCW 42.17A.430 (as recodified by this act) except for subsections (6) and (7) of that section.

**Sec. 447.** RCW 42.17A.417 and 2020 c 152 s 9 are each amended to read as follows:

(1) A foreign national may not make a contribution to any candidate or political committee, make an expenditure in support of or in opposition to any candidate or ballot measure, or sponsor political advertising or an electioneering communication.

(2) A person may not make a contribution to any candidate or political committee, make an expenditure in support of or in opposition to any candidate or ballot measure, or sponsor political advertising or an electioneering communication, if:

(a) The contribution, expenditure, political advertising, or electioneering communication is financed in any part by a foreign national; or

(b) Foreign nationals are involved in making decisions regarding the contribution, expenditure, political advertising, or electioneering communication in any way.

**Sec. 448.** RCW 42.17A.418 and 2020 c 152 s 10 are each amended to read as follows:

(1) Each candidate or political committee that has accepted a contribution, and each out-of-state committee that has accepted a contribution reportable under RCW 42.17A.250 (as recodified by this act), from a partnership, association, corporation, organization, or other combination of persons must receive a certification from each contributor that:

(a) The contribution is not financed in any part by a foreign national; and

(b) Foreign nationals are not involved in making decisions regarding the contribution in any way.

(2) The certifications must be maintained for a period of no less than three years after the date of the applicable election.

(3) At the request of the commission, each candidate or committee required to comply with subsection (1) of this section must provide to the commission copies of the certifications maintained under this section.

**Sec. 449.** RCW 42.17A.420 and 2019 c 428 s 27 are each amended to read as follows:

(1) It is a violation of this ((chapter)) title for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17A.240 (as recodified by this act) in the aggregate exceeding fifty thousand dollars for any campaign for statewide office or

exceeding five thousand dollars for any other campaign subject to the provisions of this ~~((chapter))~~ title within ~~((twenty-one))~~ 21 days of a general election. This subsection does not apply to:

(a) Contributions made by, or accepted from, a bona fide political party as defined in this ~~((chapter))~~ title, excluding the county central committee or legislative district committee;

(b) Contributions made to, or received by, a ballot proposition committee; or

(c) Payments received by an incidental committee.

(2) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17A.270 (as recodified by this act).

**Sec. 450.** RCW 42.17A.425 and 2010 c 204 s 605 are each amended to read as follows:

No expenditures may be made or incurred by any candidate or political committee unless authorized by the candidate or the person or persons named on the candidate's or committee's registration form. A record of all such expenditures shall be maintained by the treasurer.

No expenditure of more than fifty dollars may be made in currency unless a receipt, signed by the recipient and by the candidate or treasurer, is prepared and made a part of the campaign's or political committee's financial records.

**Sec. 451.** RCW 42.17A.430 and 2010 c 204 s 606 are each amended to read as follows:

The surplus funds of a candidate or a candidate's authorized committee may only be disposed of in any one or more of the following ways:

(1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

(2) Using surplus, reimburse the candidate for lost earnings incurred as a result of that candidate's election campaign. Lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's authorized committee. The committee shall maintain a copy of this record in accordance with RCW 42.17A.235(6) (as recodified by this act);

(3) Transfer the surplus without limit to a political party or to a caucus political committee;

(4) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;

(5) Transmit the surplus to the state treasurer for deposit in the general fund, the Washington state legacy project, state library, and archives account under RCW 43.07.380, or the legislative international trade account under RCW 43.15.050, as specified by the candidate or political committee; or

(6) Hold the surplus in the depository or depositories designated in accordance with RCW 42.17A.215 (as recodified by this act) for possible use in a future election campaign for the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17A.240 (as recodified by this act). If the candidate subsequently announces or publicly files for office, the appropriate information must be reported to the commission in accordance with RCW 42.17A.205 (as recodified by this act) through 42.17A.240 (as recodified by this act). If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

(7) Hold the surplus campaign funds in a separate account for nonreimbursed public office-related expenses or as provided in this section, and report any such disposition in accordance with RCW 42.17A.240 (as recodified by this act). The separate

account required under this subsection shall not be used for deposits of campaign funds that are not surplus.

(8) No candidate or authorized committee may transfer funds to any other candidate or other political committee.

The disposal of surplus funds under this section shall not be considered a contribution for purposes of this ~~((chapter))~~ title.

**Sec. 452.** RCW 42.17A.435 and 1975 1st ex.s. c 294 s 8 are each amended to read as follows:

No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the contribution or in any other manner so as to effect concealment.

**Sec. 453.** RCW 42.17A.440 and 2010 c 204 s 607 are each amended to read as follows:

A candidate may not knowingly establish, use, direct, or control more than one political committee for the purpose of supporting that candidate during a particular election campaign. This does not prohibit: (1) In addition to a candidate's having his or her own political committee, the candidate's participation in a political committee established to support a slate of candidates that includes the candidate; or (2) joint fund-raising efforts by candidates when a separate political committee is established for that purpose and all contributions are disbursed to and accounted for on a pro rata basis by the benefiting candidates.

**Sec. 454.** RCW 42.17A.442 and 2011 c 145 s 5 are each amended to read as follows:

A political committee may make a contribution to another political committee only when the contributing political committee has received contributions of ten dollars or more each from at least ~~((ten))~~ 10 persons registered to vote in Washington state.

**Sec. 455.** RCW 42.17A.445 and 2022 c 174 s 1 are each amended to read as follows:

Contributions received and reported in accordance with RCW 42.17A.220 (as recodified by this act) through 42.17A.240 (as recodified by this act) and 42.17A.425 (as recodified by this act) may only be paid to a candidate, or a treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or payments to cover lost earnings incurred as a result of campaigning or services performed for the political committee. Lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record shall be maintained by the candidate or the candidate's authorized committee in accordance with RCW 42.17A.235 (as recodified by this act).

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. For example, expenses for child care or other direct caregiving responsibilities may be reimbursed if they are incurred directly as a result of the candidate's campaign activities. To receive reimbursement from the political committee, the individual shall provide the political committee with written documentation as to the amount, date, and description of each expense, and the political committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17A.240 (as recodified by this act).

(3) Repayment of loans made by the individual to political committees shall be reported pursuant to RCW 42.17A.240 (as recodified by this act). However, contributions may not be used to reimburse a candidate for loans totaling more than four thousand seven hundred dollars made by the candidate to the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

candidate's own authorized committee.

**Sec. 456.** RCW 42.17A.450 and 2018 c 304 s 11 are each amended to read as follows:

(1) Contributions by spouses are considered separate contributions.

(2) Contributions by unemancipated children under ~~((eighteen))~~ 18 years of age are considered contributions by their parents and are attributed proportionately to each parent. Fifty percent of the contributions are attributed to each parent or, in the case of a single custodial parent, the total amount is attributed to the parent.

**Sec. 457.** RCW 42.17A.455 and 2010 c 204 s 609 are each amended to read as follows:

For purposes of this ~~((chapter))~~ title:

(1) A contribution by a political committee with funds that have all been contributed by one person who exercises exclusive control over the distribution of the funds of the political committee is a contribution by the controlling person.

(2) Two or more entities are treated as a single entity if one of the two or more entities is a subsidiary, branch, or department of a corporation that is participating in an election campaign or making contributions, or a local unit or branch of a trade association, labor union, or collective bargaining association that is participating in an election campaign or making contributions. All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained, or controlled by a trade association, labor union, collective bargaining organization, or the local unit of a trade association, labor union, or collective bargaining organization are considered made by the trade association, labor union, collective bargaining organization, or local unit of a trade association, labor union, or collective bargaining organization.

(3) The commission shall adopt rules to carry out this section and is not subject to the time restrictions of RCW 42.17A.110(1) (as recodified by this act).

**Sec. 458.** RCW 42.17A.460 and 1993 c 2 s 7 are each amended to read as follows:

All contributions made by a person or entity, either directly or indirectly, to a candidate, to a state official against whom recall charges have been filed, or to a political committee, are considered to be contributions from that person or entity to the candidate, state official, or political committee, as are contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to the candidate, state official, or political committee. For the purposes of this section, "earmarked" means a designation, instruction, or encumbrance, whether direct or indirect, expressed or implied, or oral or written, that is intended to result in or does result in all or any part of a contribution being made to a certain candidate or state official. If a conduit or intermediary exercises any direction or control over the choice of the recipient candidate or state official, the contribution is considered to be by both the original contributor and the conduit or intermediary.

**Sec. 459.** RCW 42.17A.465 and 2010 c 204 s 610 are each amended to read as follows:

(1) A loan is considered to be a contribution from the lender and any guarantor of the loan and is subject to the contribution limitations of this ~~((chapter))~~ title. The full amount of the loan shall be attributed to the lender and to each guarantor.

(2) A loan to a candidate for public office or the candidate's authorized committee must be by written agreement.

(3) The proceeds of a loan made to a candidate for public office:

- (a) By a commercial lending institution;
- (b) Made in the regular course of business; and

(c) On the same terms ordinarily available to members of the public, are not subject to the contribution limits of this ~~((chapter))~~ title.

**Sec. 460.** RCW 42.17A.470 and 1993 c 2 s 13 are each amended to read as follows:

(1) A person, other than an individual, may not be an intermediary or an agent for a contribution.

(2) An individual may not make a contribution on behalf of another person or entity, or while acting as the intermediary or agent of another person or entity, without disclosing to the recipient of the contribution both his or her full name, street address, occupation, name of employer, if any, or place of business if self-employed, and the same information for each contributor for whom the individual serves as intermediary or agent.

**Sec. 461.** RCW 42.17A.475 and 2019 c 428 s 28 are each amended to read as follows:

(1) A person may not make a contribution of more than one hundred dollars, other than an in-kind contribution, except by a written instrument containing the name of the donor and the name of the payee.

(2) A political committee may not make a contribution, other than in-kind, except by a written instrument containing the name of the donor and the name of the payee.

**Sec. 462.** RCW 42.17A.480 and 1995 c 397 s 25 are each amended to read as follows:

A person may not solicit from a candidate for public office, political committee, political party, or other person money or other property as a condition or consideration for an endorsement, article, or other communication in the news media promoting or opposing a candidate for public office, political committee, or political party.

**Sec. 463.** RCW 42.17A.485 and 1995 c 397 s 26 are each amended to read as follows:

A person may not, directly or indirectly, reimburse another person for a contribution to a candidate for public office, political committee, or political party.

**Sec. 464.** RCW 42.17A.490 and 2010 c 204 s 612 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a candidate for public office or the candidate's authorized committee may not use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate or the candidate's authorized committee to further the candidacy of the individual for an office other than the office designated on the statement of organization. A contribution solicited for or received on behalf of the candidate is considered solicited or received for the candidacy for which the individual is then a candidate if the contribution is solicited or received before the general election for which the candidate is a nominee or is unopposed.

(2) With the written approval of the contributor, a candidate or the candidate's authorized committee may use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate or the candidate's authorized committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization. If the contributor does not approve the use of his or her contribution to further the candidacy of the individual for an office other than the office designated on the statement of organization at the time of the contribution, the contribution must be considered surplus funds and disposed of in accordance with RCW 42.17A.430 (as recodified by this act).

**Sec. 465.** RCW 42.17A.495 and 2010 c 204 s 613 are each amended to read as follows:

(1) No employer or labor organization may increase the salary of an officer or employee, or compensate an officer, employee, or other person or entity, with the intention that the increase in salary, or the compensation, or a part of it, be contributed or spent to support or oppose a candidate, state official against whom recall charges have been filed, political party, or political committee.

(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee. At least annually, an employee from whom wages or salary are withheld under subsection (3) of this section shall be notified of the provisions of this subsection.

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. The request must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The employee may revoke the request at any time. At least annually, the employee shall be notified about the right to revoke the request.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

**Sec. 466.** RCW 42.17A.500 and 2007 c 438 s 1 are each amended to read as follows:

(1) A labor organization may not use agency shop fees paid by an individual who is not a member of the organization to make contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the individual.

(2) A labor organization does not use agency shop fees when it uses its general treasury funds to make such contributions or expenditures if it has sufficient revenues from sources other than agency shop fees in its general treasury to fund such contributions or expenditures.

**Sec. 467.** RCW 42.17A.550 and 2008 c 29 s 1 are each amended to read as follows:

Public funds, whether derived through taxes, fees, penalties, or any other sources, shall not be used to finance political campaigns for state or school district office. A county, city, town, or district that establishes a program to publicly finance local political campaigns may only use funds derived from local sources to fund the program. A local government must submit any proposal for public financing of local political campaigns to voters for their adoption and approval or rejection.

**Sec. 468.** RCW 42.17A.555 and 2010 c 204 s 701 are each amended to read as follows:

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of

employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

(4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010.

**Sec. 469.** RCW 42.17A.560 and 2006 c 348 s 5 and 2006 c 344 s 31 are each reenacted and amended to read as follows:

(1) During the period beginning on the thirtieth day before the date a regular legislative session convenes and continuing through the date of final adjournment, and during the period beginning on the date a special legislative session convenes and continuing through the date that session adjourns, no state official or a person employed by or acting on behalf of a state official or state legislator may solicit or accept contributions to a public office fund, to a candidate or authorized committee, or to retire a campaign debt. Contributions received through the mail after the thirtieth day before a regular legislative session may be accepted if the contribution is postmarked prior to the thirtieth day before the session.

(2) This section does not apply to activities authorized in RCW 43.07.370.

**Sec. 470.** RCW 42.17A.565 and 1995 c 397 s 24 are each amended to read as follows:

(1) No state or local official or state or local official's agent may knowingly solicit, directly or indirectly, a contribution to a candidate for public office, political party, or political committee from an employee in the state or local official's agency.

(2) No state or local official or public employee may provide an advantage or disadvantage to an employee or applicant for employment in the classified civil service concerning the applicant's or employee's:

- (a) Employment;
- (b) Conditions of employment; or
- (c) Application for employment,

based on the employee's or applicant's contribution or promise to contribute or failure to make a contribution or contribute to a political party or political committee.

**Sec. 471.** RCW 42.17A.570 and 2010 c 204 s 702 are each amended to read as follows:

After January 1st and before April 15th of each calendar year, the state treasurer, each county, public utility district, and port district treasurer, and each treasurer of an incorporated city or town whose population exceeds (~~one thousand~~) 1,000 shall file with the commission:

(1) A statement under oath that no public funds under that treasurer's control were invested in any institution where the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

treasurer or, in the case of a county, a member of the county finance committee, held during the reporting period an office, directorship, partnership interest, or ownership interest; or

(2) A report disclosing for the previous calendar year: (a) The name and address of each financial institution in which the treasurer or, in the case of a county, a member of the county finance committee, held during the reporting period an office, directorship, partnership interest, or ownership interest which holds or has held during the reporting period public accounts of the governmental entity for which the treasurer is responsible; (b) the aggregate sum of time and demand deposits held in each such financial institution on December 31; and (c) the highest balance held at any time during such reporting period. The state treasurer shall disclose the highest balance information only upon a public records request under chapter 42.56 RCW. The statement or report required by this section shall be filed either with the statement required under RCW 42.17A.700 (as recodified by this act) or separately.

**Sec. 472.** RCW 42.17A.575 and 2010 c 204 s 703 are each amended to read as follows:

No state-elected official or municipal officer may speak or appear in a public service announcement that is broadcast, shown, or distributed in any form whatsoever during the period beginning January 1st and continuing through the general election if that official or officer is a candidate. If the official or officer does not control the broadcast, showing, or distribution of a public service announcement in which he or she speaks or appears, then the official or officer shall contractually limit the use of the public service announcement to be consistent with this section prior to participating in the public service announcement. This section does not apply to public service announcements that are part of the regular duties of the office that only mention or visually display the office or office seal or logo and do not mention or visually display the name of the official or officer in the announcement.

**Sec. 473.** RCW 42.17A.600 and 2019 c 469 s 2 and 2019 c 428 s 29 are each reenacted and amended to read as follows:

(1) Before lobbying, or within (~~(thirty)~~) 30 days after being employed as a lobbyist, whichever occurs first, unless exempt under RCW 42.17A.610 (as recodified by this act), a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, that includes the following information:

(a) The lobbyist's name, permanent business address, electronic contact information, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of the lobbyist's employment;

(d) The compensation to be received for lobbying, the amount to be paid for expenses, and what expenses are to be reimbursed;

(e) Whether the lobbyist is employed solely as a lobbyist or whether the lobbyist is a regular employee performing services for the lobbyist's employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects to be lobbied;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name, address, and electronic contact information of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this (~~chapter~~) title;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying

activities for, businesses, groups, associations, or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments, or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding five hundred dollars to such entity during the current year;

(j) An attestation that the lobbyist has read and completed a training course provided under RCW 44.04.390 regarding the legislative code of conduct and any policies related to appropriate conduct adopted by the senate or the house of representatives.

(2) Any lobbyist who receives or is to receive compensation from more than one person for lobbying shall file a separate notice of representation for each person. However, if two or more persons are jointly paying or contributing to the payment of the lobbyist, the lobbyist may file a single statement detailing the name, business address, and occupation of each person paying or contributing and the respective amounts to be paid or contributed.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall file with the commission an amended registration statement within one week of the change, modification, or termination.

(4) Each registered lobbyist shall file a new registration statement, revised as appropriate, on the second Monday in January of each odd-numbered year. Failure to do so terminates the lobbyist's registration.

**Sec. 474.** RCW 42.17A.603 and 2019 c 469 s 4 are each amended to read as follows:

(1) A lobbyist who is registered under RCW 42.17A.600 (as recodified by this act) before December 31, 2019, is required to update the lobbyist's registration materials to include the attestation required by RCW 42.17A.600(1)(j) (as recodified by this act) by December 31, 2019.

(2) The commission shall revoke the registration of any lobbyist registered under RCW 42.17A.600 (as recodified by this act) who does not comply with subsection (1) of this section.

(3) The commission may not impose any other penalty on a lobbyist registered under RCW 42.17A.600 (as recodified by this act) for failure to comply with subsection (1) of this section.

(4) The commission shall collaborate with the chief clerk of the house of representatives and the secretary of the senate to develop a process to verify that lobbyists who submit an attestation under RCW 42.17A.600(1)(j) (as recodified by this act) have completed the training course provided under RCW 44.04.390.

**Sec. 475.** RCW 42.17A.605 and 2019 c 469 s 3 and 2019 c 428 s 30 are each reenacted and amended to read as follows:

Each lobbyist shall at the time the lobbyist registers submit electronically to the commission a recent photograph of the lobbyist of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, the length of the lobbyist's employment as a lobbyist before the legislature, a brief biographical description, and any other information the lobbyist may wish to submit not to exceed (~~(fifty)~~) 50 words in length. The photograph, information, and attestation submitted under RCW 42.17A.600(1)(j) (as recodified by this act) shall be published by the commission on its website.

**Sec. 476.** RCW 42.17A.610 and 2019 c 428 s 31 are each amended to read as follows:

The following persons and activities are exempt from registration and reporting under RCW 42.17A.600 (as recodified by this act), 42.17A.615 (as recodified by this act), and 42.17A.640 (as recodified by this act):

(1) Persons who limit their lobbying activities to appearing before public sessions of committees of the legislature, or public

hearings of state agencies;

(2) Activities by lobbyists or other persons whose participation has been solicited by an agency under RCW 34.05.310(2);

(3) News or feature reporting activities and editorial comment by working members of the press, radio, digital media, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, digital platform, or television station;

(4) Persons who lobby without compensation or other consideration for acting as a lobbyist, if the person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. The exemption contained in this subsection is intended to permit and encourage citizens of this state to lobby any legislator, public official, or state agency without incurring any registration or reporting obligation provided they do not exceed the limits stated above. Any person exempt under this subsection (4) may at the person's option register and report under this ~~((chapter))~~ title;

(5) Persons who restrict their lobbying activities to no more than four days or parts of four days during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed twenty-five dollars. The commission shall adopt rules to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this ~~((chapter))~~ title. Any person exempt under this subsection (5) may at the person's option register and report under this ~~((chapter))~~ title;

(6) The governor;

(7) The lieutenant governor;

(8) Except as provided by RCW 42.17A.635(1) (as recodified by this act), members of the legislature;

(9) Except as provided by RCW 42.17A.635(1) (as recodified by this act), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties;

(10) Elected officials, and officers and employees of any agency reporting under RCW 42.17A.635(5) (as recodified by this act).

**Sec. 477.** RCW 42.17A.615 and 2019 c 428 s 32 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17A.600 (as recodified by this act) and any person who lobbies shall file electronically with the commission monthly reports of the lobbyist's or person's lobbying activities. The reports shall be made in the form and manner prescribed by the commission and must be signed by the lobbyist. The monthly report shall be filed within ~~((fifteen))~~ 15 days after the last day of the calendar month covered by the report.

(2) The monthly report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by the lobbyist or on behalf of the lobbyist by the lobbyist's employer during the period covered by the report. Expenditure totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons taking part in the entertainment, along with the dollar amount attributable to each person, including the lobbyist's portion.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of expenditures in each category incurred on behalf of each of the lobbyist's employers.

(c) An itemized listing of each contribution of money or of tangible or intangible personal property, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist, to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule making under chapter 34.05 RCW, the state administrative procedure act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period, unless exempt under RCW 42.17A.610(2) (as recodified by this act).

(e) A listing of each payment for an item specified in RCW 42.52.150(5) in excess of fifty dollars and each item specified in RCW 42.52.010(9) (d) and (f) made to a state elected official, state officer, or state employee. Each item shall be identified by recipient, date, and approximate value of the item.

(f) The total expenditures paid or incurred during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise, for (i) political advertising as defined in ~~((RCW 42.17A.005))~~ section 241 of this act; and (ii) public relations, telemarketing, polling, or similar activities if the activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency under the administrative procedure act. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(3) Lobbyists are not required to report the following:

(a) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(b) Any expenses incurred for the lobbyist's own living accommodations;

(c) Any expenses incurred for the lobbyist's own travel to and from hearings of the legislature;

(d) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(4) The commission may adopt rules to vary the content of lobbyist reports to address specific circumstances, consistent with this section. Lobbyist reports are subject to audit by the commission.

**Sec. 478.** RCW 42.17A.620 and 2010 c 204 s 805 are each amended to read as follows:

(1) When a listing or a report of contributions is made to the commission under RCW 42.17A.615(2)(c) (as recodified by this act), a copy of the listing or report must be given to the candidate, elected official, professional staff member of the legislature, or officer or employee of an agency, or a political committee supporting or opposing a ballot proposition named in the listing or report.

(2) If a state elected official or a member of the official's immediate family is identified by a lobbyist in a lobbyist report as having received from the lobbyist an item specified in RCW 42.52.150(5) or 42.52.010~~((40))~~ (9) (d) or (f), the lobbyist shall



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

transmit to the official a copy of the completed form used to identify the item in the report at the same time the report is filed with the commission.

**Sec. 479.** RCW 42.17A.625 and 2010 c 204 s 806 are each amended to read as follows:

Any lobbyist registered under RCW 42.17A.600 (as recodified by this act), any person who lobbies, and any lobbyist's employer making a contribution or an aggregate of contributions to a single entity that is one thousand dollars or more during a special reporting period, as specified in RCW 42.17A.265 (as recodified by this act), before a primary or general election shall file one or more special reports in the same manner and to the same extent that a contributing political committee must file under RCW 42.17A.265 (as recodified by this act).

**Sec. 480.** RCW 42.17A.630 and 2019 c 428 s 33 are each amended to read as follows:

(1) Every employer of a lobbyist registered under this ~~((chapter))~~ title during the preceding calendar year and every person other than an individual who made contributions aggregating to more than sixteen thousand dollars or independent expenditures aggregating to more than eight hundred dollars during the preceding calendar year shall file with the commission on or before the last day of February of each year a statement disclosing for the preceding calendar year the following information:

(a) The name of each state elected official and the name of each candidate for state office who was elected to the office and any member of the immediate family of those persons to whom the person reporting has paid any compensation in the amount of eight hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which the person holds any office, directorship, or any general partnership interest, or an ownership interest of ~~((ten))~~ 10 percent or more, the value of the compensation in accordance with the reporting provisions set out in RCW 42.17A.710(3) (as recodified by this act), and the consideration given or performed in exchange for the compensation.

(b) The name of each state elected official, successful candidate for state office, or members of the official's or candidate's immediate family to whom the person reporting made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of the expenditures and the purpose for the expenditures. For the purposes of this subsection, "expenditure" shall not include any expenditure made by the employer in the ordinary course of business if the expenditure is not made for the purpose of influencing, honoring, or benefiting the elected official, successful candidate, or member of his immediate family, as an elected official or candidate.

(c) The total expenditures made by the person reporting for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise.

(d) All contributions made to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a statewide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

(e) The name and address of each registered lobbyist employed by the person reporting and the total expenditures made by the person reporting for each lobbyist for lobbying purposes.

(f) The names, offices sought, and party affiliations of candidates for state offices supported or opposed by independent expenditures of the person reporting and the amount of each such

expenditure.

(g) The identifying proposition number and a brief description of any statewide ballot proposition supported or opposed by expenditures not reported under (d) of this subsection and the amount of each such expenditure.

(h) Any other information the commission prescribes by rule.

(2)(a) Except as provided in (b) of this subsection, an employer of a lobbyist registered under this ~~((chapter))~~ title shall file a special report with the commission if the employer makes a contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefited by the contribution. The report shall be filed on a form prescribed by the commission and shall be filed within ~~((fifteen))~~ 15 days after the last day of the calendar month during which the contribution was made.

(b) The provisions of (a) of this subsection do not apply to a contribution that is made through a registered lobbyist and reportable under RCW 42.17A.425 (as recodified by this act).

**Sec. 481.** RCW 42.17A.635 and 2010 c 204 s 808 are each amended to read as follows:

(1) The house of representatives and the senate shall report annually: The total budget; the portion of the total attributed to staff; and the number of full-time and part-time staff positions by assignment, with dollar figures as well as number of positions.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying. However, this does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations that are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties. This subsection does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency. Public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, "gift" means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business. This section does not permit the printing of a state publication that has been otherwise prohibited by law.

(4) No elective official or any employee of his or her office or any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, in any effort to support or oppose an initiative to the legislature. "Facilities of a public office or agency" has the same meaning as in RCW 42.17A.555 (as recodified by this act) and 42.52.180. The provisions of this subsection shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to

actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose an initiative to the legislature so long as (i) any required notice of the meeting includes the title and number of the initiative to the legislature, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any initiative to the legislature at an open press conference or in response to a specific inquiry;

(c) Activities that are part of the normal and regular conduct of the office or agency;

(d) Activities conducted regarding an initiative to the legislature that would be permitted under RCW 42.17A.555 (as recodified by this act) and 42.52.180 if conducted regarding other ballot measures.

(5) Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district that expends public funds for lobbying shall file with the commission, except as exempted by (d) of this subsection, quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;

(c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

(d) For purposes of this subsection, "lobbying" does not include:

(i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;

(ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;

(iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;

(iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;

(v) Any other lobbying to the extent that it includes:

(A) Telephone conversations or preparation of written correspondence;

(B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official. The total expenditures of nonpublic funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington may not exceed fifteen dollars for any three-month period. The exemption under this subsection (5)(d)(v)(B) is in addition to the exemption provided in (d)(v)(A) of this subsection;

(C) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within one month after the

end of the quarter covered by the report.

(6) In lieu of reporting under subsection (5) of this section, any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission that elected officials, officers, or employees who, on behalf of any such local agency, engage in lobbying reportable under subsection (5) of this section shall register and report such reportable lobbying in the same manner as a lobbyist who is required to register and report under RCW 42.17A.600 (as recodified by this act) and 42.17A.615 (as recodified by this act). Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17A.630 (as recodified by this act).

(7) The provisions of this section do not relieve any elected official or officer or employee of an agency from complying with other provisions of this (~~chapter~~) title, if such elected official, officer, or employee is not otherwise exempted.

(8) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs that relate only indirectly or incidentally to lobbying or that are equally attributable to or inseparable from nonlobbying activities of the agency.

The public disclosure commission may adopt rules clarifying and implementing this legislative interpretation and policy.

**Sec. 482.** RCW 42.17A.640 and 2023 c 413 s 1 are each amended to read as follows:

(1) Any person who has made expenditures, not reported by a registered lobbyist under RCW 42.17A.615 (as recodified by this act) or by a candidate or political committee under RCW 42.17A.225 (as recodified by this act) or 42.17A.235 (as recodified by this act), exceeding one thousand dollars in the aggregate within any three-month period or exceeding five hundred dollars in the aggregate within any one-month period in presenting a campaign to the public, a substantial portion of which is intended, designed, or calculated primarily to solicit, urge, or encourage the public to influence legislation, shall register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

(2)(a) The sponsor shall register by filing with the commission a registration statement:

(i) Within 24 hours of the initial presentation of the campaign to the public during the period:

(A) Beginning on the 30th day before a regular legislative session convenes and continuing through the date of final adjournment of that session; or

(B) Beginning on the date that a special legislative session has been called or 30 days before the special legislative session is scheduled to convene, whichever is later, and continuing through the date of final adjournment of that session; or

(ii) Within five business days of the initial presentation of the campaign to the public during any other period.

(b) The registration must show, in such detail as the commission shall prescribe:

(i) The sponsor's name, address, and business or occupation and employer, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

(ii) The names, addresses, and business or occupation and employer of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

compensation for all such persons;

(iii) Each source of funding for the campaign of \$25 or more, including:

(A) General treasury funds. The name and address of each business, union, group, association, or other organization using general treasury funds for the campaign; however, if such entity undertakes a special solicitation of its members or other persons for the campaign, or it otherwise receives funds for the campaign, that entity shall report pursuant to (b)(ii) of this subsection; and

(B) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the campaign, along with the amount;

(iv) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

(v) The totals of all expenditures made or incurred to date on behalf of the campaign segregated according to financial category, including but not limited to the following: Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses; and

(vi) Such other information as shall be required by the commission by rule in conformance with the policies and purposes of this ((chapter)) title.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission by the ((tenth)) 10th day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report. The final report shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

(5)(a) Any advertising or other mass communication produced as part of a campaign must include the following disclosures:

(i) All written communications shall include the sponsor's name and address. All radio and television communications shall include the sponsor's name. The use of an assumed name for the sponsor is unlawful;

(ii) If the sponsor is a political committee established, maintained, or controlled directly, or indirectly through the formation of one or more political committees, by an individual, corporation, union, association, or other entity, the communication must include the full name of that individual or entity; and

(iii) If the communication costs \$1,000 or more, the communication must include:

(A) The statement "Top Five Contributors," followed by a listing of the names of each of the five largest sources of funding of \$1,000 or more, as reported under subsection (2)(b) of this section, during the 12-month period preceding the date on which the advertisement is initially to be published or otherwise presented to the public; and

(B) If one of the "Top Five Contributors" listed includes a political committee, the statement "Top Three Donors to PAC Contributors," followed by a listing of the names of the three individuals or entities other than political committees making the

largest aggregate contributions to political committees using the same methodology as provided in RCW 42.17A.350(2) (as recodified by this act).

(b) Abbreviations may be used to describe entities required to be listed under (a) of this subsection if the full name of the entity has been clearly spoken previously during the communication. The information required by (a) of this subsection shall:

(i) In a written communication:

(A) Appear on the first page or fold of the written advertisement or communication in at least 10-point type, or in type at least 10 percent of the largest size type used in a written communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(B) Not be subject to the half-tone or screening process; and

(C) Be set apart from any other printed matter. No text may be before, after, or immediately adjacent to the information required by (a) of this subsection; or

(ii) In a communication transmitted via television or another medium that includes a visual image or audio:

(A) Be clearly spoken; or

(B) Appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height on a solid black background on the entire bottom one-third of the television or visual display screen, or bottom one-fourth of the screen if the sponsor does not have or is otherwise not required to list its top five contributors, and have a reasonable color contrast with the background.

(6) The commission is authorized to adopt rules, as needed, to prevent ways to circumvent the purposes of the required disclosures in this section or otherwise in conformance with the policies and purposes of this ((chapter)) title.

**Sec. 483.** RCW 42.17A.645 and 2010 c 204 s 810 are each amended to read as follows:

If any person registered or required to be registered as a lobbyist, or any employer of any person registered or required to be registered as a lobbyist, employs a member or an employee of the legislature, a member of a state board or commission, or a full-time state employee, and that new employee remains in the partial employ of the state, the new employer must file within ((fifteen)) 15 days after employment a statement with the commission, signed under oath, setting out the nature of the employment, the name of the person employed, and the amount of pay or consideration.

**Sec. 484.** RCW 42.17A.650 and 2010 c 204 s 811 are each amended to read as follows:

It is a violation of this ((chapter)) title for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, a person to lobby who is not registered under this ((chapter)) title except upon the condition that such a person must register as a lobbyist as provided by this ((chapter)) title.

**Sec. 485.** RCW 42.17A.655 and 2019 c 428 s 34 are each amended to read as follows:

(1) A person required to register as a lobbyist under RCW 42.17A.600 (as recodified by this act) shall substantiate financial reports required to be made under this ((chapter)) title with accounts, bills, receipts, books, papers, and other necessary documents and records. All such documents must be obtained and preserved for a period of at least five years from the date of filing the statement containing such items and shall be made available for inspection by the commission at any time. If the terms of the lobbyist's employment contract require that these records be turned over to the lobbyist's employer, responsibility for the preservation and inspection of these records under this subsection shall be with such employer.

(2) A person required to register as a lobbyist under RCW

42.17A.600 (as recodified by this act) shall not:

(a) Engage in any lobbying activity before registering as a lobbyist;

(b) Knowingly deceive or attempt to deceive a legislator regarding the facts pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of a bill or amendment to that bill for the purpose of later being employed to secure its defeat;

(d) Knowingly represent an interest adverse to the lobbyist's employer without full disclosure of the adverse interest to the employer and obtaining the employer's written consent;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator due to the legislator's position or vote on any pending or proposed legislation;

(f) Enter into any agreement, arrangement, or understanding in which any portion of the lobbyist's compensation is or will be contingent upon the lobbyist's success in influencing legislation.

(3) A violation by a lobbyist of this section shall be cause for revocation of the lobbyist's registration, and may subject the lobbyist and the lobbyist's employer, if the employer aids, abets, ratifies, or confirms the violation, to other civil liabilities as provided by this ~~(chapter)~~ title.

**Sec. 486.** RCW 42.17A.700 and 2019 c 428 s 35 are each amended to read as follows:

(1) After January 1st and before April 15th of each year, every elected official and every executive state officer who served for any portion of the preceding year shall electronically file with the commission a statement of financial affairs for the preceding calendar year or for that portion of the year served. Any official or officer in office for any period of time in a calendar year, but not in office as of January 1st of the following year, may electronically file either within ~~((sixty))~~ 60 days of leaving office or during the January 1st through April 15th reporting period of that following year. Such filing must include information for the portion of the current calendar year for which the official or officer was in office.

(2) Within two weeks of becoming a candidate, every candidate shall file with the commission a statement of financial affairs for the preceding ~~((twelve))~~ 12 months.

(3) Within two weeks of appointment, every person appointed to a vacancy in an elective office or executive state officer position during the months of January through November shall file with the commission a statement of financial affairs for the preceding ~~((twelve))~~ 12 months, except as provided in subsection (4) of this section. For appointments made in December, the appointee must file the statement of financial affairs between January 1st and January 15th of the immediate following year for the preceding ~~((twelve))~~ 12-month period ending on December 31st.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) Every elected official and every executive state officer shall file with their statement of financial affairs a statement certifying that they have read and are familiar with RCW 42.17A.555 (as recodified by this act) or 42.52.180, whichever is applicable.

(8) For the purposes of this section, the term "executive state officer" includes those listed in RCW 42.17A.705 (as recodified

by this act).

(9) This section does not apply to incumbents or candidates for a federal office or the office of precinct committee officer.

**Sec. 487.** RCW 42.17A.705 and 2017 3rd sp.s. c 6 s 111 are each amended to read as follows:

For the purposes of RCW 42.17A.700 (as recodified by this act), "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the director of the department of services for the blind, the secretary of children, youth, and families, the director of the state system of community and technical colleges, the director of commerce, the director of the consolidated technology services agency, the secretary of corrections, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the director of enterprise services, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of the recreation and conservation office, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, the boards of trustees of each community college and each technical college, each member of the state board for community and technical colleges, state convention and trade center board of directors, Eastern Washington University board of trustees, Washington economic development finance authority, Washington energy northwest executive board, The Evergreen State College board of trustees, executive ethics board, fish and wildlife commission, forest practices appeals board, forest practices board, gambling commission, Washington health care facilities authority, student achievement council, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, state investment board, commission on judicial conduct, legislative ethics board, life sciences discovery fund authority board of trustees, state liquor and cannabis board, lottery commission, Pacific Northwest electric power and conservation planning council, parks and recreation commission, Washington personnel resources board, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public employees' benefits board, recreation and conservation funding board, salmon

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

recovery funding board, shorelines hearings board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington State University board of regents, and Western Washington University board of trustees.

**Sec. 488.** RCW 42.17A.710 and 2023 c 462 s 502 are each amended to read as follows:

(1) The statement of financial affairs required by RCW 42.17A.700 (as recodified by this act) shall disclose the following information for the reporting individual and each member of the reporting individual's immediate family:

- (a) Occupation, name of employer, and business address;
- (b) Each bank account, savings account, and insurance policy in which a direct financial interest was held that exceeds twenty thousand dollars at any time during the reporting period; each other item of intangible personal property in which a direct financial interest was held that exceeds two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each direct financial interest during the reporting period;
- (c) The name and address of each creditor to whom the value of two thousand dollars or more was owed; the original amount of each debt to each creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each debt; and the security given, if any, for each such debt. Debts arising from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported;
- (d) Every public or private office, directorship, and position held as trustee; except that an elected official or executive state officer need not report the elected official's or executive state officer's service on a governmental board, commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties;
- (e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation. For the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which the person serves as an elected official or state executive officer or professional staff member for the person's service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid;
- (f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation;
- (g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and:
- (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the

amount of ten thousand dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation. As used in (g)(ii) of this subsection, "compensation" does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service. With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds two thousand four hundred dollars;

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest;

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration;

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds ten thousand dollars in which a direct financial interest was held. If a description of the property has been included in a report previously filed, the property may be listed, for purposes of this subsection (1)(j), by reference to the previously filed report;

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held;

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5);

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(9) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this (~~chapter~~) title, as the commission shall prescribe by rule.

(2)(a) When judges, prosecutors, sheriffs, participants in the address confidentiality program under RCW 40.24.030, or their immediate family members are required to disclose real property that is the personal residence of the judge, prosecutor, sheriff, or address confidentiality program participant, the requirements of subsection (1)(h) through (k) of this section may be satisfied for that property by substituting:

- (i) The city or town;

(ii) The type of residence, such as a single-family or multifamily residence, and the nature of ownership; and

(iii) Such other identifying information the commission prescribes by rule for the mailing address where the property is located.

(b) Nothing in this subsection relieves the judge, prosecutor, or sheriff of any other applicable obligations to disclose potential conflicts or to recuse oneself.

(3)(a) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it may be reported within a range as provided in (b) of this subsection.

(b)

Code A	Less than thirty thousand dollars;
Code B	At least thirty thousand dollars, but less than sixty thousand dollars;
Code C	At least sixty thousand dollars, but less than one hundred thousand dollars;
Code D	At least one hundred thousand dollars, but less than two hundred thousand dollars;
Code E	At least two hundred thousand dollars, but less than five hundred thousand dollars;
Code F	At least five hundred thousand dollars, but less than seven hundred and fifty thousand dollars;
Code G	At least seven hundred fifty thousand dollars, but less than one million dollars; or
Code H	One million dollars or more.

(c) An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(4) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

**Sec. 489.** RCW 42.17A.715 and 2010 c 204 s 904 are each amended to read as follows:

No payment shall be made to any person required to report under RCW 42.17A.700 (as recodified by this act) and no payment shall be accepted by any such person, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the payment or in any other manner so as to effect concealment. The commission may issue categorical and specific exemptions to the reporting of the actual source when there is an undisclosed principal for recognized legitimate business purposes.

**Sec. 490.** RCW 42.17A.750 and 2019 c 428 s 37 are each amended to read as follows:

(1) In addition to the penalties in subsection (2) of this section, and any other remedies provided by law, one or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this ~~((chapter))~~ title by any candidate, committee, or incidental committee probably affected the outcome of any election, the result of that election may be held void and a special election held within ~~((sixty))~~ 60 days of the finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying

campaign violates any of the provisions of this ~~((chapter))~~ title, the lobbyist's or sponsor's registration may be revoked or suspended and the lobbyist or sponsor may be enjoined from receiving compensation or making expenditures for lobbying. The imposition of a sanction shall not excuse the lobbyist from filing statements and reports required by this ~~((chapter))~~ title.

(c) A person who violates any of the provisions of this ~~((chapter))~~ title may be subject to a civil penalty of not more than ten thousand dollars for each violation. However, a person or entity who violates RCW 42.17A.405 (as recodified by this act) may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(d) When assessing a civil penalty, the court may consider the nature of the violation and any relevant circumstances, including the following factors:

(i) The respondent's compliance history, including whether the noncompliance was isolated or limited in nature, indicative of systematic or ongoing problems, or part of a pattern of violations by the respondent, resulted from a knowing or intentional effort to conceal, deceive or mislead, or from collusive behavior, or in the case of a political committee or other entity, part of a pattern of violations by the respondent's officers, staff, principal decision makers, consultants, or sponsoring organization;

(ii) The impact on the public, including whether the noncompliance deprived the public of timely or accurate information during a time-sensitive period or otherwise had a significant or material impact on the public;

(iii) Experience with campaign finance law and procedures or the financing, staffing, or size of the respondent's campaign or organization;

(iv) The amount of financial activity by the respondent during the statement period or election cycle;

(v) Whether the late or unreported activity was within three times the contribution limit per election, including in proportion to the total amount of expenditures by the respondent in the campaign or statement period;

(vi) Whether the respondent or any person benefited politically or economically from the noncompliance;

(vii) Whether there was a personal emergency or illness of the respondent or member of the respondent's immediate family;

(viii) Whether other emergencies such as fire, flood, or utility failure prevented filing;

(ix) Whether there was commission staff or equipment error, including technical problems at the commission that prevented or delayed electronic filing;

(x) The respondent's demonstrated good-faith uncertainty concerning commission staff guidance or instructions;

(xi) Whether the respondent is a first-time filer;

(xii) Good faith efforts to comply, including consultation with commission staff prior to initiation of enforcement action and cooperation with commission staff during enforcement action and a demonstrated wish to acknowledge and take responsibility for the violation;

(xiii) Penalties imposed in factually similar cases; and

(xiv) Other factors relevant to the particular case.

(e) A person who fails to file a properly completed statement or report within the time required by this ~~((chapter))~~ title may be subject to a civil penalty of ten dollars per day for each day each delinquency continues.

(f) Each state agency director who knowingly fails to file statements required by RCW 42.17A.635 (as recodified by this act) shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars per statement. These penalties are in addition to any other civil remedies or sanctions imposed on the agency.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(g) A person who fails to report a contribution or expenditure as required by this ~~((chapter))~~ title may be subject to a civil penalty equivalent to the amount not reported as required.

(h) Any state agency official, officer, or employee who is responsible for or knowingly directs or expends public funds in violation of RCW 42.17A.635 (2) or (3) (as recodified by this act) may be subject to personal liability in the form of a civil penalty in an amount that is at least equivalent to the amount of public funds expended in the violation.

(i) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

(2) The commission may refer the following violations for criminal prosecution:

(a) A person who, with actual malice, violates a provision of this ~~((chapter))~~ title is guilty of a misdemeanor under chapter 9.92 RCW;

(b) A person who, within a five-year period, with actual malice, violates three or more provisions of this ~~((chapter))~~ title is guilty of a gross misdemeanor under chapter 9.92 RCW; and

(c) A person who, with actual malice, procures or offers any false or forged document to be filed, registered, or recorded with the commission under this ~~((chapter))~~ title is guilty of a class C felony under chapter 9.94A RCW.

**Sec. 491.** RCW 42.17A.755 and 2019 c 428 s 38 are each amended to read as follows:

(1) The commission may initiate or respond to a complaint, request a technical correction, or otherwise resolve matters of compliance with this ~~((chapter))~~ title, in accordance with this section. If a complaint is filed with or initiated by the commission, the commission must:

(a) Dismiss the complaint or otherwise resolve the matter in accordance with subsection (2) of this section, as appropriate under the circumstances after conducting a preliminary review;

(b) Initiate an investigation to determine whether a violation has occurred, conduct hearings, and issue and enforce an appropriate order, in accordance with chapter 34.05 RCW and subsection (3) of this section; or

(c) Refer the matter to the attorney general, in accordance with subsection (4) of this section.

(2)(a) For complaints of remediable violations or requests for technical corrections, the commission may, by rule, delegate authority to its executive director to resolve these matters in accordance with subsection (1)(a) of this section, provided the executive director consistently applies such authority.

(b) The commission shall, by rule, develop additional processes by which a respondent may agree by stipulation to any allegations and pay a penalty subject to a schedule of violations and penalties, unless waived by the commission as provided for in this section. Any stipulation must be referred to the commission for review. If approved or modified by the commission, agreed to by the parties, and the respondent complies with all requirements set forth in the stipulation, the matter is then considered resolved and no further action or review is allowed.

(3) If the commission initiates an investigation, an initial hearing must be held within ~~((ninety))~~ 90 days of the complaint being filed. Following an investigation, in cases where it chooses to determine whether a violation has occurred, the commission shall hold a hearing pursuant to the administrative procedure act, chapter 34.05 RCW. Any order that the commission issues under this section shall be pursuant to such a hearing.

(a) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may

impose one or more of the remedies provided in RCW 42.17A.750(1) (b) through (h) (as recodified by this act), or other requirements as the commission determines appropriate to effectuate the purposes of this ~~((chapter))~~ title.

(b) The commission may assess a penalty in an amount not to exceed ten thousand dollars per violation, unless the parties stipulate otherwise. Any order that the commission issues under this section that imposes a financial penalty must be made pursuant to a hearing, held in accordance with the administrative procedure act, chapter 34.05 RCW.

(c) The commission has the authority to waive a penalty for a first-time violation. A second violation of the same requirement by the same person, regardless if the person or individual committed the violation for a different political committee or incidental committee, shall result in a penalty. Successive violations of the same requirement shall result in successively increased penalties. The commission may suspend any portion of an assessed penalty contingent on future compliance with this ~~((chapter))~~ title. The commission must create a schedule to enhance penalties based on repeat violations by the person.

(d) Any order issued by the commission is subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within ~~((thirty))~~ 30 days, the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that jurisdiction, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17A.760 (as recodified by this act).

(4) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general consistent with this section, when the commission believes:

(a) Additional authority is needed to ensure full compliance with this ~~((chapter))~~ title;

(b) An apparent violation potentially warrants a penalty greater than the commission's penalty authority; or

(c) The maximum penalty the commission is able to levy is not enough to address the severity of the violation.

(5) Prior to filing a citizen's action under RCW 42.17A.775 (as recodified by this act), a person who has filed a complaint pursuant to this section must provide written notice to the attorney general if the commission does not, within 90 ~~((ninety))~~ days of the complaint being filed with the commission, take action pursuant to subsection (1) of this section. A person must simultaneously provide a copy of the written notice to the commission.

**Sec. 492.** RCW 42.17A.760 and 2010 c 204 s 1003 are each amended to read as follows:

The following procedure shall apply in all cases where the commission has petitioned a court of competent jurisdiction for enforcement of any order it has issued pursuant to this ~~((chapter))~~ title:

(1) A copy of the petition shall be served by certified mail directed to the respondent at his or her last known address. The court shall issue an order directing the respondent to appear at a time designated in the order, not less than five days from the date thereof, and show cause why the commission's order should not be enforced according to its terms.

(2) The commission's order shall be enforced by the court if the respondent does not appear, or if the respondent appears and the court finds, pursuant to a hearing held for that purpose:

(a) That the commission's order is unsatisfied;

(b) That the order is regular on its face; and

(c) That the respondent's answer discloses no valid reason why

the commission's order should not be enforced or that the respondent had an appropriate remedy by review under RCW 34.05.570(3) and failed to avail himself or herself of that remedy without valid excuse.

(3) Upon appropriate application by the respondent, the court may, after hearing and for good cause, alter, amend, revise, suspend, or postpone all or part of the commission's order. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and the action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) The court's order of enforcement, when entered, shall have the same force and effect as a civil judgment.

(5) Notwithstanding RCW 34.05.578 through 34.05.590, this section is the exclusive method for enforcing an order of the commission.

**Sec. 493.** RCW 42.17A.765 and 2019 c 428 s 39 are each amended to read as follows:

(1)(a) The attorney general may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17A.750 (as recodified by this act) upon:

(i) Referral by the commission pursuant to RCW 42.17A.755(4) (as recodified by this act);

(ii) Receipt of a notice provided in accordance with RCW 42.17A.755(5) (as recodified by this act); or

(iii) Receipt of a notice of intent to commence a citizen's action, as provided under RCW 42.17A.775(3) (as recodified by this act).

(b) Within ~~((forty-five))~~ 45 days of receiving a referral from the commission or notice of the commission's failure to take action provided in accordance with RCW 42.17A.755(5) (as recodified by this act), or within ~~((ten))~~ 10 days of receiving a citizen's action notice, the attorney general must publish a decision whether to commence an action on the attorney general's office website. Publication of the decision within the ~~((forty-five))~~ 45 day period, or ten-day period, whichever is applicable, shall preclude a citizen's action pursuant to RCW 42.17A.775 (as recodified by this act).

(c) The attorney general should use the enforcement powers in this section in a consistent manner that provides guidance in complying with the provisions of this ~~((chapter))~~ title to candidates, political committees, or other individuals subject to the regulations of this ~~((chapter))~~ title.

(2) The attorney general may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this ~~((chapter))~~ title, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this ~~((chapter))~~ title.

(3) When the attorney general requires the attendance of any person to obtain such information or produce the accounts, bills, receipts, books, papers, and documents that may be relevant or material to any investigation authorized under this ~~((chapter))~~ title, the attorney general shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least ~~((fourteen))~~ 14 days before the date fixed for attendance. The order shall have the same force and effect as a subpoena, shall be effective statewide, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena.

The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and the action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

**Sec. 494.** RCW 42.17A.770 and 2018 c 304 s 15 are each amended to read as follows:

Except as provided in RCW 42.17A.775(4) (as recodified by this act), any action brought under the provisions of this ~~((chapter))~~ title must be commenced within five years after the date when the violation occurred.

**Sec. 495.** RCW 42.17A.775 and 2019 c 428 s 40 are each amended to read as follows:

(1) A person who has reason to believe that a provision of this ~~((chapter))~~ title is being or has been violated may bring a citizen's action in the name of the state, in accordance with the procedures of this section.

(2) A citizen's action may be brought and prosecuted only if the person first has filed a complaint with the commission and:

(a) The commission has not taken action authorized under RCW 42.17A.755(1) (as recodified by this act) within ~~((ninety))~~ 90 days of the complaint being filed with the commission, and the person who initially filed the complaint with the commission provided written notice to the attorney general in accordance with RCW 42.17A.755(5) (as recodified by this act) and the attorney general has not commenced an action, or published a decision whether to commence action pursuant to RCW 42.17A.765(1)(b) (as recodified by this act), within ~~((forty-five))~~ 45 days of receiving the notice;

(b) For matters referred to the attorney general within ~~((ninety))~~ 90 days of the commission receiving the complaint, the attorney general has not commenced an action, or published a decision whether to commence an action pursuant to RCW 42.17A.765(1)(b) (as recodified by this act), within ~~((forty-five))~~ 45 days of receiving referral from the commission; and

(c) The person who initially filed the complaint with the commission has provided notice of a citizen's action in accordance with subsection (3) of this section and the commission or the attorney general has not commenced action within the ~~((ten))~~ 10 days provided under subsection (3) of this section.

(3) To initiate the citizen's action, after meeting the requirements under subsection (2) (a) and (b) of this section, a person must notify the attorney general and the commission that the person will commence a citizen's action within ~~((ten))~~ 10 days if the commission does not take action authorized under RCW 42.17A.755(1) (as recodified by this act), or the attorney general does not commence an action or publish a decision whether to commence an action pursuant to RCW 42.17A.765(1)(b) (as recodified by this act). The attorney general and the commission must notify the other of its decision whether to commence an action.

(4) The citizen's action must be commenced within two years after the date when the alleged violation occurred and may not be commenced against a committee or incidental committee before the end of such period if the committee or incidental committee has received an acknowledgment of dissolution.

(5) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state for reasonable costs and reasonable attorneys' fees the person incurred. In the case of a citizen's action that is dismissed and that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all trial costs and reasonable



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

attorneys' fees incurred by the defendant.

**Sec. 496.** RCW 42.17A.780 and 2018 c 304 s 17 are each amended to read as follows:

In any action brought under this (~~chapter~~) title, the court may award to the commission all reasonable costs of investigation and trial, including reasonable attorneys' fees to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he or she shall be awarded all costs of trial and may be awarded reasonable attorneys' fees to be fixed by the court and paid by the state of Washington.

**Sec. 497.** RCW 42.17A.785 and 2018 c 304 s 18 are each amended to read as follows:

The public disclosure transparency account is created in the state treasury. All receipts from penalties collected pursuant to enforcement actions or settlements under this (~~chapter~~) title, including any fees or costs, must be deposited into the account. Moneys in the account may be spent only after appropriation. Moneys in the account may be used only for the implementation of chapter 304, Laws of 2018 and duties under this (~~chapter~~) title, and may not be used to supplant general fund appropriations to the commission.

**Sec. 498.** RCW 42.62.040 and 2023 c 360 s 4 are each amended to read as follows:

The public disclosure commission must adopt rules in furtherance of the purpose of this chapter. Nothing in this chapter constitutes a violation under (~~chapter 42.17A RCW~~) other chapters of this title, or otherwise authorizes the public disclosure commission to take action under RCW 42.17A.755 (as recodified by this act).

**Sec. 499.** RCW 15.65.280 and 2011 c 103 s 14 and 2011 c 60 s 1 are each reenacted and amended to read as follows:

The powers and duties of the board shall be:

(1) To elect a chair and such other officers as it deems advisable;

(2) To advise and counsel the director with respect to the administration and conduct of such marketing agreement or order;

(3) To recommend to the director administrative rules and orders and amendments thereto for the exercise of his or her powers in connection with such agreement or order;

(4) To advise the director upon all assessments provided pursuant to the terms of such agreement or order and upon the collection, deposit, withdrawal, disbursement and paying out of all moneys;

(5) To assist the director in the collection of such necessary information and data as the director may deem necessary in the proper administration of this chapter;

(6) To administer the order or agreement as its administrative board if the director designates it so to do in such order or agreement;

(7) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in the board's marketing order or agreement;

(8) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes provided in the board's marketing order or agreement. Personal service contracts must comply with chapter 39.29 RCW;

(9) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in the board's

marketing order or agreement;

(10) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of a board. The retention of a private attorney is subject to review by the office of the attorney general;

(11) To engage in appropriate fund-raising activities for the purpose of supporting activities of the board authorized by the marketing order or agreement;

(12) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of an affected commodity;

(13) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of affected commodities including activities authorized under RCW 42.17A.635 (as recodified by this act), including the reporting of those activities to the public disclosure commission;

(14) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the marketing order or agreement, and data on the value of each producer's production for a minimum three-year period;

(15) To maintain a list of the names and addresses of persons who handle the affected commodity within the affected area and data on the amount and value of the commodity handled for a minimum three-year period by each person; and

(16) To perform such other duties as the director may prescribe in the marketing agreement or order.

Any agreement or order under which the commodity board administers the order or agreement shall (if so requested by the affected producers within the affected area in the proposal or promulgation hearing) contain provisions whereby the director reserves the power to approve or disapprove every order, rule or directive issued by the board, in which event such approval or disapproval shall be based on whether or not the director believes the board's action has been carried out in conformance with the purposes of this chapter.

**Sec. 500.** RCW 15.66.140 and 2011 c 103 s 15 and 2011 c 60 s 2 are each reenacted and amended to read as follows:

Every commodity commission shall have such powers and duties in accordance with provisions of this chapter as may be provided in the marketing order and shall have the following powers and duties:

(1) To elect a chair and such other officers as determined advisable;

(2) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order;

(3) To administer, enforce, direct and control the provisions of the marketing order and of this chapter relating thereto;

(4) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(5) To acquire personal property and purchase or lease office space and other necessary real property and transfer and convey the same;

(6) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order;

(7) To keep accurate records of all its receipts and

disbursements, which records shall be open to inspection and audit by the state auditor or private auditor designated by the state auditor at least every five years;

- (8) Borrow money and incur indebtedness;
- (9) Make necessary disbursements for routine operating expenses;
- (10) To expend funds for commodity-related education, training, and leadership programs as each commission deems expedient;
- (11) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in the commission's marketing order;
- (12) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes provided in the commission's marketing order. Personal service contracts must comply with chapter 39.29 RCW;
- (13) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in the commission's marketing order;
- (14) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of an affected commodity;
- (15) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of a commission. The retention of a private attorney is subject to review by the office of the attorney general;
- (16) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by the marketing order;
- (17) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of affected commodities including activities authorized under RCW 42.17A.635 (as recodified by this act), including the reporting of those activities to the public disclosure commission;
- (18) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of the marketing order and data on the value of each producer's production for a minimum three-year period;
- (19) To maintain a list of the names and addresses of persons who handle the affected commodity within the affected area and data on the amount and value of the commodity handled for a minimum three-year period by each person;
- (20) To request records and audit the records of producers or handlers of the affected commodity during normal business hours to determine whether the appropriate assessment has been paid;
- (21) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to the affected commodity; and
- (22) Such other powers and duties that are necessary to carry out the purposes of this chapter.

**Sec. 501.** RCW 15.89.070 and 2015 c 225 s 13 are each amended to read as follows:

The commission shall:

- (1) Elect a chair and officers. The officers must include a treasurer who is responsible for all receipts and disbursements by the commission and the faithful discharge of whose duties shall be guaranteed by a bond at the sole expense of the commission. The commission must adopt rules for its own governance that provide for the holding of an annual meeting for the election of officers and the transaction of other business and for other meetings the commission may direct;
- (2) Do all things reasonably necessary to effect the purposes of

this chapter. However, the commission has no rule-making power except as provided in this chapter;

- (3) Employ and discharge managers, secretaries, agents, attorneys, and employees and engage the services of independent contractors;
- (4) Retain, as necessary, the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;
- (5) Receive donations of beer from producers for promotional purposes under subsections (6) and (7) of this section and for fund-raising purposes under subsection (8) of this section. Donations of beer for promotional purposes may only be disseminated without charge;
- (6) Engage directly or indirectly in the promotion of Washington beer, including, without limitation, the acquisition in any lawful manner and the dissemination without charge of beer. This dissemination is not deemed a sale for any purpose and the commission is not deemed a producer, supplier, or manufacturer, or the clerk, servant, or agent of a producer, supplier, distributor, or manufacturer. This dissemination without charge shall be for agricultural development or trade promotion, and not for fund-raising purposes under subsection (8) of this section. Dissemination for promotional purposes may include promotional hosting and must in the good faith judgment of the commission be in the aid of the marketing, advertising, sale of beer, or of research related to such marketing, advertising, or sale;
- (7) Promote Washington beer by conducting unique beer tastings without charge;
- (8) Beginning July 1, 2007, fund the Washington beer commission through sponsorship of up to ~~((twelve))~~ 12 beer festivals annually at which beer may be sold to festival participants. For this purpose, the commission would qualify for issue of a special occasion license as an exception to WAC 314-05-020 but must comply with laws under Title 66 RCW and rules adopted by the liquor ~~((control))~~ and cannabis board under which such events may be conducted;
- (9) Participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, regulation, distribution, sale, or use of beer including activities authorized under RCW 42.17A.635 (as recodified by this act), including the reporting of those activities to the public disclosure commission;
- (10) Acquire and transfer personal and real property, establish offices, incur expenses, and enter into contracts, including contracts for the creation and printing of promotional literature. The contracts are not subject to chapter 43.19 RCW, and are cancelable by the commission unless performed under conditions of employment that substantially conform to the laws of this state and the rules of the department of labor and industries. The commission may create debt and other liabilities that are reasonable for proper discharge of its duties under this chapter;
- (11) Maintain accounts with one or more qualified public depositories as the commission may direct, for the deposit of money, and expend money for purposes authorized by this chapter by drafts made by the commission upon such institutions or by other means;
- (12) Cause to be kept and annually closed, in accordance with generally accepted accounting principles, accurate records of all receipts, disbursements, and other financial transactions, available for audit by the state auditor;
- (13) Create and maintain a list of producers and disseminate information among and solicit the opinions of producers with respect to the discharge of the duties of the commission, directly or by arrangement with trade associations or other instrumentalities;

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(14) Employ, designate as an agent, act in concert with, and enter into contracts with any person, council, commission, or other entity to promote the general welfare of the beer industry and particularly to assist in the sale and distribution of Washington beer in domestic and foreign commerce. The commission shall expend money necessary or advisable for this purpose and to pay its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of Washington beer in domestic or foreign commerce, employing and paying for vendors of professional services of all kinds;

(15) Sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter;

(16) Serve as liaison with the liquor ~~((control))~~ and cannabis board on behalf of the commission and not for any individual producer;

(17) Receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the commission and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

**Sec. 502.** RCW 15.115.140 and 2011 c 103 s 17 and 2011 c 60 s 4 are each reenacted and amended to read as follows:

(1) The commission is an agency of the Washington state government subject to oversight by the director. In exercising its powers and duties, the commission shall carry out the following purposes:

(a) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets, or to create new or larger markets for wheat and barley grown in Washington;

(b) To engage in cooperative efforts in the domestic or foreign marketing of wheat and barley grown in Washington;

(c) To provide for carrying on research studies to find more efficient methods of production, irrigation, processing, transportation, handling, and marketing of wheat and barley grown in Washington;

(d) To adopt rules to provide for improving standards and grades by defining, establishing, and providing labeling requirements with respect to wheat and barley grown in Washington;

(e) To investigate and take necessary action to prevent unfair trade practices relating to wheat and barley grown in Washington;

(f) To provide information or communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of wheat and barley grown in Washington to any elected official or officer or employee of any agency;

(g) To provide marketing information and services for producers of wheat and barley in Washington;

(h) To provide information and services for meeting resource conservation objectives of producers of wheat and barley in Washington;

(i) To provide for education and training related to wheat and barley grown in Washington; and

(j) To assist and cooperate with the department or any local, state, or federal government agency in the investigation and control of exotic pests and diseases that could damage or affect the production or trade of wheat and barley grown in Washington.

(2) The commission has the following powers and duties:

(a) To collect the assessments of producers as provided in this chapter and to expend the same in accordance with this chapter;

(b) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments authorized under this chapter and data on the value

of each producer's production for a minimum three-year period;

(c) To maintain a list of the names and addresses of persons who handle wheat or barley within the affected area and data on the amount and value of the wheat and barley handled for a minimum three-year period by each person;

(d) To request records and audit the records of producers or handlers of wheat or barley during normal business hours to determine whether the appropriate assessment has been paid;

(e) To fund, conduct, or otherwise participate in scientific research relating to wheat or barley, including but not limited to research to find more efficient methods of irrigation, production, processing, handling, transportation, and marketing of wheat or barley, or regarding pests, pesticides, food safety, irrigation, transportation, and environmental stewardship related to wheat or barley;

(f) To work cooperatively with local, state, and federal agencies, universities, and national organizations for the purposes provided in this chapter;

(g) To establish a foundation using commission funds as grant money when the foundation benefits the wheat or barley industry in Washington and implements the purposes provided in this chapter;

(h) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to wheat or barley;

(i) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes and powers provided in this chapter, including specifically contracts or agreements for research described in (e) of this subsection. Personal service contracts must comply with chapter 39.29 RCW;

(j) To institute and maintain in its own name any and all legal actions necessary to carry out the provisions of this chapter, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities;

(k) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review and approval by the office of the attorney general;

(l) To elect a chair and other officers as determined advisable;

(m) To employ and discharge at its discretion administrators and additional personnel, advertising and research agencies, and other persons and firms as appropriate and pay compensation;

(n) To acquire personal property and purchase or lease office space and other necessary real property and transfer and convey that real property;

(o) To keep accurate records of all its receipts and disbursements by commodity, which records must be open to inspection and audit by the state auditor or private auditor designated by the state auditor at least every five years;

(p) To borrow money and incur indebtedness;

(q) To make necessary disbursements for routine operating expenses;

(r) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient;

(s) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in this chapter;

(t) To apply for and administer federal market access programs or similar programs or projects and provide matching funds as may be necessary;

(u) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized in this chapter;

(v) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of wheat or barley; or the regulation of the manufacture, distribution, sale, or use of any pesticide, as defined in chapter 15.58 RCW, or any agricultural chemical which is of use or potential use in producing wheat or barley. This participation may include activities authorized under RCW 42.17A.635 (as recodified by this act), including the reporting of those activities to the public disclosure commission;

(w) To speak on behalf of the Washington state government on a nonexclusive basis regarding issues related to wheat and barley, including but not limited to trade negotiations and market access negotiations and to fund industry organizations engaging in those activities;

(x) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this chapter;

(y) To administer, enforce, direct, and control the provisions of this chapter and any rules adopted under this chapter; and

(z) Other powers and duties that are necessary to carry out the purposes of this chapter.

**Sec. 503.** RCW 19.09.020 and 2020 c 57 s 28 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) A "bona fide officer or employee" of a charitable organization is one (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of an independent contractor in his or her relation with the organization; and (c) whose compensation is not computed on funds raised or to be raised.

(2) "Charitable organization" means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable purpose, but does not include any commercial fund-raiser, commercial fund-raising entity, commercial coventurer, or any fund-raising counsel, as defined in this section. Churches and their integrated auxiliaries, and political organizations are not charitable organizations, but all are subject to RCW 19.09.100 (15) through (18).

(3) "Charitable purpose" means any religious, charitable, scientific, testing for public safety, literary, or educational purpose or any other purpose that is beneficial to the community, including environmental, humanitarian, patriotic, or civic purposes, the support of national or international amateur sports competition, the prevention of cruelty to children or animals, the advancement of social welfare, or the benefit of law enforcement personnel, firefighters, and other persons who protect public safety. The term "charitable" is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency.

(4) "Commercial coventurer" means any individual or corporation, partnership, sole proprietorship, limited liability company, limited partnership, limited liability partnership, or any other legal entity, that:

(a) Is regularly and primarily engaged in making sales of goods or services for profit directly to the general public;

(b) Is not otherwise regularly or primarily engaged in making solicitations in this state or otherwise raising funds in this state

for one or more charitable organizations;

(c) Represents to prospective purchasers that, if they purchase a good or service from the commercial coventurer, a portion of the sales price or a sum of money or some other specified thing of value will be donated to a named charitable organization; and

(d) Does not ask purchasers to make checks or other instruments payable to a named charitable organization or any entity other than the commercial coventurer itself under its regular commercial name.

(5) "Commercial fund-raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration directly or indirectly solicits or receives contributions within this state for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of, or represents to persons in this state as independently engaged in the business of, soliciting or receiving contributions for such purposes. However, a commercial coventurer, fund-raising counsel, or consultant is not a commercial fund-raiser or commercial fund-raising entity.

(6) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

(7) "Contribution" means the payment, donation, or promise, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights.

(8) "Cost of solicitation" means and includes all direct and indirect costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation.

(9) "Entity" means an individual, organization, group, association, partnership, corporation, agency or unit of state government, or any combination thereof.

(10) "Fund-raising counsel" or "consultant" means any entity or individual who is retained by a charitable organization, for a fixed fee or rate, that is not computed on a percentage of funds raised, or to be raised, under a written agreement only to plan, advise, consult, or prepare materials for a solicitation of contributions in this state, but who does not manage, conduct, or carry on a fund-raising campaign and who does not solicit contributions or employ, procure, or engage any compensated person to solicit contributions, and who does not at any time have custody or control of contributions. A volunteer, employee, or salaried officer of a charitable organization maintaining a permanent establishment or office in this state is not a fund-raising counsel. An attorney, investment counselor, or banker who advises an individual, corporation, or association to make a charitable contribution is not a fund-raising counsel as a result of the advice.

(11) "General public" or "public" means any individual or entity located in Washington state without a membership or other official relationship with a charitable organization before a solicitation by the charitable organization.

(12) "Gross revenue" or "annual gross revenue" means, for any accounting period, the total value of revenue, excluding unrealized capital gains, but including noncash contributions of tangible, personal property received by or on behalf of a charitable organization from all sources, without subtracting any costs or expenses.

(13) "Membership" means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

hold office. The term "membership" does not include those persons who are granted a membership upon making a contribution as the result of solicitation.

(14) "Other employee" of a charitable organization means any person (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of any independent contractor in his or her relation with the organization; and (c) who is not engaged in the business of or held out to persons in this state as independently engaged in the business of soliciting contributions for charitable purposes or religious activities.

(15) "Political organization" means those organizations whose activities are subject to (~~chapter 42.17A~~) Title 29B RCW or the federal elections campaign act of 1971, as amended.

(16) "Religious organization" means those entities that are not churches or integrated auxiliaries and includes nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, speakers' organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion.

(17) "Secretary" means the secretary of state.

(18) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(19)(a) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(i) Any appeal is made for any charitable purpose;

(ii) The name of any charitable organization is used as an inducement for consummating the sale; or

(iii) Any statement is made that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

(b) The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

(c) "Solicitation" does not include bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission.

(20) "Solicitation report" means the financial information the secretary requires pursuant to RCW 19.09.075 or 19.09.079.

**Sec. 504.** RCW 28A.600.027 and 2018 c 125 s 2 are each amended to read as follows:

(1) Student editors of school-sponsored media are responsible for determining the news, opinion, feature, and advertising content of the media subject to the limitations of subsection (2) of this section. This subsection does not prevent a student media adviser from teaching professional standards of English and journalism to the student journalists. A student media adviser may not be terminated, transferred, removed, or otherwise disciplined for complying with this section.

(2) School officials may only prohibit student expression that:

(a) Is libelous or slanderous;

(b) Is an unwarranted invasion of privacy;

(c) Violates federal or state laws, rules, or regulations;

(d) Incites students to violate federal or state laws, rules, or regulations;

(e) Violates school district policy or procedure related to harassment, intimidation, or bullying pursuant to RCW 28A.300.285 or the prohibition on discrimination pursuant to RCW 28A.642.010;

(f) Inciting of students so as to create a clear and present danger

of:

(i) The commission of unlawful acts on school premises;

(ii) The violation of lawful school district policy or procedure; or

(iii) The material and substantial disruption of the orderly operation of the school. A school official must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension; or

(g) Is in violation of the federal communications act or applicable federal communication commission rules or regulations.

(3) Political expression by students in school-sponsored media shall not be deemed the use of public funds for political purposes, for purposes of the prohibitions of RCW 42.17A.550 (as recodified by this act).

(4) Any student, individually or through his or her parent or guardian, enrolled in a public high school may file an appeal of any alleged violation of subsection (1) of this section pursuant to chapter 28A.645 RCW.

(5) Expression made by students in school-sponsored media is not necessarily the expression of school policy. Neither a school official nor the governing board of the school or school district may be held responsible in any civil or criminal action for any expression made or published by students in school-sponsored media.

(6) Each school district that includes a high school shall adopt a written student freedom of expression policy in accordance with this section. The policy may include reasonable provisions for the time, place, and manner of student expression.

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

(a) "School-sponsored media" means any matter that is prepared, substantially written, published, or broadcast by student journalists, that is distributed or generally made available, either free of charge or for a fee, to members of the student body, and that is prepared under the direction of a student media adviser. "School-sponsored media" does not include media that is intended for distribution or transmission solely in the classrooms in which they are produced.

(b) "Student journalist" means a student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

(c) "Student media adviser" means a person who is employed, appointed, or designated by the school to supervise, or provide instruction relating to, school-sponsored media.

**Sec. 505.** RCW 28B.15.610 and 2011 c 60 s 11 are each amended to read as follows:

The provisions of this chapter shall not apply to or affect any student fee or charge which the students voluntarily maintain upon themselves for student purposes only. Students are authorized to create or increase voluntary student fees for each academic year when passed by a majority vote of the student government or its equivalent, or referendum presented to the student body or such other process that has been adopted under this section. Notwithstanding RCW 42.17A.635 (2) and (3) (as recodified by this act), voluntary student fees imposed under this section and services and activities fees may be used for lobbying by a student government association or its equivalent and may also be used to support a statewide or national student organization or its equivalent that may engage in lobbying.

**Sec. 506.** RCW 28B.133.030 and 2012 c 198 s 24 are each amended to read as follows:

The office may solicit and receive gifts, grants, or endowments

from private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the educational assistance grant program. The director, or the director's designee, may spend gifts, grants, or endowments or income from the private sources according to their terms unless the receipt of the gifts, grants, or endowments violates RCW 42.17A.560 (as recodified by this act).

**Sec. 507.** RCW 29A.32.031 and 2023 c 109 s 8 are each amended to read as follows:

The voters' pamphlet published or distributed under RCW 29A.32.010 must contain:

(1) Information about each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, from candidates for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) Contact information for the public disclosure commission established under RCW 42.17A.100 (as recodified by this act), including the following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit [www.pdc.wa.gov](http://www.pdc.wa.gov)." The statement must be placed in a prominent position, such as on the cover or on the first two pages of the voters' pamphlet. The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this section;

(5) Contact information for major political parties;

(6) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080;

(7) A list of all student engagement hubs as designated under RCW 29A.40.180;

(8) A page providing information about how to access the internet presentation of the information created in RCW 44.48.160 about the state budgets, including a uniform resource locator, a quick response code, and a phone number for the legislative information center. The uniform resource locator and quick response codes will lead the voter to the internet information required in RCW 44.48.160; and

(9) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

**Sec. 508.** RCW 29A.84.250 and 2011 c 60 s 14 are each amended to read as follows:

Every person is guilty of a gross misdemeanor who:

(1) For any consideration or gratuity or promise thereof, signs or declines to sign any initiative or referendum petition; or

(2) Provides or receives consideration for soliciting or procuring signatures on an initiative or referendum petition if any part of the consideration is based upon the number of signatures solicited or procured, or offers to provide or agrees to receive such consideration any of which is based on the number of signatures solicited or procured; or

(3) Gives or offers any consideration or gratuity to any person

to induce him or her to sign or not to sign or to vote for or against any initiative or referendum measure; or

(4) Interferes with or attempts to interfere with the right of any voter to sign or not to sign an initiative or referendum petition or with the right to vote for or against an initiative or referendum measure by threats, intimidation, or any other corrupt means or practice; or

(5) Receives, handles, distributes, pays out, or gives away, directly or indirectly, money or any other thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose members or stockholders have their residence outside, the state of Washington, for any service rendered for the purpose of aiding in procuring signatures upon any initiative or referendum petition or for the purpose of aiding in the adoption or rejection of any initiative or referendum measure. This subsection does not apply to or prohibit any activity that is properly reported in accordance with the applicable provisions of (~~chapter 42.17A~~) Title 29B RCW.

A gross misdemeanor under this section is punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

**Sec. 509.** RCW 35.02.130 and 2011 c 60 s 15 are each amended to read as follows:

The city or town officially shall become incorporated at a date from (~~one hundred eighty~~) 180 days to (~~three hundred sixty~~) 360 days after the date of the election on the question of incorporation. An interim period shall exist between the time the newly elected officials have been elected and qualified and this official date of incorporation. During this interim period, the newly elected officials are authorized to adopt ordinances and resolutions which shall become effective on or after the official date of incorporation, and to enter into contracts and agreements to facilitate the transition to becoming a city or town and to ensure a continuation of governmental services after the official date of incorporation. Periods of time that would be required to elapse between the enactment and effective date of such ordinances, including but not limited to times for publication or for filing referendums, shall commence upon the date of such enactment as though the city or town were officially incorporated.

During this interim period, the city or town governing body may adopt rules establishing policies and procedures under the state environmental policy act, chapter 43.21C RCW, and may use these rules and procedures in making determinations under the state environmental policy act, chapter 43.21C RCW.

During this interim period, the newly formed city or town and its governing body shall be subject to the following as though the city or town were officially incorporated: RCW 4.24.470 relating to immunity; (~~chapter 42.17A~~) Title 29B RCW relating to open government; chapter 42.56 RCW relating to public records; chapter 40.14 RCW relating to the preservation and disposition of public records; chapters 42.20 and 42.23 RCW relating to ethics and conflicts of interest; chapters 42.30 and 42.32 RCW relating to open public meetings and minutes; RCW 35.22.288, 35.23.221, 35.27.300, 35A.12.160, as appropriate, and chapter 35A.65 RCW relating to the publication of notices and ordinances; RCW 35.21.875 and 35A.21.230 relating to the designation of an official newspaper; RCW 36.16.138 relating to liability insurance; RCW 35.22.620, 35.23.352, and 35A.40.210, as appropriate, and statutes referenced therein relating to public contracts and bidding; and chapter 39.34 RCW relating to interlocal cooperation. Tax anticipation or revenue anticipation notes or warrants and other short-term obligations may be issued and funds may be borrowed on the security of these instruments during this interim period, as provided in chapter 39.50 RCW. Funds also may be borrowed from federal, state, and other

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

governmental agencies in the same manner as if the city or town were officially incorporated.

RCW 84.52.020 and 84.52.070 shall apply to the extent that they may be applicable, and the governing body of such city or town may take appropriate action by ordinance during the interim period to adopt the property tax levy for its first full calendar year following the interim period.

The governing body of the new city or town may acquire needed facilities, supplies, equipment, insurance, and staff during this interim period as if the city or town were in existence. An interim city manager or administrator, who shall have such administrative powers and duties as are delegated by the governing body, may be appointed to serve only until the official date of incorporation. After the official date of incorporation the governing body of such a new city organized under the council manager form of government may extend the appointment of such an interim manager or administrator with such limited powers as the governing body determines, for up to ~~((ninety))~~ 90 days. This governing body may submit ballot propositions to the voters of the city or town to authorize taxes to be collected on or after the official date of incorporation, or authorize an annexation of the city or town by a fire protection district or library district to be effective immediately upon the effective date of the incorporation as a city or town.

The boundaries of a newly incorporated city or town shall be deemed to be established for purposes of RCW 84.09.030 on the date that the results of the initial election on the question of incorporation are certified or the first day of January following the date of this election if the newly incorporated city or town does not impose property taxes in the same year that the voters approve the incorporation.

The newly elected officials shall take office immediately upon their election and qualification with limited powers during this interim period as provided in this section. They shall acquire their full powers as of the official date of incorporation and shall continue in office until their successors are elected and qualified at the next general municipal election after the official date of incorporation: PROVIDED, That if the date of the next general municipal election is less than ~~((twelve))~~ 12 months after the date of the first election of councilmembers, those initially elected councilmembers shall serve until their successors are elected and qualified at the next following general municipal election as provided in RCW ~~((29A.20.040))~~ 29A.60.280. For purposes of this section, the general municipal election shall be the date on which city and town general elections are held throughout the state of Washington, pursuant to RCW 29A.04.330.

In any newly incorporated city that has adopted the council-manager form of government, the term of office of the mayor, during the interim period only, shall be set by the council, and thereafter shall be as provided by law.

The official date of incorporation shall be on a date from ~~((one hundred eighty))~~ 180 to ~~((three hundred sixty))~~ 360 days after the date of the election on the question of incorporation, as specified in a resolution adopted by the governing body during this interim period. A copy of the resolution shall be filed with the county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located. If the governing body fails to adopt such a resolution, the official date of incorporation shall be ~~((three hundred sixty))~~ 360 days after the date of the election on the question of incorporation. The county legislative authority of the county in which all or the major portion of the newly incorporated city or town is located shall file a notice with the county assessor that the city or town has been authorized to be incorporated immediately after the favorable results of the election on the question of incorporation have been

certified. The county legislative authority shall file a notice with the secretary of state that the city or town is incorporated as of the official date of incorporation.

**Sec. 510.** RCW 35.21.759 and 2011 c 60 s 16 are each amended to read as follows:

A public corporation, commission, or authority created under this chapter, and officers and multimember governing body thereof, are subject to general laws regulating local governments, multimember governing bodies, and local governmental officials, including, but not limited to, the requirement to be audited by the state auditor and various accounting requirements provided under chapter 43.09 RCW, the open public record requirements of chapter 42.56 RCW, the prohibition on using its facilities for campaign purposes under RCW 42.17A.555 (as recodified by this act), the open public meetings law of chapter 42.30 RCW, the code of ethics for municipal officers under chapter 42.23 RCW, and the local government whistleblower law under chapter 42.41 RCW.

**Sec. 511.** RCW 36.70A.200 and 2023 sp.s. c 1 s 12 are each amended to read as follows:

(1)(a) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

(b) Unless a facility is expressly listed in (a) of this subsection, essential public facilities do not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings but are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense. Facilities included under this subsection (1)(b) shall not include facilities detaining persons under RCW 71.09.020 (7) or (16) or chapter 10.77 or 71.05 RCW.

(c) The department of children, youth, and families may not attempt to site new community facilities as defined in RCW 72.05.020 east of the crest of the Cascade mountain range unless there is an equal or greater number of sited community facilities as defined in RCW 72.05.020 on the western side of the crest of the Cascade mountain range.

(d) For the purpose of this section, "harm reduction programs" means programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for

siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in ((RCW 42.17A.005)) section 203 of this act, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70A.135.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(3); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

**Sec. 512.** RCW 42.36.040 and 2011 c 60 s 27 are each amended to read as follows:

Prior to declaring as a candidate for public office or while campaigning for public office as defined by ((RCW 42.17A.005)) section 244 of this act no public discussion or expression of an opinion by a person subsequently elected to a public office, on any pending or proposed quasi-judicial actions, shall be a violation of the appearance of fairness doctrine.

**Sec. 513.** RCW 42.52.010 and 2022 c 173 s 1 and 2022 c 71 s 15 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch of state government. "Agency" includes all elective offices, the state legislature, those institutions of higher education created and supported by the state government, and those courts that are parts of state government. "Agency" does not include a comprehensive cancer center participating in a collaborative arrangement as defined in RCW 28B.10.930 that is operated in conformance with RCW 28B.10.930.

(2) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person.

(3) "Beneficial interest" has the meaning ascribed to it under the Washington case law. However, an ownership interest in a mutual fund or similar investment pooling fund in which the owner has no management powers does not constitute a beneficial interest in the entities in which the fund or pool invests.

(4) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.

(5) "Confidential information" means (a) specific information, rather than generalized knowledge, that is not available to the

general public on request or (b) information made confidential by law.

(6) "Contract" or "grant" means an agreement between two or more persons that creates an obligation to do or not to do a particular thing. "Contract" or "grant" includes, but is not limited to, an employment contract, a lease, a license, a purchase agreement, or a sales agreement.

(7) "Ethics boards" means the commission on judicial conduct, the legislative ethics board, and the executive ethics board.

(8) "Family" has the same meaning as "immediate family" in ((RCW 42.17A.005)) section 228 of this act.

(9) "Gift" means anything of economic value for which no consideration is given. "Gift" does not include:

(a) Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;

(b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;

(c) Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;

(d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(e) Items a state officer or state employee is authorized by law to accept;

(f) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

(g) Items returned by the recipient to the donor within ((thirty)) 30 days of receipt or donated to a charitable organization within ((thirty)) 30 days of receipt;

(h) Campaign contributions reported under ((chapter 42.17A)) Title 29B RCW;

(i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and

(j) Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

(10) "Head of agency" means the chief executive officer of an agency. In the case of an agency headed by a commission, board, committee, or other body consisting of more than one natural person, agency head means the person or board authorized to appoint agency employees and regulate their conduct.

(11) "Honorarium" means money or thing of value offered to a state officer or state employee for a speech, appearance, article, or similar item or activity in connection with the state officer's or state employee's official role.

(12) "Institution of higher education" has the same meaning as in RCW 28B.10.016.

(13) "Official duty" means those duties within the specific scope of employment of the state officer or state employee as defined by the officer's or employee's agency or by statute or the state Constitution.

(14) "Participate" means to participate in state action or a proceeding personally and substantially as a state officer or state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

otherwise but does not include preparation, consideration, or enactment of legislation or the performance of legislative duties.

(15) "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

(16) "Regulatory agency" means any state board, commission, department, or officer, except those in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect interests of identified persons.

(17) "Responsibility" in connection with a transaction involving the state, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove, or otherwise direct state action in respect of such transaction.

(18) "State action" means any action on the part of an agency, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(19) "State employee" means an individual who is employed by an agency in any branch of state government. For purposes of this chapter, employees of the superior courts are not state officers or state employees.

(20) "State officer" means every person holding a position of public trust in or under an executive, legislative, or judicial office of the state. "State officer" includes judges of the superior court, judges of the court of appeals, justices of the supreme court, members of the legislature together with the secretary of the senate and the chief clerk of the house of representatives, holders of elective offices in the executive branch of state government, chief executive officers of state agencies, members of boards, commissions, or committees with authority over one or more state agencies or institutions, and employees of the state who are engaged in supervisory, policy-making, or policy-enforcing work. For the purposes of this chapter, "state officer" also includes any person exercising or undertaking to exercise the powers or functions of a state officer.

(21) "Thing of economic value," in addition to its ordinary meaning, includes:

(a) A loan, property interest, interest in a contract or other chose in action, and employment or another arrangement involving a right to compensation;

(b) An option, irrespective of the conditions to the exercise of the option; and

(c) A promise or undertaking for the present or future delivery or procurement.

(22)(a) "Transaction involving the state" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the state officer, state employee, or former state officer or state employee in question believes, or has reason to believe:

(i) Is, or will be, the subject of state action; or

(ii) Is one to which the state is or will be a party; or

(iii) Is one in which the state has a direct and substantial proprietary interest.

(b) "Transaction involving the state" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the state that is the basis for the claim, case, or lawsuit.

(23) "University" includes "state universities" and "regional

universities" as defined in RCW 28B.10.016 and also includes any research or technology institute affiliated with a university.

(24) "University research employee" means a state officer or state employee employed by a university, but only to the extent the state officer or state employee is engaged in research, technology transfer, approved consulting activities related to research and technology transfer, or other incidental activities.

**Sec. 514.** RCW 42.52.150 and 2023 c 91 s 2 are each amended to read as follows:

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under RCW 42.52.140, and may be accepted without regard to the limit established by subsection (1) of this section:

(a) Unsolicited flowers, plants, and floral arrangements;

(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for deposit in the legislative international trade account created in RCW 43.15.050;

(h) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for the purpose of promoting the expansion of tourism as provided for in RCW 43.330.090;

(i) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, solicited on behalf of a national or regional legislative association as defined in RCW 42.52.822(2), the 2006 official conference of the national lieutenant governors' association, the annual conference of the national association of state treasurers, or a host committee, for the purpose of hosting an official conference under the circumstances specified in RCW 42.52.820, section 2, chapter 5, Laws of 2006, RCW 42.52.821, or RCW 42.52.822. Anything solicited or accepted may only be received by the national association or host committee and may not be commingled with any funds or accounts that are the property of any person;

(j) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable,

governmental, or community organization;

(k) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature; and

(l) Gifts, grants, donations, sponsorships, or contributions from any agency or federal or local government agency or program or private source for the purposes of chapter 28B.156 RCW.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

(a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

(g) Those items excluded from the definition of gift in RCW 42.52.010 except:

(i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;

(ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and

(iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in (~~chapter 42.17A~~) Title 29B RCW.

**Sec. 515.** RCW 42.52.180 and 2022 c 37 s 3 are each amended to read as follows:

(1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to

actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ethics boards shall adopt by rule a definition of measurable expenditure;

(c)(i) The maintenance of official legislative websites throughout the year, regardless of pending elections. The websites may contain any discretionary material which was also specifically prepared for the legislator in the course of his or her duties as a legislator, including newsletters and press releases.

(ii) The official legislative websites of legislators seeking reelection or election to any office shall not be altered, other than during a special legislative session, beginning on the first day of the declaration of candidacy filing period specified in RCW 29A.24.050 through the date of certification of the general election of the election year. As used in this subsection, "legislator" means a legislator who is a "candidate," as defined in (~~RCW 42.17A.005~~) section 209 of this act, for any public office. "Legislator" does not include a member of the legislature who has announced their retirement from elected public office and who does not file a declaration of candidacy by the end of the candidacy filing period specified in RCW 29A.24.050.

(iii) The website shall not be used for campaign purposes;

(d) Activities that are part of the normal and regular conduct of the office or agency, which include but are not limited to:

(i) Communications by a legislator or appropriate legislative staff designee directly pertaining to any legislative proposal which has been introduced in either chamber of the legislature; and

(ii) Posting, by a legislator or appropriate legislative staff designee, information to a legislator's official legislative website including an official legislative social media account, about:

(A) Emergencies;

(B) Federal holidays, state and legislatively recognized holidays established under RCW 1.16.050, and religious holidays;

(C) Information originally provided or published by other government entities which provide information about government resources; and

(D) Achievements, honors, or awards of extraordinary distinction; and

(e) De minimis use of public facilities by statewide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17A.555 (as recodified by this act).

(4) As used in this section, "official legislative website" includes, but is not limited to, a legislator's official legislative social media accounts.

**Sec. 516.** RCW 42.52.185 and 2022 c 37 s 4 are each amended to read as follows:

(1) During the period beginning on the first day of the

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

declaration of candidacy filing period specified in RCW 29A.24.050 in the year of a general election for a state legislator's election to office and continuing through the date of certification of the general election, the legislator may not mail, either by regular mail or email, to a constituent at public expense a letter, newsletter, brochure, or other piece of literature, except for routine legislative correspondence, such as scheduling, and the legislator may, by mail or email, send an individual letter to (a) an individual constituent who has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; (b) an individual constituent who holds a governmental office with jurisdiction over the subject matter of the letter; or (c) an individual constituent who has received an award or honor of extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person including, but not limited to: (i) An international or national award such as the Nobel prize or the Pulitzer prize; (ii) a state award such as Washington scholar; (iii) an Eagle Scout award; and (iv) a Medal of Honor.

(2) A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.52.180.

(3) The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings. Those costs include, but are not limited to, production costs, printing costs, and postage costs. The limits imposed under this subsection apply only to the total expenditures on mailings per member and not to any categorical cost within the total.

(4) For purposes of this section:

(a) "Legislator" means a legislator who is a "candidate," as defined in (~~RCW 42.17A.005~~) section 209 of this act, for any public office. "Legislator" does not include a member of the legislature who has announced their retirement from elected public office and who does not file a declaration of candidacy by the end of the candidacy filing period specified in RCW 29A.24.050.

(b) Persons residing outside the legislative district represented by the legislator are not considered to be constituents, but students, military personnel, or others temporarily employed outside of the district who normally reside in the district are considered to be constituents.

**Sec. 517.** RCW 42.52.380 and 2011 c 60 s 32 are each amended to read as follows:

(1) No member of the executive ethics board may (a) hold or campaign for partisan elective office other than the position of precinct committee person, or any full-time nonpartisan office; (b) be an officer of any political party or political committee as defined in (~~chapter 42.17A~~) Title 29B RCW other than the position of precinct committee person; (c) permit his or her name to be used, or make contributions, in support of or in opposition to any state candidate or state ballot measure; or (d) lobby or control, direct, or assist a lobbyist except that such member may appear before any committee of the legislature on matters pertaining to this chapter.

(2) No citizen member of the legislative ethics board may (a) hold or campaign for partisan elective office other than the position of precinct committee person, or any full-time nonpartisan office; (b) be an officer of any political party or political committee as defined in (~~chapter 42.17A~~) Title 29B RCW, other than the position of precinct committee person; (c) permit his or her name to be used, or make contributions, in support of or in opposition to any legislative candidate, any legislative caucus campaign committee that supports or opposes legislative candidates, or any political action committee that supports or opposes legislative candidates; or (d) engage in

lobbying in the legislative branch under circumstances not exempt, under RCW 42.17A.610 (as recodified by this act), from lobbyist registration and reporting.

(3) No citizen member of the legislative ethics board may hold or campaign for a seat in the state house of representatives or the state senate within two years of serving on the board if the citizen member opposes an incumbent who has been the respondent in a complaint before the board.

**Sec. 518.** RCW 42.52.560 and 2011 c 60 s 33 are each amended to read as follows:

(1) Nothing in this chapter prohibits a state employee from distributing communications from an employee organization or charitable organization to other state employees if the communications do not support or oppose a ballot proposition or candidate for federal, state, or local public office. Nothing in this section shall be construed to authorize any lobbying activity with public funds beyond the activity permitted by RCW 42.17A.635 (as recodified by this act).

(2) "Employee organization," for purposes of this section, means any organization, union, or association in which employees participate and that exists for the purpose of collective bargaining with employers or for the purpose of opposing collective bargaining or certification of a union.

**Sec. 519.** RCW 42.52.806 and 2023 c 387 s 4 are each amended to read as follows:

This chapter does not prohibit the members of the Billy Frank Jr. national statutory hall selection committee, members of the legislature, when outside the period in which solicitation of contributions is prohibited by RCW 42.17A.560 (as recodified by this act), or employees of the Washington state historical society from soliciting contributions for the purposes established in chapter 20, Laws of 2021, and for deposit into the Billy Frank Jr. national statutory hall collection fund created in RCW 43.08.800.

**Sec. 520.** RCW 43.03.305 and 2023 c 470 s 1005 are each amended to read as follows:

There is created a commission to be known as the Washington citizens' commission on salaries for elected officials, to consist of members appointed by the governor as provided in this section.

(1) One registered voter from each congressional district shall be selected by the secretary of state from among those registered voters eligible to vote at the time persons are selected for appointment to serve on the commission. The secretary shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection from a congressional district if a person selected from the district declines appointment to the commission or if, following the person's appointment, the person's position on the commission becomes vacant before the end of the person's term of office.

(2) Seven commission members, all residents of this state, shall be selected jointly by the speaker of the house of representatives and the president of the senate. The persons selected under this subsection shall have had experience in the field of personnel management. Of these seven members, one shall be selected from each of the following five sectors in this state: Private institutions of higher education; business; professional personnel management; legal profession; and organized labor. Of the two remaining members, one shall be a person recommended to the speaker and the president by the chair of the Washington personnel resources board and one shall be a person recommended by majority vote of the presidents of the state's four-year institutions of higher education.

(3) The secretary of state shall forward the names of persons selected under subsection (1) of this section and the speaker of the

house of representatives and president of the senate shall forward the names of persons selected under subsection (2) of this section to the governor who shall appoint these persons to the commission. Except as provided in subsection (6) of this section, all members shall serve four-year terms and the names of the persons selected for appointment to the commission shall be forwarded to the governor not later than the first day of July every two years.

(4) No person may be appointed to more than two terms. No member of the commission may be removed by the governor during his or her term of office unless for cause of incapacity, incompetence, neglect of duty, or malfeasance in office or for a disqualifying change of residence.

The unexcused absence of any person who is a member of the commission from two consecutive meetings of the commission shall constitute the relinquishment of that person's membership on the commission. Such a relinquishment creates a vacancy in that person's position on the commission. A member's absence may be excused by the chair of the commission upon the member's written request if the chair believes there is just cause for the absence. Such a request must be received by the chair before the meeting for which the absence is to be excused. A member's absence from a meeting of the commission may also be excused during the meeting for which the member is absent by the affirmative vote of a majority of the members of the commission present at the meeting.

(5) No state official, public employee, or lobbyist, or immediate family member of the official, employee, or lobbyist, subject to the registration requirements of ~~(chapter 42.17A)~~ Title 29B RCW is eligible for membership on the commission.

As used in this subsection the phrase "immediate family" means the parents, spouse or domestic partner, siblings, children, or dependent relative of the official or lobbyist whether or not living in the household of the official or lobbyist, and the parent, spouse or domestic partner, sibling, child, or dependent relative of the employee, living in the household of the employee or who is dependent in whole or in part for his or her support upon the earnings of the state employee.

(6)(a) Upon a vacancy in any position on the commission, a successor shall be selected and appointed to fill the unexpired term. The selection and appointment shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as originally provided.

(b) Initial members appointed from congressional districts created after July 22, 2011, shall be selected and appointed in the manner provided in subsection (1) of this section. The selection and appointment must be concluded within ninety days of the date the district is created. The term of an initial member appointed under this subsection terminates July 1st of an even-numbered year so that at no point may the terms of more than one-half plus one of the members selected under subsection (1) of this section terminate in the same year.

**Sec. 521.** RCW 43.17.320 and 2011 c 60 s 35 are each amended to read as follows:

For purposes of RCW 43.17.320 through 43.17.340, "state agency" means:

(1) Any agency for which the executive officer is listed in RCW 42.17A.705(1) (as recodified by this act); and

(2) The office of the secretary of state; the office of the state treasurer; the office of the state auditor; the department of natural resources; the office of the insurance commissioner; and the office of the superintendent of public instruction.

**Sec. 522.** RCW 43.52A.030 and 2011 c 60 s 36 are each amended to read as follows:

The governor, with the consent of the senate, shall appoint two residents of Washington state to the council pursuant to the act.

These persons shall undertake the functions and duties of members of the council as specified in the act and in appropriate state law. Upon appointment by the governor to the council, the nominee shall make available to the senate such disclosure information as is requested for the confirmation process, including that required in RCW 42.17A.710 (as recodified by this act).

**Sec. 523.** RCW 43.59.156 and 2020 c 72 s 1 are each amended to read as follows:

(1) Within amounts appropriated to the traffic safety commission, the commission must convene the Cooper Jones active transportation safety council comprised of stakeholders who have a unique interest or expertise in the safety of pedestrians, bicyclists, and other nonmotorists.

(2) The purpose of the council is to review and analyze data and programs related to fatalities and serious injuries involving pedestrians, bicyclists, and other nonmotorists to identify points at which the transportation system can be improved including, whenever possible, privately owned areas of the system such as parking lots, and to identify patterns in pedestrian, bicyclist, and other nonmotorist fatalities and serious injuries. The council may also:

(a) Monitor progress on implementation of existing council recommendations; and

(b) Seek opportunities to expand consideration and implementation of the principles of systematic safety, including areas where data collection may need improvement.

(3)(a) The council may include, but is not limited to:

(i) A representative from the commission;

(ii) A coroner from the county in which pedestrian, bicyclist, or nonmotorist deaths have occurred;

(iii) Multiple members of law enforcement who have investigated pedestrian, bicyclist, or nonmotorist fatalities;

(iv) A traffic engineer;

(v) A representative from the department of transportation and a representative from the department of health;

(vi) A representative from the association of Washington cities;

(vii) A representative from the Washington state association of counties;

(viii) A representative from a pedestrian advocacy group; and

(ix) A representative from a bicyclist or other nonmotorist advocacy group.

(b) The commission may invite other representatives of stakeholder groups to participate in the council as deemed appropriate by the commission. Additionally, the commission may invite a victim or family member of a victim to participate in the council.

(4) The council must meet at least quarterly. By December 31st of each year, the council must issue an annual report detailing any findings and recommendations to the governor and the transportation committees of the legislature. The commission must provide the annual report electronically to all municipal governments and state agencies that participated in the council during that calendar year. Additionally, the council must report any budgetary or fiscal recommendations to the office of financial management and the legislature by August 1st on a biennial basis.

(5) As part of the review of pedestrian, bicyclist, or nonmotorist fatalities and serious injuries that occur in Washington, the council may review any available information, including crash information maintained in existing databases; statutes, rules, policies, or ordinances governing pedestrians and traffic related to the incidents; and any other relevant information. The council may make recommendations regarding changes in statutes, ordinances, rules, and policies that could improve pedestrian, bicyclist, or nonmotorist safety. Additionally, the council may make recommendations on how to improve traffic fatality and

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

serious injury data quality, including crashes that occur in privately owned property such as parking lots. The council may consult with local cities and counties, as well as local police departments and other law enforcement agencies and associations representing those jurisdictions on how to improve data quality regarding crashes occurring on private property.

(6)(a) Documents prepared by or for the council are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a review by the council, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by the council. For confidential information, such as personally identifiable information and medical records, which are obtained by the council, neither the commission nor the council may publicly disclose such confidential information. No person who was in attendance at a meeting of the council or who participated in the creation, retention, collection, or maintenance of information or documents specifically for the commission or the council shall be permitted to testify in any civil action as to the content of such proceedings or of the documents and information prepared specifically as part of the activities of the council. However, recommendations from the council and the commission generally may be disclosed without personal identifiers.

(b) The council may review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary: Any law enforcement incident documentation, such as incident reports, dispatch records, and victim, witness, and suspect statements; any supplemental reports, probable cause statements, and 911 call taker's reports; and any other information determined to be relevant to the review. The commission and the council must maintain the confidentiality of such information to the extent required by any applicable law.

(7) If acting in good faith, without malice, and within the parameters of and protocols established under this chapter, representatives of the commission and the council are immune from civil liability for an activity related to reviews of particular fatalities and serious injuries.

(8) This section must not be construed to provide a private civil cause of action.

(9)(a) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend the gifts, grants, or endowments from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17A.560 (as recodified by this act).

(b) Subject to the appropriation of funds for this specific purpose, the council may provide grants targeted at improving pedestrian, bicyclist, or nonmotorist safety in accordance with recommendations made by the council.

(10) For purposes of this section:

(a) "Bicyclist fatality" means any death of a bicyclist resulting from a collision, whether on a roadway, at an intersection, along an adjacent sidewalk, or on a path that is contiguous with a roadway.

(b) "Council" means the Cooper Jones active transportation safety council.

(c) "Nonmotorist" means anyone using the transportation system who is not in a vehicle.

(d) "Pedestrian fatality" means any death of a pedestrian resulting from a collision, whether on a roadway, at an intersection, along an adjacent sidewalk, or on a path that is contiguous with a roadway.

(e) "Serious injury" means any injury other than a fatal injury

that prevents the injured person from walking, driving, or normally continuing the activities the person was capable of performing before the injury occurred.

**Sec. 524.** RCW 43.60A.175 and 2014 c 179 s 2 are each amended to read as follows:

(1) The department may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the veterans innovations program and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17A.560 (as recodified by this act).

(2) The department may adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of RCW 43.60A.160 through 43.60A.185.

(3) The department may perform all acts and functions as necessary or convenient to carry out the powers expressly granted or implied under chapter 343, Laws of 2006.

**Sec. 525.** RCW 43.166.030 and 2022 c 259 s 3 are each amended to read as follows:

(1) State lands development authorities have the power to:

(a) Accept gifts, grants, loans, or other aid from public and private entities;

(b) Employ and appoint such agents, attorneys, officers, and employees as may be necessary to implement its purposes and duties;

(c) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(d) Buy, own, and lease real and personal property;

(e) Sell real and personal property, subject to any rules and restrictions contained in the proposal to establish a state lands development authority under RCW 43.166.010;

(f) Hold in trust, improve, and develop land;

(g) Invest, deposit, and reinvest its funds;

(h) Incur debt in furtherance of its mission: Provided, however, that state lands development authorities are expressly prohibited from incurring debt on behalf of the state of Washington as defined in Article VIII, section 1 of the state Constitution. A state lands development authority obligation to repay borrowed money does not constitute an obligation, either general, special, or moral, of the state of Washington. State lands development authorities are expressly prohibited from using, either directly or indirectly, "general state revenues" as defined in Article VIII, section 1 of the state Constitution to satisfy any state lands development authority obligation to repay borrowed money;

(i) Lend or grant its funds for any lawful purposes. For purposes of this section, "lawful purposes" includes without limitation, any use of funds, including loans thereof to public or private parties, authorized by agreements with the United States or any department or agency thereof under which federal or private funds are obtained, or authorized under federal laws and regulations pertinent to such agreements; and

(j) Exercise such additional powers as may be authorized by law.

(2) A state lands development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and RCW 42.17A.550 (as recodified by this act); and

(b) May not use such funds to support or oppose a candidate, ballot proposition, political party, or political committee.

(3) State lands development authorities do not have any authority to levy taxes or assessments.

**Sec. 526.** RCW 43.167.020 and 2011 c 60 s 40 are each amended to read as follows:

(1) A community preservation and development authority shall have the power to:

(a) Accept gifts, grants, loans, or other aid from public or private entities;

(b) Employ and appoint such agents, attorneys, officers, and employees as may be necessary to implement the purposes and duties of an authority;

(c) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(d) Buy, own, lease, and sell real and personal property;

(e) Hold in trust, improve, and develop land;

(f) Invest, deposit, and reinvest its funds;

(g) Incur debt in furtherance of its mission; and

(h) Lend its funds, property, credit, or services for corporate purposes.

(2) A community preservation and development authority has no power of eminent domain nor any power to levy taxes or special assessments.

(3) A community preservation and development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and to RCW 42.17A.550 (as recodified by this act); and

(b) May not use the funds to support or oppose a candidate, ballot proposition, political party, or political committee.

**Sec. 527.** RCW 43.384.060 and 2018 c 275 s 7 are each amended to read as follows:

The board may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the authority and spend gift, grants, or endowments or income from public or private sources according to their terms, unless the receipt of gifts, grants, or endowments violates RCW 42.17A.560 (as recodified by this act).

**Sec. 528.** RCW 44.05.020 and 2011 c 60 s 41 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context requires otherwise.

(1) "Chief election officer" means the secretary of state.

(2) "Federal census" means the decennial census required by federal law to be prepared by the United States bureau of the census in each year ending in zero.

(3) "Lobbyist" means an individual required to register with the Washington public disclosure commission pursuant to RCW 42.17A.600 (as recodified by this act).

(4) "Plan" means a plan for legislative and congressional redistricting mandated by Article II, section 43 of the state Constitution.

**Sec. 529.** RCW 44.05.080 and 2018 c 301 s 10 are each amended to read as follows:

In addition to other duties prescribed by law, the commission shall:

(1) Adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to carry out the provisions of Article II, section 43 of the state Constitution and of this chapter, which rules shall provide that three voting members of the commission constitute a quorum to do business, and that the votes of three of the voting members are required for any official action of the commission;

(2) Act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) Comply with requirements to disclose and preserve public records as specified in chapters 40.14 and 42.56 RCW;

(4) Hold open meetings pursuant to the open public meetings act, chapter 42.30 RCW;

(5) Prepare and disclose its minutes pursuant to RCW 42.30.035;

(6) Be subject to the provisions of RCW 42.17A.700 (as recodified by this act);

(7) Prepare and publish a report with the plan; the report will be made available to the public at the time the plan is published. The report will include but will not be limited to: (a) The population and percentage deviation from the average district population for every district; (b) an explanation of the criteria used in developing the plan with a justification of any deviation in a district from the average district population; (c) a map of all the districts; and (d) the estimated cost incurred by the counties for adjusting precinct boundaries;

(8) Adopt a districting plan for a noncharter county with a population of ~~((four hundred thousand))~~ 400,000 or more, pursuant to RCW 36.32.054.

**Sec. 530.** RCW 53.57.060 and 2015 c 35 s 7 are each amended to read as follows:

A port development authority created under this chapter must comply with applicable laws including, but not limited to, the following:

(1) Requirements concerning local government audits by the state auditor and applicable accounting requirements set forth in chapter 43.09 RCW;

(2) The public records act, chapter 42.56 RCW;

(3) Prohibitions on using facilities for campaign purposes under RCW 42.17A.555 (as recodified by this act);

(4) The open public meetings act, chapter 42.30 RCW;

(5) The code of ethics for municipal officers under chapter 42.23 RCW; and

(6) Local government whistleblower protection laws set forth in chapter 42.41 RCW.

**Sec. 531.** RCW 68.52.220 and 2020 c 83 s 6 are each amended to read as follows:

(1) The affairs of the cemetery district must be managed by a board of cemetery district commissioners composed of three members. The board may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to ~~((ninety dollars))~~ \$90 for each day or portion of a day spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed ~~((eight thousand six hundred forty dollars))~~ \$8,640 per year.

(2) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver must specify the month or period of months for which it is made. The board must fix the compensation to be paid the secretary and other employees of the district. Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of ~~((chapter 42.47A))~~ Title 29B RCW.

(3) The initial cemetery district commissioners must assume office immediately upon their election and qualification. Staggering of terms of office must be accomplished as follows: (a) The person elected receiving the greatest number of votes is elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (b) the person who is elected receiving the next greatest number of votes is elected to a four-year term of

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (c) the other person who is elected is elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners must assume office immediately after they are elected and qualified but their terms of office must be calculated from the first day of January after the election.

(4) Thereafter, commissioners are elected to six-year terms of office. Commissioners must serve until their successors are elected and qualified and assume office as provided in RCW 29A.60.280.

(5) The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning January 1, 2024, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items must be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

(6) A person holding office as commissioner for two or more special purpose districts may receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

**Sec. 532.** RCW 70A.02.120 and 2021 c 314 s 21 are each amended to read as follows:

(1) Nothing in chapter 314, Laws of 2021 prevents state agencies that are not covered agencies from adopting environmental justice policies and processes consistent with chapter 314, Laws of 2021.

(2) The head of a covered agency may, on a case-by-case basis, exempt a significant agency action or decision process from the requirements of RCW 70A.02.060 and 70A.02.080 upon determining that:

(a) Any delay in the significant agency action poses a potentially significant threat to human health or the environment, or is likely to cause serious harm to the public interest;

(b) An assessment would delay a significant agency decision concerning the assessment, collection, or administration of any tax, tax program, debt, revenue, receipt, a regulated entity's financial filings, or insurance rate or form filing;

(c) The requirements of RCW 70A.02.060 and 70A.02.080 are in conflict with:

- (i) Federal law or federal program requirements;
- (ii) The requirements for eligibility of employers in this state for federal unemployment tax credits; or
- (iii) Constitutional limitations or fiduciary obligations, including those applicable to the management of state lands and state forestlands as defined in RCW 79.02.010.

(3) A covered agency may not, for the purposes of implementing any of its responsibilities under this chapter, contract with an entity that employs a lobbyist registered under

RCW 42.17A.600 (as recodified by this act) that is lobbying on behalf of that entity.

**Sec. 533.** RCW 79A.25.830 and 2011 c 60 s 48 are each amended to read as follows:

The recreation and conservation funding board or office may receive gifts, grants, or endowments from public and private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of RCW 79A.25.800 through 79A.25.830 and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17A.560 (as recodified by this act).

**Sec. 534.** RCW 82.04.759 and 2023 c 286 s 2 are each amended to read as follows:

(1) This chapter does not apply to amounts received by any person for engaging in any of the following activities:

- (a) Printing a newspaper, publishing a newspaper, or both; or
- (b) Publishing eligible digital content by a person who reported under the printing and publishing tax classification for the reporting period that covers January 1, 2008, for engaging in printing and/or publishing a newspaper, as defined on January 1, 2008.

(2) The exemption under this section must be reduced by an amount equal to the value of any expenditure made by the person during the tax reporting period. For purposes of this subsection, "expenditure" has the meaning provided in (~~RCW 42.17A.005~~) section 223 of this act.

(3) If a person who is primarily engaged in printing a newspaper, publishing a newspaper, or publishing eligible digital content, or any combination of these activities, charges a single, nonvariable amount to advertise in, subscribe to, or access content in both a publication identified in subsection (1) of this section and another type of publication, the entire amount is exempt under this section.

(4) For purposes of this section, "eligible digital content" means a publication that:

- (a) Is published at regularly stated intervals of at least once per month;
- (b) Features written content, the largest category of which, as determined by word count, contains material that identifies the author or the original source of the material; and
- (c) Is made available to readers exclusively in an electronic format.

(5) The exemption under this section applies only to persons primarily engaged in printing a newspaper, publishing a newspaper, or publishing eligible digital content, or any combination of these activities, unless these business activities were previously engaged in by an affiliated person and were not the affiliated person's primary business activity.

(6) For purposes of this section, the following definitions apply:

(a) "Affiliated" has the same meaning as provided in RCW 82.04.299.

(b) "Primarily" means, with respect to a business activity or combination of business activities of a taxpayer, more the 50 percent of the taxpayer's gross worldwide income from all business activities, whether subject to tax under this chapter or not, comes from such activity or activities.

NEW SECTION. **Sec. 535.** Section 534 of this act expires January 1, 2034.

NEW SECTION. **Sec. 536.** This act takes effect January 1, 2026."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Hunt moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5857.

Senator Hunt spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hunt that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5857.

The motion by Senator Hunt carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5857 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5857, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5857, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5857, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 5882 with the following amendment(s): 5882-S2 AMH ENGR H3447.E

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** Youth mental and behavioral health has been a rising crisis for a decade. As youth grapple with new pressures from social media and impacts of a pandemic, their needs can manifest as disruptive behaviors in the school environment. Teachers, counselors, administrators, and education support professionals have identified the need to have more caring and committed education staff in schools to meet the needs of students.

Education support professionals are vital team members in a school and often directly support students. Educational staff professionals drive students safely to school, provide one-on-one individualized instruction for special education students, run small group instruction for English language learners and for students struggling with certain academic concepts, supervise and monitor students before and after school, at lunch, and during recess, provide physical and behavioral health services in schools, serve lunches, keep buildings clean and maintained, and many

other support services that are essential to school operations and student learning.

Therefore, to improve the individualized support for student learning and behavioral needs, the legislature intends to increase staffing allocations for paraprofessionals in instructional and noninstructional roles. The intent of this additional funding is to assist school districts in hiring additional support staff or providing the staff they already employ with better wages.

**Sec. 2.** RCW 28A.150.260 and 2023 c 379 s 6 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2)(a) The distribution formula under this section shall be for allocation purposes only. Except as may be required under subsections (4)(b) and (c), (5)(b) and (c), and (9) of this section, chapter 28A.155, 28A.165, 28A.180, or 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(b) To promote transparency in state funding allocations, the superintendent of public instruction must report state per-pupil allocations for each school district for the general apportionment, special education, learning assistance, transitional bilingual, highly capable, and career and technical education programs. The superintendent must report this information in a user-friendly format on the main page of the office's website. School districts must include a link to the superintendent's per-pupil allocations report on the main page of the school district's website. In addition, the budget documents published by the legislature for the enacted omnibus operating appropriations act must report statewide average per-pupil allocations for general apportionment and the categorical programs listed in this subsection.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has 600 average annual full-time equivalent students in grades nine through 12;

(ii) A prototypical middle school has 432 average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has 400 average annual full-time equivalent students in grades kindergarten through six.

(4)(a)(i) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on the following general education average class size of full-time equivalent students per teacher:

	General education average class size
Grades K-3.....	17.00
Grade 4.....	27.00
Grades 5-6.....	27.00
Grades 7-8.....	28.53
Grades 9-12.....	28.74

(ii) The minimum class size allocation for each prototypical high school shall also provide for enhanced funding for class size reduction for two laboratory science classes within grades nine through 12 per full-time equivalent high school student multiplied by a laboratory science course factor of 0.0833, based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours in RCW 28A.150.220, and providing at least one teacher planning period per school day:

	Laboratory science average class size
Grades 9-12.....	19.98

(b)(i) Beginning September 1, 2019, funding for average K-3 class sizes in this subsection (4) may be provided only to the extent of, and proportionate to, the school district's demonstrated actual class size in grades K-3, up to the funded class sizes.

(ii) The office of the superintendent of public instruction shall develop rules to implement this subsection (4)(b).

(c)(i) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

	Career and technical education average class size
Approved career and technical education offered at the middle school and high school level.....	23.00
Skill center programs meeting the standards established by the office of the superintendent of public instruction..	19.00

(ii) Funding allocated under this subsection (4)(c) is subject to RCW 28A.150.265.

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) A high-poverty average class size in schools where more than 50 percent of the students are eligible for free and reduced-price meals; and

(ii) A specialty average class size for advanced placement and international baccalaureate courses.

(5)(a) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

Elementary	Middle	High
------------	--------	------

	School	School	School
Principals, assistant principals, and other certificated building-level administrators.....	1.253	.353	1.880
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs .....	0.663	0.519	0.523
<del>((Teaching assistance))</del> <u>Paraeducators</u> , including any aspect of educational instructional services provided by classified employees .	<del>((0.936))</del> <u>1.012</u>	<del>((0.700))</del> <u>0.776</u>	<del>((0.652))</del> <u>0.728</u>
Office support and other noninstructional aides	<del>((2.012))</del> <u>2.088</u>	<del>((2.325))</del> <u>2.401</u>	<del>((3.269))</del> <u>3.345</u>
Custodians.....	1.657	1.942	2.965
Nurses .....	0.585	0.888	0.824
Social workers.....	0.311	0.088	0.127
Psychologists.....	0.104	0.024	0.049
Counselors.....	0.993	1.716	3.039
Classified staff providing student and staff safety .....	0.079	0.092	0.141
Parent involvement coordinators.....	0.0825	0.00	0.00

(b)(i) The superintendent may only allocate funding, up to the combined minimum allocations, for nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, and parent involvement coordinators under (a) of this subsection to the extent of and proportionate to a school district's demonstrated actual ratios of: Full-time equivalent physical, social, and emotional support staff to full-time equivalent students.

(ii) The superintendent must adopt rules to implement this subsection (5)(b) and the rules must require school districts to prioritize funding allocated as required by (b)(i) of this subsection for physical, social, and emotional support staff who hold a valid educational staff associate certificate appropriate for the staff's role.

(iii) For the purposes of this subsection (5)(b), "physical, social, and emotional support staff" include nurses, social workers, psychologists, counselors, classified staff providing student and staff safety, parent involvement coordinators, and other school district employees and contractors who provide physical, social, and emotional support to students as defined by the superintendent.

(c) The superintendent shall develop rules that require school districts to use the additional funding provided under (a) of this subsection to support increased staffing, prevent layoffs, or increase salaries for the following staff types in the 2024-25 school year: Paraeducators, office support, and noninstructional aides. The superintendent shall collect data from school districts on how the increased allocations are used.

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000  
K-12 students

Technology .....	0.628
Facilities, maintenance, and grounds .....	1.813
Warehouse, laborers, and mechanics .....	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs as provided in the 2017-18 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average  
full-time equivalent student  
in grades K-12

Technology .....	\$130.76
Utilities and insurance .....	\$355.30
Curriculum and textbooks.....	\$140.39
Other supplies .....	\$278.05
Library materials.....	\$20.00
Instructional professional development for certificated and classified staff.....	\$21.71
Facilities maintenance .....	\$176.01
Security and central office administration .....	\$121.94

(b) In addition to the amounts provided in (a) of this subsection, beginning in the 2014-15 school year, the omnibus appropriations act shall provide the following minimum allocation for each annual average full-time equivalent student in grades nine through 12 for the following materials, supplies, and operating costs, to be adjusted annually for inflation:

Per annual average  
full-time equivalent student  
in grades 9-12

Technology .....	\$36.35
Curriculum and textbooks.....	\$39.02
Other supplies .....	\$77.28
Library materials .....	\$5.56
Instructional professional development for certificated and classified staff.....	\$6.04

(9) In addition to the amounts provided in subsection (8) of this section and subject to RCW 28A.150.265, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

(a) Exploratory career and technical education courses for students in grades seven through 12;

(b) Preparatory career and technical education courses for students in grades nine through 12 offered in a high school; and

(c) Preparatory career and technical education courses for students in grades 11 and 12 offered through a skill center.

(10) In addition to the allocations otherwise provided under this section, amounts shall be provided to support the following programs and services:

(a)(i) To provide supplemental instruction and services for students who are not meeting academic standards through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the greater of either: The district percentage of students in kindergarten through grade

12 who were eligible for free or reduced-price meals for the school year immediately preceding the district's participation, in whole or part, in the United States department of agriculture's community eligibility provision, or the district percentage of students in grades K-12 who were eligible for free or reduced-price meals in the prior school year. The minimum allocation for the program shall, except as provided in (a)(iii) of this subsection, provide for each level of prototypical school resources to provide, on a statewide average, 2.3975 hours per week in extra instruction with a class size of 15 learning assistance program students per teacher.

(ii) In addition to funding allocated under (a)(i) of this subsection, to provide supplemental instruction and services for students who are not meeting academic standards in qualifying schools. A qualifying school, except as provided in (a)(iv) of this subsection, means a school in which the three-year rolling average of the prior year total annual average enrollment that qualifies for free or reduced-price meals equals or exceeds 50 percent or more of its total annual average enrollment. A school continues to meet the definition of a qualifying school if the school: Participates in the United States department of agriculture's community eligibility provision; and met the definition of a qualifying school in the year immediately preceding their participation. The minimum allocation for this additional high poverty-based allocation must provide for each level of prototypical school resources to provide, on a statewide average, 1.1 hours per week in extra instruction with a class size of 15 learning assistance program students per teacher, under RCW 28A.165.055, school districts must distribute the high poverty-based allocation to the schools that generated the funding allocation.

(iii) For the 2024-25 and 2025-26 school years, allocations under (a)(i) of this subsection for school districts providing meals at no charge to students under RCW 28A.235.135 that are not participating, in whole or in part, in the United States department of agriculture's community eligibility provision shall be based on the school district percentage of students in grades K-12 who were eligible for free or reduced-price meals in school years 2019-20 through 2022-23 or the prior school year, whichever is greatest.

(iv) For the 2024-25 and 2025-26 school years, a school providing meals at no charge to students under RCW 28A.235.135 that is not participating in the department of agriculture's community eligibility provision continues to meet the definition of a qualifying school under (a)(ii) of this subsection if the school met the definition during one year of the 2019-20 through 2022-23 school years, or in the prior school year.

(b)(i) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide resources to provide, on a statewide average, 4.7780 hours per week in extra instruction for students in grades kindergarten through six and 6.7780 hours per week in extra instruction for students in grades seven through 12, with 15 transitional bilingual instruction program students per teacher. Notwithstanding other provisions of this subsection (10), the actual per-student allocation may be scaled to provide a larger allocation for students needing more intensive intervention and a commensurate reduced allocation for students needing less intensive intervention, as detailed in the omnibus appropriations act.

(ii) To provide supplemental instruction and services for students who have exited the transitional bilingual program,

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

allocations shall be based on the head count number of students in each school who have exited the transitional bilingual program within the previous two years based on their performance on the English proficiency assessment and are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.040(1)(g). The minimum allocation for each prototypical school shall provide resources to provide, on a statewide average, 3.0 hours per week in extra instruction with 15 exited students per teacher.

(c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on 5.0 percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

(11) The allocations under subsections (4)(a), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (4) and (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 3. RCW 28A.400.007 and 2022 c 109 s 5 are each amended to read as follows:

(1) In addition to the staffing units in RCW 28A.150.260, the superintendent of public instruction must provide school districts with allocations for the following staff units if and to the extent that funding is specifically appropriated and designated for that

category of staffing unit in the omnibus operating appropriations act.

(a) Additional staffing units for each level of prototypical school in RCW 28A.150.260:

	Elementary School	Middle School	High School
Principals, assistant principals, and other certificated building-level administrators .....	0.0470	0.0470	0.0200
Teacher-librarians, a function that includes information literacy, technology, and media to support school library media programs .....	0.3370	0.4810	0.4770
<del>(Teaching assistance)</del> Paraeducators, including any aspect of educational instructional services provided by classified employees .....	<del>((1.0640))</del> <u>0.988</u>	<del>((0.3000))</del> <u>0.224</u>	<del>((0.3480))</del> <u>0.272</u>
Office support and other noninstructional aides ..	<del>((0.9880))</del> <u>0.912</u>	<del>((1.1750))</del> <u>1.099</u>	<del>((0.2310))</del> <u>0.155</u>
Custodians .....	0.0430	0.0580	0.0350
Classified staff providing student and staff safety	0.0000	0.6080	1.1590
Parent involvement coordinators .....	0.9175	1.0000	1.0000

(b) Additional certificated instructional staff units sufficient to achieve the following reductions in class size in each level of prototypical school under RCW 28A.150.260:

General education certificated instructional staff units sufficient to achieve class size reduction of:	
Grades K-3 class size .....	0.00
Grade 4 .....	2.00
Grades 5-6 .....	2.00
Grades 7-8 .....	3.53
Grades 9-12 .....	3.74
CTE .....	4.00
Skills .....	3.00

High poverty certificated instructional staff units sufficient to achieve class size reduction of:	
Grades K-3 class size .....	2.00
Grade 4 .....	5.00
Grades 5-6 .....	4.00
Grades 7-8 .....	5.53
Grades 9-12 .....	5.74

(2) The staffing units in subsection (1) of this section are an enrichment to and are beyond the state's statutory program of basic education in RCW 28A.150.220 and 28A.150.260. However, if and to the extent that any of these additional staffing units are funded by specific reference to this section in the omnibus operating appropriations act, those units become part of prototypical school funding formulas and a component of the state funding that the legislature deems necessary to support school districts in offering the statutory program of basic education under Article IX, section 1 of the state Constitution.

**NEW SECTION. Sec. 4.** The state must provide the full school year amount for paraeducators, including any aspect of educational instructional services provided by classified employees, and office support and other noninstructional aides provided in this act, for the 2023-24 school year. The first month's distribution of additional amounts provided under this act in the 2023-24 school year must be a proportion of the total annual additional amount provided in this act equal to the sum of the proportional shares under RCW 28A.510.250 from September 2023 to the first month's distribution. Staff units for nurses, social workers, psychologists, and counselors in this act, above those provided in section 5, chapter 379, Laws of 2023 may not be allocated until the 2024-25 school year.

**NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Stanford moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5882.

Senators Stanford and Hawkins spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Stanford that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5882.

The motion by Senator Stanford carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5882 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5882, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5882, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 5882, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 22, 2024

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5890 with the following amendment(s): 5890-S.E AMH SGOV H3308.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.60.165 and 2019 c 167 s 1 are each amended to read as follows:

(1) If the voter neglects to sign the ballot declaration, the auditor shall notify the voter by first-class mail and, if the auditor has a telephone number or email address on file for a voter, by telephone, text message, or email, and advise the voter both that their ballot is unsigned and of the correct procedures for completing the unsigned declaration. If the ballot is received within ~~((three))~~ five business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least ~~((three))~~ five business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information.

(2)(a) If the handwriting of the signature on a ballot declaration is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by first-class mail, and, if the auditor has a telephone number or email address on file for a voter, by telephone, text message, or email, enclosing a copy of the declaration if notified by first-class mail or email, and advise the voter both that the signature on the ballot declaration does not match the signature on file and of the correct procedures for updating his or her signature on the voter registration file. If the ballot is received within ~~((three))~~ five business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least ~~((three))~~ five business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, text message, or email, using the voter registration record information.

(b) If the signature on a ballot declaration is not the same as the signature on the registration file because the voter's name ~~((is different))~~ has changed, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on a ballot declaration is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(3) If the auditor calls a voter who neglected to sign the ballot declaration or whose signature on the ballot declaration does not match the signature in the registration file and the voter does not answer, but voice mail is available, the auditor shall leave a voice mail message.

(4) An auditor who provides electronic means for submission of a ballot declaration signature shall establish appropriate privacy and security protocols that ensure that the information transmitted is received directly and securely by the auditor and is only used for the stated purposes of verifying the signature on the voter's ballot.

(5) If a voter's ballot is rejected in two consecutive primary or general elections due to a mismatched signature, the auditor must contact the voter by telephone, text message, or email, if the auditor has a telephone number or email address on file for the voter, and request that the voter update their signature for the voter's registration file.

(6) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

~~((4))~~ (7) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter submitted updated information. The

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

record must be updated each day that ballots are processed under RCW 29A.60.160, each time a voter was contacted or the notice was mailed, and when the voter submitted updated information. The auditor shall send the record, and any updated records, to the secretary of state no later than forty-eight hours after the record is created or updated. The secretary of state shall make all records publicly available no later than twenty-four hours after receiving the record.

**NEW SECTION. Sec. 2.** A new section is added to chapter 29A.08 RCW to read as follows:

After certification of general, primary, and presidential primary election results, county auditors are encouraged to contact each registered voter to obtain an updated signature for the voter's registration file. Failure to respond to contact from the county auditor under this section shall not impact the voter's registration status. Any contact from a county auditor under this section must clearly state that the voter is not required to provide an updated signature and that providing an updated signature is not a requirement to vote in any future election.

**NEW SECTION. Sec. 3.** A new section is added to chapter 29A.60 RCW to read as follows:

(1) The secretary of state shall:

(a) Adopt and regularly review statewide standards for determining whether the voter's signature on the ballot declaration is the same as the signature of that voter in the county's registration files as required by RCW 29A.40.110(3);

(b) Adopt, publish, and regularly update a training manual, reviewed by appropriate experts, for the use of local election personnel in implementing the standards adopted under (a) of this subsection; and

(c) Design and implement tools intended to confirm compliance with these standards. These tools shall be available to county auditors for compliance, and may include comparisons, at random intervals, of whether rejections of signatures on ballot declarations for failure to match the voter's signature in the county's registration files comply with the standards adopted under (a) of this subsection.

(2) All training materials for canvassing review board members and election personnel on the statewide standards for signature verification established in this section must be open to the public for observation.

**NEW SECTION. Sec. 4.** A new section is added to chapter 29A.60 RCW to read as follows:

The secretary of state shall design forms for voters to use in completing incomplete ballot declarations and forms to be used by voters in updating a voter's signature in the county's registration files in the various languages required of state agencies. The forms must include the oath and warning language used on voter registration forms. Each county auditor shall provide these forms on the auditor's website and in the auditor's office.

**NEW SECTION. Sec. 5.** A new section is added to chapter 29A.60 RCW to read as follows:

(1) Each county auditor shall develop a community outreach plan to educate voters about signature verification requirements and the importance of ballot signatures matching signatures in voter registration files. The outreach plan shall include materials for publication on the county auditor's website and distribution in communities throughout the county that clearly explain signature verification requirements and the process of updating signatures in voter registration files or curing challenged ballots under RCW 29A.60.165. Materials prepared under the outreach plan should be written clearly and in plain language. Materials must be produced in English, Spanish, and any other language required by the federal voting rights act. Materials prepared as part of the

outreach plan should be informed by the data collected in the survey required by RCW 29A.60.300 and should target groups with higher rates of ballot rejection. The secretary of state may assist in preparation of materials for a county's outreach plan, including coordinating between multiple counties and providing information about statewide requirements.

(2) County auditors are encouraged to establish partnerships with trusted community organizations as part of the community outreach plan to maximize resources.

**Sec. 6.** RCW 29A.40.091 and 2021 c 10 s 3 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection((:

~~(a) For all general elections in 2020 and after;~~

~~(b) For all primary elections in 2021 and after; and~~

~~(c) For all elections in 2022 and after)).~~

(2)(a) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated for a federal or out-of-state felony conviction; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(b) By June 1, 2025, the declaration in (a) of this subsection must also clearly inform the voter that the signature on the declaration will be compared to the signature in the voter's registration file.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.

(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

**Sec. 7.** RCW 29A.40.091 and 2021 c 10 s 3 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security

envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection((-

- (a) ~~For all general elections in 2020 and after;~~
- (b) ~~For all primary elections in 2021 and after; and~~
- (c) ~~For all elections in 2022 and after).~~

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated for a federal or out-of-state felony conviction; ~~(and)~~ it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter; and that the signature on the declaration will be compared to the signature in the voter's registration file. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.

(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

**Sec. 8.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and 2011 c 10 s 41 are each reenacted and amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary

or election, or must be postmarked no later than the day of the primary or election. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. The county auditor shall publish on its website the names of all canvassing board members who received training on statewide standards for signature verification and the dates on which the training was completed. Personnel shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. A variation between the signature of the voter on the ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.

**Sec. 9.** RCW 29A.60.140 and 2008 c 308 s 1 are each amended to read as follows:

(1) Members of the county canvassing board are the county auditor, who is the chair, the county prosecuting attorney, and the chair of the county legislative body. If a member of the board is not available to carry out the duties of the board, then the auditor may designate a deputy auditor, the prosecutor may designate a deputy prosecuting attorney, and the chair of the county legislative body may designate another member of the county legislative body or, in a county with a population over one million, an employee of the legislative body who reports directly to the chair. An "employee of the legislative body" means an individual who serves in any of the following positions: Chief of staff; legal counsel; clerk of the council; policy staff director; and any successor positions to these positions should these original positions be changed. Any such designation may be made on an election-by-election basis or may be on a permanent basis until revoked by the designating authority. Any such designation must be in writing, and if for a specific election, must be filed with the county auditor not later than the day before the first day duties are to be undertaken by the canvassing board. If the designation is permanent until revoked by the designating authority, then the designation must be on file in the county auditor's office no later than the day before the first day the designee is to undertake the duties of the canvassing board. Members of the county canvassing board designated by the county auditor, county prosecuting attorney, or chair of the county legislative body shall complete training as provided in RCW 29A.04.540 and shall take an oath of office similar to that taken by county auditors and deputy auditors in the performance of their duties.

(2) The county canvassing board may adopt rules that delegate in writing to the county auditor or the county auditor's staff the performance of any task assigned by law to the canvassing board.

(3) The county canvassing board may not delegate the responsibility of certifying the returns of a primary or election, of determining the validity of challenged ballots, or of determining the validity of provisional ballots referred to the board by the county auditor.

(4) The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction.

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(5) Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. Meetings must be conducted at times and locations that are accessible to the public to ensure that the public is informed and able to attend or observe. The time and location of county canvassing board meetings must be published in accordance with chapter 42.30 RCW. All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW, and once adopted must be available to the public to review and copy under chapter 42.56 RCW.

**Sec. 10.** RCW 29A.08.210 and 2020 c 208 s 3 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

(1) The former address of the applicant if previously registered to vote;

(2) The applicant's full name;

(3) The applicant's date of birth;

(4) The address of the applicant's residence for voting purposes;

(5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;

(6) The sex of the applicant;

(7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if he or she does not have a Washington state driver's license or Washington state identification card;

(8) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;

(9) A check box allowing the applicant to acknowledge that he or she is at least sixteen years old;

(10) Clear and conspicuous language, designed to draw the applicant's attention, stating that:

(a) The applicant must be a United States citizen in order to register to vote; and

(b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;

(11) A check box and declaration confirming that the applicant is a citizen of the United States;

(12) The following warning:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

(13) The oath required by RCW 29A.08.230 and a space for the applicant's signatures. The secretary of state is encouraged to provide applications for voter registration with multiple signature blocks to assist in comparing signatures on ballot declarations; and

(14) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

**Sec. 11.** RCW 29A.08.210 and 2023 c 466 s 6 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning the applicant's qualifications as a voter in this state:

(1) The applicant's full name;

(2) The applicant's date of birth;

(3) The address of the applicant's residence for voting purposes;

(4) The mailing address of the applicant if that address is not the same as the address in subsection (3) of this section;

(5) The gender of the applicant;

(6) The former address of the applicant if previously registered to vote;

(7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if the applicant does not have a Washington state driver's license or Washington state identification card;

(8) A check box allowing the applicant to indicate membership in the armed forces, national guard, or reserves, or overseas voter status;

(9) Clear and conspicuous language, designed to draw the applicant's attention, stating that:

(a) The applicant must be a United States citizen in order to register to vote; and

(b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;

(10) A check box and declaration confirming that the applicant is a citizen of the United States;

(11) The following warning:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

(12) The oath required by RCW 29A.08.230 and a space for the applicant's signatures. The secretary of state is encouraged to provide applications for voter registration with multiple signature blocks to assist in comparing signatures on ballot declarations; and

(13) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

NEW SECTION. **Sec. 12.** A new section is added to chapter 29A.60 RCW to read as follows:

(1) A work group is established to approve a uniform ballot envelope design to be used by all counties in each election beginning with the 2026 primary election.

(2) The work group must be chaired by the secretary of state, or the secretary's designee, and include at a minimum the following members, appointed by the secretary of state:

(a) Two county auditors or their designees, with one auditor residing in western Washington and one auditor residing in eastern Washington;

(b) A representative from the University of Washington Evans school of public policy and governance;

(c) A representative from a nonprofit educational research organization with expertise in designing voting materials; and

(d) Other recognized experts and staff as deemed necessary by the work group's chair.

(3) This section expires January 1, 2027.

NEW SECTION. **Sec. 13.** Section 6 of this act expires June 1, 2025.

NEW SECTION. **Sec. 14.** Section 7 of this act takes effect June 1, 2025.

NEW SECTION. **Sec. 15.** Section 10 of this act expires July 15, 2024.

NEW SECTION. **Sec. 16.** Section 11 of this act takes effect July 15, 2024."

Correct the title.

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

#### MOTION

Senator Valdez moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5890.

Senator Valdez spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Valdez that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5890.

The motion by Senator Valdez carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5890 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5890, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5890, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5890, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 27, 2024

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5891 with the following amendment(s): 5891-S.E AMH CSJR H3374.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known and cited as the Richard Lenhart act.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.52 RCW to read as follows:

(1) A person is guilty of school bus trespass if he or she knowingly and maliciously:

(a) Enters or remains unlawfully in a school bus;  
(b) Does any other act that creates a substantial risk of harm to passengers or the driver; and

(c) Causes a substantial interruption or impairment to services

rendered by the school bus.

(2) As used in this section, "school bus" means any vehicle owned, leased, or operated by a public school district, a religious or private school, a private entity contracted with a school district, or educational institution for the purpose of transporting students to and from school or school-related activities.

(3) School bus trespass is a gross misdemeanor.

(4) Subsection (1) of this section shall not apply to any of the following:

(a) Students enrolled in the school which is being serviced by the school bus;

(b) Law enforcement officers or other authorized personnel engaged in the performance of their official duties;

(c) Individuals with written consent from the school district or educational institution allowing them to enter or remain on the school bus; and

(d) Emergency situations where entering the bus is necessary to protect the safety or well-being of students or others.

(5) Local law enforcement agencies shall have the authority to enforce the provisions of this act. School districts and educational institutions shall collaborate with local law enforcement to establish protocols and procedures to ensure effective enforcement of this act.

(6) School districts and educational institutions shall implement educational programs and awareness campaigns to educate students, parents, and the community about the importance of maintaining safety and security on school buses. These educational programs shall emphasize the potential consequences of school bus trespassing in accordance with this act.

(7) Subject to the availability of funds appropriated for this specific purpose, school districts and educational institutions shall affix placards warning of the consequences of violating subsection (1) of this section on the outside of all public school buses in a manner easily visible for all to see.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Boehnke moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5891.

Senator Boehnke spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Boehnke that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5891.

The motion by Senator Boehnke carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5891 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5891, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5891, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays,



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5891, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed SENATE BILL NO. 5904 with the following amendment(s): 5904 AMH ENGR H3448.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.92.200 and 2022 c 214 s 5 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 RCW 28B.92.225;
  - (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)) six years or ((one hundred twenty-five)) 150 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.

Sec. 2. RCW 28B.118.010 and 2023 c 174 s 2 are each amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the Washington college grant program in chapter 28B.92 RCW unless otherwise provided in this section. The right of an eligible student to receive a college bound scholarship vest upon enrollment in the program that is earned by meeting the requirements of this section as it exists at the time of the student's enrollment under subsection (2) of this section.

- (1) "Eligible students" are those students who:
  - (a) Qualify for free or reduced-price lunches.
    - (i) If a student qualifies in the seventh or eighth grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter.
    - (ii) Beginning in the 2019-20 academic year, if a student qualifies for free or reduced-price lunches in the ninth grade and was previously ineligible during the seventh or eighth grade while he or she was a student in Washington, the student is eligible for the college bound scholarship program;
    - (b) Are dependent pursuant to chapter 13.34 RCW and:
      - (i) In grade seven through 12; or
      - (ii) Are between the ages of 18 and 21 and have not graduated from high school; or
      - (c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of 14 and 18 with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW

74.13A.025.

(2)(a) Every eligible student shall be automatically enrolled by the office of student financial assistance, with no action necessary by the student, student's family, or student's guardians.

(b) Eligible students and the students' parents or guardians shall be notified of the student's enrollment in the Washington college bound scholarship program and the requirements for award of the scholarship by the office of student financial assistance. To the maximum extent practicable, an eligible student must acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship.

(c) The office of the superintendent of public instruction and the department of children, youth, and families must provide the office of student financial assistance with a list of eligible students when requested. The office of student financial assistance must determine the most effective methods, including timing and frequency, to notify eligible students of enrollment in the Washington college bound scholarship program. The office of student financial assistance must take reasonable steps to ensure that eligible students acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship. The office of student financial assistance shall also make available to every school district information, brochures, and posters to increase awareness and to enable school districts to notify eligible students directly or through school teachers, counselors, or school activities.

(3) Except as provided in subsection (4) of this section, an eligible student must:

(a)(i) Graduate from a public high school under RCW 28A.150.010, an approved private high school under chapter 28A.195 RCW in Washington, or have received home-based instruction under chapter 28A.200 RCW; and

(ii) For eligible students enrolling in a postsecondary educational institution for the first time beginning with the 2023-24 academic year, graduate with at least a "C" average for consideration of direct admission to a public or private four-year institution of higher education;

(b) Have no felony convictions;

(c) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e); and

(d) Have a family income that does not exceed 65 percent of the state median family income at the time of high school graduation.

(4)(a) An eligible student who is a resident student under RCW 28B.15.012(2)(e) must also provide the institution, as defined in RCW 28B.15.012, an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

(b) For eligible students as defined in subsection (1)(b) and (c) of this section, a student may also meet the requirement in subsection (3)(a) of this section by receiving a high school equivalency certificate as provided in RCW 28B.50.536.

(5)(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in

Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(6) Eligible students must enroll no later than the fall term, as defined by the institution of higher education, one academic year following high school graduation. ((Eligible students may receive no more than four full-time years' worth of scholarship awards within a five-year period)) College bound scholarship eligibility may not extend beyond six years or 150 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(8) The first scholarships shall be awarded to students graduating in 2012.

(9) The eligible student has a property right in the award, but the state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(10) ((The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(11))) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

**Sec. 3.** RCW 28B.118.005 and 2007 c 405 s 1 are each amended to read as follows:

The legislature intends to inspire and encourage all Washington students to dream big by creating a guaranteed ((four-year)) tuition scholarship program for students from low-income families who enroll within one year of high school graduation. The legislature finds that, too often, financial barriers prevent many of the brightest students from considering college as a future possibility. Often the cost of tuition coupled with the complexity of finding and applying for financial aid is enough to prevent a student from even applying to college. Many students become disconnected from the education system early on and may give up or drop out before graduation. It is the intent of the legislature to alert students early in their educational career to the options and opportunities available beyond high school.

**Sec. 4.** RCW 28B.117.030 and 2019 c 470 s 23 are each amended to read as follows:

(1) The office shall design and, to the extent funds are appropriated for this purpose, implement, passport to careers with two programmatic pathways: The passport to college promise program and the passport to apprenticeship opportunities program. Both programs offer supplemental scholarship and student assistance for students who were under the care of the state foster care system, tribal foster care system, or federal foster care system, and verified unaccompanied youth or young adults who have experienced homelessness.

(2) The office shall convene and consult with an advisory committee to assist with program design and implementation. The committee shall include but not be limited to former foster care

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

and unaccompanied homeless youth and their advocates; representatives from the state board for community and technical colleges, public and private agencies that assist current and former foster care recipients and unaccompanied youth or young adults experiencing homelessness in their transition to adulthood; student support specialists from public and private colleges and universities; the state workforce training and education coordinating board; the employment security department; and the state apprenticeship council.

(3) To the extent that sufficient funds have been appropriated for this purpose, a student is eligible for assistance under this section if he or she:

(a)(i) Was in the care of the state foster care system, tribal foster care system, or federal foster care system in Washington state at any time before age twenty-one subsequent to the following:

- (A) Age fifteen as of July 1, 2018;
- (B) Age fourteen as of July 1, 2019; and
- (C) Age thirteen as of July 1, 2020; or

(ii) Beginning July 1, 2019, was verified on or after July 1st of the prior academic year as an unaccompanied youth experiencing homelessness, before age twenty-one;

(b) Is a resident student, as defined in RCW 28B.15.012(2), or if unable to establish residency because of homelessness or placement in out-of-state foster care under the interstate compact for the placement of children, has residency determined through verification by the office;

(c) Is enrolled with or will enroll on at least a half-time basis with an institution of higher education or a registered apprenticeship or recognized preapprenticeship in Washington state by the age of twenty-one;

(d) Is making satisfactory academic progress toward the completion of a degree, certificate program, or registered apprenticeship or recognized preapprenticeship, if receiving supplemental scholarship assistance;

- (e) Has not earned a bachelor's or professional degree; and
- (f) Is not pursuing a degree in theology.

(4) The office shall define a process for verifying unaccompanied homeless status for determining eligibility under subsection (3)(a)(ii) of this section. The office may use a letter from the following persons or entities to provide verification: A high school or school district McKinney-Vento liaison; the director or designated staff member of an emergency shelter, transitional housing program, or homeless youth drop-in center; or other similar professional case manager or school employee. Students who have no formal connection with such a professional may also submit to the office an essay that describes their experience with homelessness and the barriers it created to their academic progress. The office may consider this essay in lieu of a letter of homelessness determination and may interview the student if further information is needed to verify eligibility.

(5) A passport to college promise program is created.

(a) A passport to college promise scholarship under this section:

(i) Shall not exceed resident undergraduate tuition and fees at the highest-priced public institution of higher education in the state; and

(ii) Shall not exceed the student's financial need, when combined with all other public and private grant, scholarship, and waiver assistance the student receives.

(b) ((An eligible student may receive a passport)) Passport to college promise scholarship ((under this section for a maximum of five years after the student first enrolls with an institution of higher education or until the student turns age twenty-six, whichever occurs first. If a student turns age twenty-six during an academic year, and would otherwise be eligible for a scholarship

under this section, the student shall continue to be eligible for a scholarship for the remainder of the academic year)) eligibility may not extend beyond six years or 150 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(c) The office, in consultation with and with assistance from the state board for community and technical colleges, shall perform an annual analysis to verify that those institutions of higher education at which students have received a scholarship under this section have awarded the student all available need-based and merit-based grant and scholarship aid for which the student qualifies.

(d) In designing and implementing the passport to college promise student support program under this section, the office, in consultation with and with assistance from the state board for community and technical colleges, shall ensure that a participating college or university:

(i) Has a viable plan for identifying students eligible for assistance under this section, for tracking and enhancing their academic progress, for addressing their unique needs for assistance during school vacations and academic interims, and for linking them to appropriate sources of assistance in their transition to adulthood;

(ii) Receives financial and other incentives for achieving measurable progress in the recruitment, retention, and graduation of eligible students.

(e) To the extent funds are appropriated for this specific purpose, the office shall contract with at least one nongovernmental entity to provide services to support effective program implementation, resulting in increased postsecondary completion rates for passport scholars.

(6) The passport to apprenticeship opportunities program is created. The office shall:

(a) Identify students and applicants who are eligible for services under RCW 28B.117.030 through coordination of certain agencies as detailed in RCW 28B.117.040;

(b) Provide financial assistance through the nongovernmental entity or entities in RCW 28B.117.055 for registered apprenticeship and recognized preapprenticeship entrance requirements and occupational-specific costs that does not exceed the individual's financial need; and

(c) Extend financial assistance to any eligible applicant for ((a maximum of)) six years ((after first enrolling with a registered apprenticeship or recognized preapprenticeship, or until the applicant turns twenty-six, whichever occurs first)) or 150 percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Recipients may utilize passport to college promise or passport to apprenticeship opportunities at different times, but not concurrently. The total award an individual may receive in any combination of the programs shall not exceed the equivalent amount that would have been awarded for the individual to attend a public university for ((five)) six years with the highest annual tuition and state-mandated fees in the state.

(8) Personally identifiable information shared pursuant to this section retains its confidentiality and may not be further disclosed except as allowed under state and federal law.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 6. The education research and data center shall report to the legislature by December 1, 2024, and each year thereafter, on the impacts of this act on degree completion outcomes, including any increase in the number of

students utilizing the extended eligibility provided under this act."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Nobles moved that the Senate concur in the House amendment(s) to Senate Bill No. 5904.

Senators Nobles and Holy spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Nobles that the Senate concur in the House amendment(s) to Senate Bill No. 5904.

The motion by Senator Nobles carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5904 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5904, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5904, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, MacEwen, McCune, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SENATE BILL NO. 5904, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 28, 2024

MR. PRESIDENT:

The House passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5908 with the following amendment(s): 5908-S2.E AMH HSEL H3313.2

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that the extended foster care program strives to help hundreds of young Washingtonians in foster care prepare for adulthood and to prevent them from experiencing homelessness.

The legislature finds that extended foster care can reduce homelessness, receipt of public assistance, use of medical emergency departments, diagnosis of substance abuse and treatment, criminal convictions, and involvement of children in the child welfare system. An analysis from the department of social and health services found that, at age 18, 41 percent of youth exiting the foster care system experienced homelessness or housing instability compared to 23 percent of youth in extended foster care.

The legislature finds that the Washington state institute for

public policy's benefit-cost analysis found that the extended foster care program produces \$3.95 of lifetime benefits for each \$1 invested. Furthermore, of the total benefits, 40 percent represents savings and revenue that would accrue to state, local, and federal governments.

However, the legislature recognizes that young people in foster care still experience barriers to accessing the program: In 2022, 27 percent of young people leaving foster care did not participate in extended foster care. The legislature intends to improve outcomes for youth in the foster care system by improving access to the foster care program.

Therefore, the legislature resolves to reduce barriers that young people currently experience when seeking to participate in extended foster care and to make the transition from foster care to extended foster care as seamless as possible, such that all dependent youth are aware of the program when they turn 18 and all youth who want to participate are able to participate.

**Sec. 2.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are each reenacted and amended to read as follows:

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

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

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

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

(b) Any individual age (~~(eighteen)~~) 18 to (~~(twenty-one)~~) 21 years who is eligible to receive and who elects to receive the extended foster care services authorized under RCW 74.13.031. A youth who remains dependent and who receives extended foster care services under RCW 74.13.031 shall not be considered a "child" under any other statute or for any other purpose.

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

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

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

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

(a) Has been abandoned;

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

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

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

(7) "Developmental disability" means a disability attributable to intellectual disability, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary of the department of social and health services to be

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

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

(9) "Experiencing homelessness" means lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

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

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

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

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

(14) "Guardianship" means a guardianship pursuant to chapter 13.36 RCW or a limited guardianship of a minor pursuant to RCW 11.130.215 or equivalent laws of another state or a federally recognized Indian tribe.

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

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

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

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

(c) Receiving an annual income, after taxes, of ~~((one hundred twenty five))~~ 125 percent or less of the federally established poverty level; or

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

(17) "Nonminor dependent" means any individual age ~~((eighteen))~~ 18 to ~~((twenty one))~~ 21 years who is participating in extended foster care services authorized under RCW 74.13.031.

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

(19) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26A.100, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(20) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(21) "Prevention services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child. Prevention services include, but are not limited to, prevention and family services and programs as defined in this section.

(22) "Qualified residential treatment program" means a program that meets the requirements provided in RCW 13.34.420, qualifies for funding under the family first prevention services act under 42 U.S.C. Sec. 672(k), and, if located within Washington state, is licensed as a group care facility under chapter 74.15 RCW.

(23) "Relative" includes persons related to a child in the following ways:

(a) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(b) Stepfather, stepmother, stepbrother, and stepsister;

(c) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(d) Spouses of any persons named in (a), (b), or (c) of this subsection, even after the marriage is terminated;

(e) Relatives, as named in (a), (b), (c), or (d) of this subsection, of any half sibling of the child; or

(f) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of ~~((eighteen))~~ 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a ~~((twenty four))~~ 24 hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

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

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

(26) "Social study" means a written evaluation of matters relevant to the disposition of the case that contains the information required by RCW 13.34.430.

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

(28) "Supervised independent living subsidy" has the same meaning as in RCW 74.13.020.

~~(29) "Voluntary placement agreement" ((means)) has, for the purposes of extended foster care services, ((a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program))~~ the same meaning as in RCW 74.13.336.

**Sec. 3.** RCW 13.34.267 and 2021 c 210 s 10 are each amended to read as follows:

(1) In order to facilitate the delivery of extended foster care services, the court, upon the agreement of the youth to participate in the extended foster care program, shall maintain the dependency proceeding for any youth who is dependent at the age of ~~((eighteen))~~ 18 years ((and who, at the time of his or her eighteenth birthday,)) until the youth turns 21 or withdraws their agreement to participate.

(2) For the purposes of pursuing federal reimbursement only, the department may request judicial findings that a youth is:

(a) Enrolled in a secondary education program or a secondary education equivalency program;

(b) Enrolled and participating in a postsecondary academic or postsecondary vocational program, or has applied for and can demonstrate that he or she intends to timely enroll in a postsecondary academic or postsecondary vocational program;

(c) Participating in a program or activity designed to promote employment or remove barriers to employment;

(d) Engaged in employment for ~~((eighty))~~ 80 hours or more per month; or

(e) Not able to engage in any of the activities described in (a) through (d) of this subsection due to a documented medical condition.

~~((2-1f))~~ (3) When the court maintains the dependency proceeding of a youth pursuant to subsection (1) of this section, the youth is eligible to receive extended foster care services pursuant to RCW 74.13.031, subject to the youth's continuing ~~((eligibility and))~~ agreement to participate.

~~((3))~~ (4) A dependent youth receiving extended foster care services is a party to the dependency proceeding. The youth's parent or guardian must be dismissed from the dependency proceeding when the youth reaches the age of ~~((eighteen))~~ 18.

~~((4))~~ (5) The court shall dismiss the dependency proceeding for any youth who is a dependent and who, at the age of ~~((eighteen))~~ 18 years, ~~((does not meet any of the criteria described in subsection (1)(a) through (e) of this section or))~~ does not agree to participate in the program.

~~((5))~~ (6) The court shall order a youth participating in extended foster care services to be under the placement and care authority of the department, subject to the youth's continuing agreement to participate in extended foster care services. The department may establish foster care rates appropriate to the

needs of the youth participating in extended foster care services. The department's placement and care authority over a youth receiving extended foster care services is solely for the purpose of providing services and does not create a legal responsibility for the actions of the youth receiving extended foster care services.

~~((6(a) The))~~ (7)(a) If a youth does not already have counsel, the court shall appoint counsel to represent a youth, as defined in RCW 13.34.030(2)(b), in dependency proceedings under this section. Subject to amounts appropriated, the state shall pay the costs of legal services provided by an attorney appointed pursuant to this subsection based on the phase-in schedule outlined in RCW 13.34.212, provided that the legal services are provided in accordance with the rules of professional conduct, the standards of practice, caseload limits, and training guidelines adopted by the children's representation work group established in section 9, chapter 210, Laws of 2021.

(b) In cases where the statewide children's legal representation program provides funding and where consistent with its administration and oversight responsibilities, the statewide children's legal representation program should prioritize continuity of counsel for children who are already represented at county expense when the statewide children's legal representation program becomes effective in a county. The statewide children's legal representation program shall coordinate with relevant county stakeholders to determine how best to prioritize continuity of counsel.

~~((7))~~ (8) The case plan for and delivery of services to a youth receiving extended foster care services is subject to the review requirements set forth in RCW 13.34.138 and 13.34.145, and should be applied in a developmentally appropriate manner, as they relate to youth age ~~((eighteen))~~ 18 to ~~((twenty-one))~~ 21 years. Additionally, the court shall consider:

(a) Whether the youth is safe in his or her placement;

(b) ~~((Whether the youth continues to be eligible for extended foster care services;~~

~~((e)))~~ Whether the current placement is developmentally appropriate for the youth;

~~((d))~~ (c) The youth's development of independent living skills; and

~~((e))~~ (d) The youth's overall progress toward transitioning to full independence and the projected date for achieving such transition.

~~((8))~~ (9) Prior to the review hearing, the youth's attorney shall indicate whether there are any contested issues and may provide additional information necessary for the court's review.

**Sec. 4.** RCW 74.13.020 and 2020 c 270 s 4 are each reenacted and amended to read as follows:

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

(1) "Case management" means convening family meetings, developing, revising, and monitoring implementation of any case plan or individual service and safety plan, coordinating and monitoring services needed by the child and family, caseworker-child visits, family visits, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Certificate of parental improvement" means a certificate issued under RCW 74.13.720 to an individual who has a founded finding of physical abuse or negligent treatment or maltreatment, or a court finding that the individual's child was dependent as a result of a finding that the individual abused or neglected their child pursuant to RCW 13.34.030(6)(b).

(3) "Child" means:

(a) A person less than eighteen years of age; or

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(b) A person age eighteen to twenty-one years who is eligible to receive the extended foster care services authorized under RCW 74.13.031.

(4) "Child protective services" has the same meaning as in RCW 26.44.020.

(5) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(6) "Child who is a candidate for foster care" means a child who the department identifies as being at imminent risk of entering foster care but who can remain safely in the child's home or in a kinship placement as long as services or programs that are necessary to prevent entry of the child into foster care are provided, and includes but is not limited to a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement. The term includes a child for whom there is reasonable cause to believe that any of the following circumstances exist:

(a) The child has been abandoned by the parent as defined in RCW 13.34.030 and the child's health, safety, and welfare is seriously endangered as a result;

(b) The child has been abused or neglected as defined in chapter 26.44 RCW and the child's health, safety, and welfare is seriously endangered as a result;

(c) There is no parent capable of meeting the child's needs such that the child is in circumstances that constitute a serious danger to the child's development;

(d) The child is otherwise at imminent risk of harm.

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

(8) "Extended foster care services" means residential and other support services the department is authorized to provide to dependent children. These services include, but are not limited to, placement in licensed, relative, or otherwise approved care, or supervised independent living settings; assistance in meeting basic needs; independent living services; medical assistance; supervised independent living subsidy; and counseling or treatment.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Medical condition" means, for the purposes of qualifying for extended foster care services, a physical or mental health

condition as documented by any licensed health care provider regulated by a disciplining authority under RCW 18.130.040.

(11) "Nonminor dependent" means any individual age ~~((eighteen))~~ 18 to ~~((twenty-one))~~ 21 years who is participating in extended foster care services authorized under RCW 74.13.031.

(12) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(13) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(14) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(15) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(16) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(17) "Secretary" means the secretary of the department.

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

(19) "Supervised independent living subsidy" means a foster care maintenance payment.

(20) "Unsupervised" has the same meaning as in RCW 43.43.830.

~~((20))~~ (21) "Voluntary placement agreement" ~~((means))~~ has, for the purposes of extended foster care services, ~~((a written voluntary agreement between a nonminor dependent who agrees to submit to the care and authority of the department for the purposes of participating in the extended foster care program))~~ the same meaning as in RCW 74.13.336.

**Sec. 5.** RCW 74.13.031 and 2023 c 221 s 3 are each amended to read as follows:

(1) The department shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, children with disabilities or behavioral health conditions, teens,

pregnant and parenting teens, and the department shall annually provide data and information to the governor and the legislature concerning the department's success in: (a) Placing children with relatives; (b) providing supports to kinship caregivers including guardianship assistance payments; (c) supporting relatives to pass home studies and become licensed caregivers; and (d) meeting the need for nonrelative family foster homes when children cannot be placed with relatives.

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) As provided in RCW 26.44.030, the department may respond to a report of child abuse or neglect by using the family assessment response.

(5) The department shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(6) The department shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department is encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(7) The department shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(8) The department may accept custody of children from parents through a voluntary placement agreement to provide child welfare services. The department may place children with a relative, a suitable person, or a licensed foster home under a voluntary placement agreement. In seeking a placement for a

voluntary placement agreement, the department should consider the preferences of the parents and attempt to place with relatives or suitable persons over licensed foster care.

(9) The department shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(10) The department shall have authority to purchase care for children.

(11) The department shall establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(12)(a) The department shall provide continued extended foster care services to ~~((nonminor dependents))~~ eligible youth who ~~((are))~~ request extended foster care. The department shall develop policies and procedures to ensure that dependent youth aged 15 and older are informed of the extended foster care program.

(b) The department shall pursue federal reimbursement, where appropriate, when a youth is:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in ~~((a))~~ (b)(i) through (iv) of this subsection due to a documented medical condition.

~~((b))~~ (c) To be eligible for extended foster care services, the ((nonminor dependent)) youth must have been dependent at the time that he or she reached age ((eighteen)) 18 years. If the dependency case of the ((nonminor dependent)) youth was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A ((nonminor dependent)) youth whose dependency case was dismissed by the court may request extended foster care services before reaching age ((twenty one)) 21 years. Eligible ((nonminor dependents)) youths may unenroll and reenroll in extended foster care through a voluntary placement agreement an unlimited number of times between ages ((eighteen)) 18 and ((twenty one)) 21.

~~((e))~~ (d) The department shall ((develop and implement rules regarding youth eligibility requirements)) not create additional eligibility requirements for extended foster care. The department shall develop and implement rules and policies designed to provide age-appropriate social work support for youth in extended foster care through a codesign process that includes those with lived experience in the foster care system.

~~((d))~~ (e) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

~~((e))~~ (f) The department shall allow ~~((a))~~ eligible youth ~~((who has received extended foster care services, but lost his or her eligibility))~~ to reenter the extended foster care program an unlimited number of times through a voluntary placement agreement ~~((when he or she meets the eligibility criteria again))~~.

(g) A youth enrolled in extended foster care may elect to receive a licensed foster care placement or may live independently. A youth who is not in a licensed foster care placement is eligible for a monthly supervised independent living subsidy effective the date the youth signs the voluntary placement agreement, agrees to dependency, or informs their social worker that they are living independently, whichever occurs first.

(h) The department shall pursue federal reimbursement, where appropriate, when a youth is residing in an approved supervised independent living setting. If the youth is not residing in an approved supervised independent living setting, the department is to work with the youth to help identify an appropriate living arrangement until the youth is living in a safe location approved by the department or the court. During this time, the department shall continue to pay the monthly supervised independent living subsidy.

(13) The department shall have authority to provide adoption support benefits on behalf of youth ages 18 to 21 years who achieved permanency through adoption at age 16 or older and who meet the criteria described in subsection (12)~~(b)(i)~~ through (v) of this section.

(14) The department shall have the authority to provide guardianship subsidies on behalf of youth ages 18 to 21 who achieved permanency through guardianship and who meet the criteria described in subsection (12)~~(b)(i)~~ through (v) of this section.

(15) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age ~~((eighteen))~~ 18 through ~~((twenty))~~ 20 shall not be referred to the division of child support unless required by federal law.

(16) The department shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections (4), (7), and (9) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(17) The department may, within funds appropriated for guardianship subsidies, provide subsidies for eligible guardians who are appointed as guardian of an Indian child by the tribal court of a federally recognized tribe located in Washington state, as defined in RCW 13.38.040. The provision of subsidies shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department provides

subsidies. To be eligible, the guardian must either be certified by a department-licensed child-placing agency or licensed by a federally recognized tribe located in Washington state that is a Title IV-E agency, as defined in 45 C.F.R. 1355.20.

(18) Within amounts appropriated for this specific purpose, the department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(19) The department shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-three years of age, who are or have been in the department's care and custody, or who are or were nonminor dependents.

(20) The department shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(21)(a) The department shall, within current funding levels, place on its public website a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

(22)(a) The department shall have the authority to purchase legal representation for parents or kinship caregivers, or both, of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan under RCW 13.34.155 or chapter 26.09, 26.26A, or 26.26B RCW or secure orders establishing other relevant civil legal relationships authorized by law, when it is necessary for the child's safety, permanence, or well-being. The department's purchase of legal representation for kinship caregivers must be within the department's appropriations. This subsection does not create an entitlement to legal representation purchased by the department and does not create judicial authority to order the department to purchase legal representation for a parent or kinship caregiver. Such determinations are solely within the department's discretion. The term "kinship caregiver" as used in this section means a caregiver who meets the definition of "kin" in RCW 74.13.600(1), unless the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903. For an Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903, the term "kinship caregiver" as used in this section means a caregiver who is an "extended family member" as defined in RCW 13.38.040(8).

(b) The department is encouraged to work with the office of public defense parent representation program and the office of civil legal aid to develop a cost-effective system for providing effective civil legal representation for parents and kinship caregivers if it exercises its authority under this subsection.

**Sec. 6.** RCW 74.13.336 and 2018 c 34 s 4 are each amended to read as follows:

(1) A youth who has reached age ~~((eighteen))~~ 18 years may request extended foster care services authorized under RCW 74.13.031 at any time before he or she reaches the age of ~~((twenty-one))~~ 21 years if:

(a) The dependency proceeding of the youth was dismissed pursuant to RCW 13.34.267~~((4))~~ (5) at the time that he or she reached age ~~((eighteen))~~ 18 years; or

(b) The court, after holding the dependency case open pursuant to RCW 13.34.267(1), has dismissed the case because the youth became ineligible for extended foster care services.

(2)(a) Upon a request for extended foster care services by a youth pursuant to subsection (1) of this section, a determination that the youth is eligible for extended foster care services, and the completion of a voluntary placement agreement, the department shall provide extended foster care services to the youth.

(b) In order to continue receiving extended foster care services after entering into a voluntary placement agreement with the department, the youth must agree to the entry of an order of dependency within ~~((one hundred eighty))~~ 180 days of the date that the youth is placed in extended foster care pursuant to a voluntary placement agreement.

(3) A youth may enter into a voluntary placement agreement for extended foster care services. A youth ~~((may transition among the eligibility categories identified in RCW 74.13.031 while under the same voluntary placement agreement, provided that the youth remains eligible for extended foster care services during the transition))~~ becomes eligible for extended foster care services as of the date the youth either signs an extended foster care agreement or voluntary placement agreement or turns 18, whichever occurs later. A youth may sign a voluntary placement agreement or an extended foster care agreement anytime within six months of the youth's 18th birthday, in which case the agreement will take effect on the youth's 18th birthday. A youth may sign a voluntary placement agreement or agreement to participate in extended foster care at any time after turning 18. The youth may withdraw his or her consent to participate, at any time, including prior to their 18th birthday. A voluntary placement agreement may be signed by a dependent child or eligible youth over the age of 18 electronically.

(4) A youth who is not in a licensed foster care placement upon signing an extended foster care agreement or voluntary placement agreement, and who has turned 18 years old, shall receive their first supervised independent living subsidy within one month.

~~((4))~~ (5) The department shall develop a program to make incentive payments to youth in extended foster care who participate in qualifying activities described in RCW 74.13.031(12)(b) (i) through (v). This program design must include stakeholder engagement from impacted communities. Subject to appropriations for this specific purpose, the department shall make incentive payments to qualifying youth in addition to the supervised independent living subsidy, beginning by July 1, 2025.

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

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Wilson, C. moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5908.

Senators Wilson, C. and Boehnke spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, C. that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5908.

The motion by Senator Wilson, C. carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5908 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5908, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5908, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Gildon, Hansen, Hasegawa, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Lias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Hawkins, MacEwen, McCune, Padden, Short, Wagoner and Wilson, L.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5908, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5953 with the following amendment(s): 5953-S AMH PEW H3395.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.09.460 and 2021 c 200 s 4 are each amended to read as follows:

(1) Recognizing that there is a positive correlation between education opportunities and reduced recidivism, it is the intent of the legislature to offer appropriate postsecondary degree or certificate opportunities to incarcerated individuals.

(2) The legislature intends that all incarcerated individuals be required to participate in department-approved education programs, work programs, or both, unless exempted as specifically provided in this section. Eligible incarcerated individuals who refuse to participate in available education or work programs available at no charge to the incarcerated individuals shall lose privileges according to the system established under RCW 72.09.130. Eligible incarcerated individuals who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

result in a loss of privileges.

(3) The legislature recognizes more incarcerated individuals may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing incarcerated individuals in available and appropriate education and work programs.

(4)(a) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for incarcerated individuals in the order listed:

(i) Achievement of basic academic skills through obtaining a high school diploma or a high school equivalency certificate as provided in RCW 28B.50.536, including achievement by those incarcerated individuals eligible for special education services pursuant to state or federal law;

(ii) Achievement of vocational skills necessary for purposes of work programs and for an incarcerated individual to qualify for work upon release;

(iii) Additional work and education programs necessary for compliance with an incarcerated individual's individual reentry plan under RCW 72.09.270, including special education services and postsecondary degree or certificate education programs; and

(iv) Other appropriate vocational, work, or education programs that are not necessary for compliance with an incarcerated individual's individual reentry plan under RCW 72.09.270 including postsecondary degree or certificate education programs.

(b)(i) If programming is provided pursuant to (a)(i) through (iii) of this subsection, the department shall pay the cost of such programming, including but not limited to books, materials, and supplies for adult basic education programs and any postsecondary education program that is not financial aid eligible at the time the individual is enrolled or paid for by the department or third party.

(ii) For financial aid eligible postsecondary programming provided pursuant to (a)(i) through (iii) of this subsection, the department may require the individual to apply for any federal and state financial aid grants available to the individual as a condition of participation in such programming. The individual may elect to use available financial aid grants, self-pay, or any other available third-party funding, or use a combination of these methods to cover the cost of attendance for financial aid eligible postsecondary programming provided under this subsection (4)(b)(ii). If an individual elects to self-pay or utilize third-party funding, the individual is not subject to the postaward formula described in (c) of this subsection. If the cost of attendance exceeds any financial grant awards that may be available to the individual, or the person is not eligible for federal or state financial aid grants, the department shall pay the cost of attendance not otherwise covered by third-party funding. All regulations and requirements set forth by the United States department of education for federal pell grants for prison education programs apply to financial aid eligible postsecondary programming.

(c) If programming is provided pursuant to (a)(iv) of this subsection, incarcerated individuals shall be required to pay all or a portion of the costs, including books, fees, and tuition, for participation in any vocational, work, or education program as provided in department policies. The individual may apply for and utilize federal and state financial aid grants available to the individual. If the individual is not eligible for federal financial aid grants, the individual may apply for and utilize state financial aid grants available to the individual. Department policies shall include a postaward formula for determining how much an incarcerated individual shall be required to pay after deducting any amount from available financial aid or other available

sources. The postaward formula shall include steps which correlate to an incarcerated individual's average monthly income or average available balance in a personal savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary educational costs.

Any postaward formula offsets and funds paid for by the department for educational programming shall not result in the reduction of any gift aid. The postaward formula shall be reviewed every two years. A third party, including but not limited to nonprofit entities or community-based postsecondary education programs, may pay directly to the department all or a portion of costs and tuition for any programming provided pursuant to (a)(iv) of this subsection on behalf of an incarcerated individual. Such payments shall not be subject to any of the deductions as provided in this chapter.

(d) All incarcerated individuals shall receive financial aid and academic advising from an accredited institution of higher education prior to enrollment in a financial aid eligible postsecondary education program. Eligible individuals who choose not to participate or choose to cease participation in a financial aid eligible postsecondary education program shall not result in a loss of privileges.

(e) Correspondence courses are ineligible for state and federal financial aid funding.

(f) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities and community-based postsecondary education programs, and may receive, utilize, and dispose of same to complete the purposes of this section.

~~((e))~~ (g) Any funds collected by the department under (c) and ~~((d))~~ (h) of this subsection and subsections (11) and (12) of this section shall be used solely for the creation, maintenance, or expansion of incarcerated individual educational and vocational programs.

(5) The department shall provide access to a program of education to all incarcerated individuals who are under the age of eighteen and who have not met high school graduation requirements or requirements to earn a high school equivalency certificate as provided in RCW 28B.50.536 in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for incarcerated individuals under the age of eighteen must provide each incarcerated individual a choice of curriculum that will assist the incarcerated individual in achieving a high school diploma or high school equivalency certificate. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

(6)(a) In addition to the policies set forth in this section, the department shall consider the following factors in establishing criteria for assessing the inclusion of education and work programs in an incarcerated individual's individual reentry plan and in placing incarcerated individuals in education and work programs:

(i) An incarcerated individual's release date and custody level. An incarcerated individual shall not be precluded from participating in an education or work program solely on the basis of his or her release date, except that incarcerated individuals with a release date of more than one hundred twenty months in the future shall not comprise more than ten percent of incarcerated individuals participating in a new class I correctional industry not in existence on June 10, 2004;

(ii) An incarcerated individual's education history and basic academic skills;

(iii) An incarcerated individual's work history and vocational or work skills;

(iv) An incarcerated individual's economic circumstances, including but not limited to an incarcerated individual's family support obligations; and

(v) Where applicable, an incarcerated individual's prior performance in department-approved education or work programs;

(b) The department shall establish, and periodically review, incarcerated individual behavior standards and program outcomes for all education and work programs. Incarcerated individuals shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or outcomes.

(7) Eligible incarcerated individuals who refuse to participate in available education or work programs available at no charge to the incarcerated individuals shall lose privileges according to the system established under RCW 72.09.130. Eligible incarcerated individuals who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.

(8) The department shall establish, by rule, a process for identifying and assessing incarcerated individuals with learning disabilities, traumatic brain injuries, and other cognitive impairments to determine whether the person requires accommodations in order to effectively participate in educational programming, including general educational development tests and postsecondary education. The department shall establish a process to provide such accommodations to eligible incarcerated individuals.

(9) The department shall establish, and periodically review, goals for expanding access to postsecondary degree and certificate education programs and program completion for all incarcerated individuals, including persons of color. The department may contract and partner with any accredited educational program sponsored by a nonprofit entity, community-based postsecondary education program, or institution with historical evidence of providing education programs to people of color.

(10) The department shall establish, by rule, objective medical standards to determine when an incarcerated individual is physically or mentally unable to participate in available education or work programs. When the department determines an incarcerated individual is permanently unable to participate in any available education or work program due to a health condition, the incarcerated individual is exempt from the requirement under subsection (2) of this section. When the department determines an incarcerated individual is temporarily unable to participate in an education or work program due to a medical condition, the incarcerated individual is exempt from the requirement of subsection (2) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all incarcerated individuals with temporary disabilities to ensure the earliest possible entry or reentry by incarcerated individuals into available programming.

(11) The department shall establish policies requiring an incarcerated individual to pay all or a portion of the costs and tuition for any vocational training or postsecondary education program if the incarcerated individual previously abandoned coursework related to postsecondary degree or certificate education or vocational training without excuse as defined in rule

by the department. Department policies shall include a formula for determining how much an incarcerated individual shall be required to pay. The formula shall include steps which correlate to an incarcerated individual's average monthly income or average available balance in a personal savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary costs. The formula shall be reviewed every two years. A third party may pay directly to the department all or a portion of costs and tuition for any program on behalf of an incarcerated individual under this subsection. Such payments shall not be subject to any of the deductions as provided in this chapter.

(12) Notwithstanding any other provision in this section, an incarcerated individual (~~sentenced to death under chapter 10.95 RCW or~~) subject to the provisions of 8 U.S.C. Sec. 1227:

(a) Shall not be required to participate in education programming except as may be necessary for the maintenance of discipline and security;

(b) May not participate in a postsecondary degree education program offered by the department or its contracted providers, unless the incarcerated individual's participation in the program is paid for by a third party or by the individual;

(c) May participate in prevocational or vocational training that may be necessary to participate in a work program;

(d) Shall be subject to the (~~applicable provisions of this chapter~~) requirements relating to incarcerated individual financial responsibility for programming under subsection (4) of this section.

(13) If an incarcerated individual has participated in postsecondary education programs, the department shall provide the incarcerated individual with a copy of the incarcerated individual's unofficial transcripts, at no cost to the individual, upon the incarcerated individual's release or transfer to a different facility. Upon the incarcerated individual's completion of a postsecondary education program, the department shall provide to the incarcerated individual, at no cost to the individual, a copy of the incarcerated individual's unofficial transcripts. This requirement applies regardless of whether the incarcerated individual became ineligible to participate in or abandoned a postsecondary education program.

(14) For the purposes of this section (~~(, "third party")~~):

(a) "Third party" includes a nonprofit entity or community-based postsecondary education program that partners with the department to provide accredited postsecondary education degree and certificate programs at state correctional facilities.

(b) "Gift aid" has the meaning provided in RCW 28B.145.010. **Sec. 2.** RCW 72.09.465 and 2021 c 200 s 5 are each amended to read as follows:

(1)(a) The department may implement postsecondary degree or certificate education programs at state correctional institutions.

(b) The department may consider for inclusion in any postsecondary degree or certificate education program, any education program from an accredited community or technical college, college, or university that is limited to no more than a bachelor's degree. Washington state-recognized preapprenticeship programs may also be included as appropriate postsecondary education programs.

(2) Incarcerated individuals not meeting the department's priority criteria for the (~~state-funded~~) postsecondary degree education program offered by the department or its contracted providers shall be required to pay the costs for participation in a postsecondary education degree program if (~~he or she elects~~) they elect to participate through self-pay, including costs of books, fees, tuition, or any other appropriate ancillary costs, by one or more of the following means:

(a) (~~The~~) For a postsecondary degree education program that

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

is eligible for financial aid, the incarcerated individual who is participating in the ~~((postsecondary education degree))~~ program may, during confinement, provide the required payment or payments to the ~~((department))~~ school; ~~((or))~~

(b) For a postsecondary degree education program that is not eligible for financial aid, the incarcerated individual who is participating in the program may, during confinement, provide the required payment or payments to the department; or

~~(c)~~ A third party ~~((shall))~~ may provide the required payment or payments directly to the department on behalf of an incarcerated individual, and such payments shall not be subject to any of the deductions as provided in this chapter.

(3) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to provide postsecondary education to incarcerated individuals.

(4) An incarcerated individual may be selected to participate in a state-funded postsecondary degree or certificate education program, based on priority criteria determined by the department, in which the following conditions may be considered:

(a) Priority should be given to incarcerated individuals who do not already possess a postsecondary education degree; and

(b) Incarcerated individuals with individual reentry plans that include participation in a postsecondary degree or certificate education program that is:

(i) Offered at the incarcerated individual's state correctional institution;

(ii) Approved by the department as an eligible and effective postsecondary education degree program; and

(iii) Limited to a postsecondary degree or certificate program.

(5) The department shall work with the college board as defined in RCW 28B.50.030 to develop a plan to assist incarcerated individuals selected to participate in postsecondary degree or certificate programs with filing a free application for federal student aid or the Washington application for state financial aid.

(6) Any funds collected by the department under this section shall be used solely for the creation, maintenance, or expansion of postsecondary education degree programs for incarcerated individuals.

**Sec. 3.** RCW 72.09.467 and 2021 c 200 s 8 are each amended to read as follows:

(1) The department, the state board for community and technical colleges, the student achievement council, and the Washington statewide reentry council, in collaboration with an organization representing the presidents of the public four-year institutions of higher education, shall submit a combined report, pursuant to RCW 43.01.036, by December 1, 2021, and annually thereafter, to the appropriate committees of the legislature having oversight over higher education issues and correctional matters. The state agencies shall consult and engage with nonprofit and community-based postsecondary education providers during the development of the annual report.

(2) At a minimum, the combined report must include:

(a) The number of incarcerated individuals served in the department's postsecondary education system, the number of individuals not served, the number of individuals leaving the department's custody without a high school equivalency who were in the department's custody longer than one year, and the number of individuals released without any postsecondary education, each disaggregated by demographics;

(b) A complete list of postsecondary degree and certificate education programs offered at each state correctional facility, including enrollment rates and completion rates for each program;

~~(c)~~ A review of the department's identification and assessment of incarcerated individuals with learning disabilities, traumatic brain injuries, and other cognitive impairments or disabilities that may limit their ability to participate in educational programming, including general educational development testing and postsecondary education. The report shall identify barriers to the identification and assessment of these individuals and include recommendations that will further facilitate access to educational programming for these individuals;

~~((e))~~ (d) An identification of issues related to ensuring that credits earned in credit-bearing courses are transferable. The report must also include the number of transferable credits awarded and the number of credits awarded that are not transferable;

~~((d))~~ (e) A review of policies on transfer, in order to create recommendations to institutions and the legislature that to ensure postsecondary education credits earned while incarcerated transfer seamlessly upon postrelease enrollment in a postsecondary education institution. The review must identify barriers or challenges on transferring credits experienced by individuals and the number of credits earned while incarcerated that transferred to the receiving colleges postrelease;

~~((e))~~ (f) The number of individuals participating in correspondence courses and completion rates of correspondence courses, disaggregated by demographics;

~~((f))~~ (g) An examination of the collaboration between correctional facilities, the educational programs, nonprofit and community-based postsecondary education providers, and the institutions, with the goal of ensuring that roles and responsibilities are clearly defined, including the roles and responsibilities of each entity in relation to ensuring incarcerated individual access to, and accommodations in, educational programming; and

~~((g))~~ (h) A review of the partnerships with nonprofit and community-based postsecondary education organizations at state correctional facilities that provide accredited certificate and degree-granting programs and those that provide reentry services in support of educational programs and goals, including a list of the programs and services offered and recommendations to improve program delivery and access.

(3) The report shall strive to include, where possible, the voices and experiences of current or formerly incarcerated individuals." Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Wilson, C. moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5953.

Senators Wilson, C. and Boehnke spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Wilson, C. that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5953.

The motion by Senator Wilson, C. carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5953 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5953, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5953, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Shewmake, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, MacEwen, McCune, Padden, Schoesler, Short, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5953, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 27, 2024

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5983 with the following amendment(s): 5983-S.E AMH HCW H3369.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature recognizes Washington's syphilis epidemic continues to grow, causing long-term health consequences and deaths that are preventable. Between 2019 and 2021, the number of reported syphilis cases in Washington state increased by 49 percent, while the number of cases of primary and secondary syphilis, an early stage infection characterized by a high risk of transmission, increased by 79 percent.

(2) In 2021, the legislature funded the sexually transmitted infection and hepatitis B virus legislative advisory group which produced policy recommendations in 2022 that included allowing medical assistants with telehealth access to a supervising clinician to provide intramuscular injections for syphilis treatment. It is the intent of the legislature to increase access to syphilis treatment to populations with high rates of syphilis and who are at the most risk of serious health outcomes due to syphilis infection.

**Sec. 2.** RCW 18.360.010 and 2023 c 134 s 1 are each amended to read as follows:

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

(1) "Administer" means the retrieval of medication, and its application to a patient, as authorized in RCW 18.360.050.

(2) "Delegation" means direct authorization granted by a licensed health care practitioner to a medical assistant to perform the functions authorized in this chapter which fall within the scope of practice of the health care provider and the training and experience of the medical assistant.

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

(4) "Forensic phlebotomist" means a police officer, law enforcement officer, or employee of a correctional facility or detention facility, who is certified under this chapter and meets any additional training and proficiency standards of his or her employer to collect a venous blood sample for forensic testing pursuant to a search warrant, a waiver of the warrant requirement, or exigent circumstances.

(5) "Health care practitioner" means:

(a) A physician licensed under chapter 18.71 RCW;  
(b) An osteopathic physician and surgeon licensed under chapter 18.57 RCW; or

(c) Acting within the scope of their respective licensure, a podiatric physician and surgeon licensed under chapter 18.22 RCW, a registered nurse or advanced registered nurse practitioner licensed under chapter 18.79 RCW, a naturopath licensed under chapter 18.36A RCW, a physician assistant licensed under chapter 18.71A RCW, or an optometrist licensed under chapter 18.53 RCW.

(6) "Medical assistant-certified" means a person certified under RCW 18.360.040 who assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(7) "Medical assistant-hemodialysis technician" means a person certified under RCW 18.360.040 who performs hemodialysis and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(8) "Medical assistant-phlebotomist" means a person certified under RCW 18.360.040 who performs capillary, venous, and arterial invasive procedures for blood withdrawal and other functions pursuant to RCW 18.360.050 under the supervision of a health care practitioner.

(9) "Medical assistant-registered" means a person registered under RCW 18.360.040 who, pursuant to an endorsement by a health care practitioner, clinic, or group practice, assists a health care practitioner with patient care, executes administrative and clinical procedures, and performs functions as provided in RCW 18.360.050 under the supervision of the health care practitioner.

(10) "Secretary" means the secretary of the department of health.

(11)(a) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility, except as provided in (b) and (c) of this subsection.

(b) The health care practitioner does not need to be present during procedures to withdraw blood, administer vaccines, or obtain specimens for or perform diagnostic testing, but must be immediately available.

(c)(i) During a telemedicine visit, supervision over a medical assistant assisting a health care practitioner with the telemedicine visit may be provided through interactive audio and video telemedicine technology.

(ii) When administering intramuscular injections for the purposes of treating a known or suspected syphilis infection in accordance with RCW 18.360.050, a medical assistant-certified or medical assistant-registered may be supervised through interactive audio or video telemedicine technology.

**Sec. 3.** RCW 18.360.050 and 2023 c 134 s 3 are each amended to read as follows:

(1) A medical assistant-certified may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

(i) Wrapping items for autoclaving;

(ii) Procedures for sterilizing equipment and instruments;

(iii) Disposing of biohazardous materials; and

(iv) Practicing standard precautions.

(b) Clinical procedures:

(i) Performing aseptic procedures in a setting other than a hospital licensed under chapter 70.41 RCW;

(ii) Preparing of and assisting in sterile procedures in a setting other than a hospital under chapter 70.41 RCW;

(iii) Taking vital signs;

(iv) Preparing patients for examination;

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(v) Capillary blood withdrawal, venipuncture, and intradermal, subcutaneous, and intramuscular injections; and

(vi) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

(i) Capillary puncture and venipuncture;

(ii) Obtaining specimens for microbiological testing; and

(iii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Diagnostic testing:

(i) Electrocardiography;

(ii) Respiratory testing; and

(iii)(A) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this subsection (1)(d) based on changes made by the federal clinical laboratory improvement amendments program; and

(B) Moderate complexity tests if the medical assistant-certified meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing.

(e) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(f)(i) Administering medications. A medical assistant-certified may only administer medications if the drugs are:

(A) Administered only by unit or single dosage, or by a dosage calculated and verified by a health care practitioner. For purposes of this section, a combination or multidose vaccine shall be considered a unit dose;

(B) Limited to legend drugs, vaccines, and Schedule III-V controlled substances as authorized by a health care practitioner under the scope of his or her license and consistent with rules adopted by the secretary under (f)(ii) of this subsection; and

(C) Administered pursuant to a written order from a health care practitioner.

(ii) A medical assistant-certified may not administer experimental drugs or chemotherapy agents. The secretary may, by rule, further limit the drugs that may be administered under this subsection (1)(f). The rules adopted under this subsection must limit the drugs based on risk, class, or route.

(iii) A medical assistant-certified may administer intramuscular injections for the purposes of treating known or suspected syphilis infection without immediate supervision if a health care practitioner is providing supervision through interactive audio or video telemedicine technology in accordance with RCW 18.360.010(11)(c)(ii).

(g) Intravenous injections. A medical assistant-certified may establish intravenous lines for diagnostic or therapeutic purposes, without administering medications, under the supervision of a health care practitioner, and administer intravenous injections for diagnostic or therapeutic agents under the direct visual supervision of a health care practitioner if the medical assistant-certified meets minimum standards established by the secretary in rule. The minimum standards must be substantially similar to the qualifications for category D and F health care assistants as

they exist on July 1, 2013.

(h) Urethral catheterization when appropriately trained.

(2) A medical assistant-hemodialysis technician may perform hemodialysis when delegated and supervised by a health care practitioner. A medical assistant-hemodialysis technician may also administer drugs and oxygen to a patient when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary.

(3) A medical assistant-phlebotomist may perform:

(a) Capillary, venous, or arterial invasive procedures for blood withdrawal when delegated and supervised by a health care practitioner and pursuant to rules adopted by the secretary;

(b) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under this section based on changes made by the federal clinical laboratory improvement amendments program;

(c) Moderate and high complexity tests if the medical assistant-phlebotomist meets standards for personnel qualifications and responsibilities in compliance with federal regulation for nonwaived testing; and

(d) Electrocardiograms.

(4) A medical assistant-registered may perform the following duties delegated by, and under the supervision of, a health care practitioner:

(a) Fundamental procedures:

(i) Wrapping items for autoclaving;

(ii) Procedures for sterilizing equipment and instruments;

(iii) Disposing of biohazardous materials; and

(iv) Practicing standard precautions.

(b) Clinical procedures:

(i) Preparing for sterile procedures;

(ii) Taking vital signs;

(iii) Preparing patients for examination; and

(iv) Observing and reporting patients' signs or symptoms.

(c) Specimen collection:

(i) Obtaining specimens for microbiological testing; and

(ii) Instructing patients in proper technique to collect urine and fecal specimens.

(d) Patient care:

(i) Telephone and in-person screening limited to intake and gathering of information without requiring the exercise of judgment based on clinical knowledge;

(ii) Obtaining vital signs;

(iii) Obtaining and recording patient history;

(iv) Preparing and maintaining examination and treatment areas;

(v) Preparing patients for, and assisting with, routine and specialty examinations, procedures, treatments, and minor office surgeries, including those with minimal sedation. The department may, by rule, prohibit duties authorized under this subsection (4)(d)(v) if performance of those duties by a medical assistant-registered would pose an unreasonable risk to patient safety;

(vi) Maintaining medication and immunization records; and

(vii) Screening and following up on test results as directed by a health care practitioner.

(e) Diagnostic testing and electrocardiography.

(f)(i) Tests waived under the federal clinical laboratory improvement amendments program on July 1, 2013. The department shall periodically update the tests authorized under subsection (1)(d) of this section based on changes made by the federal clinical laboratory improvement amendments program.

(ii) Moderate complexity tests if the medical assistant-registered meets standards for personnel qualifications and responsibilities in compliance with federal regulation for

nonwaived testing.

(g) Administering eye drops, topical ointments, and vaccines, including combination or multidose vaccines.

(h) Urethral catheterization when appropriately trained.

(i) Administering medications:

(i) A medical assistant-registered may only administer medications if the drugs are:

(A) Administered only by unit or single dosage, or by a dosage calculated and verified by a health care practitioner. For purposes of this section, a combination or multidose vaccine shall be considered a unit dose;

(B) Limited to legend drugs, vaccines, and Schedule III through V controlled substances as authorized by a health care practitioner under the scope of his or her license and consistent with rules adopted by the secretary under (i)(ii) of this subsection; and

(C) Administered pursuant to a written order from a health care practitioner.

(ii) A medical assistant-registered may only administer medication for intramuscular injections. A medical assistant-registered may not administer experimental drugs or chemotherapy agents. The secretary may, by rule, further limit the drugs that may be administered under this subsection (4)(i). The rules adopted under this subsection must limit the drugs based on risk, class, or route.

(j)(i) Intramuscular injections. A medical assistant-registered may administer intramuscular injections for diagnostic or therapeutic agents under the immediate supervision of a health care practitioner if the medical assistant-registered meets minimum standards established by the secretary in rule.

(ii) A medical assistant-registered may administer intramuscular injections for the purposes of treating known or suspected syphilis infection without immediate supervision if a health care practitioner is providing supervision through interactive audio or video telemedicine technology in accordance with RCW 18.360.010(11)(c)(ii).

**NEW SECTION. Sec. 4.** A new section is added to chapter 70.24 RCW to read as follows:

(1) Notwithstanding any other law, a health care provider who diagnoses a case of sexually transmitted chlamydia, gonorrhea, trichomoniasis, or other sexually transmitted infection, as determined by the department or recommended in the most recent federal centers for disease control and prevention guidelines for the prevention or treatment of sexually transmitted diseases, in an individual patient may prescribe, dispense, furnish, or otherwise provide prescription antibiotic drugs to the individual patient's sexual partner or partners without examination of that patient's partner or partners or having an established provider and patient relationship with the partner or partners. This practice shall be known as expedited partner therapy.

(2) A health care provider may provide expedited partner therapy as outlined in subsection (1) of this section if all the following requirements are met:

(a) The patient has a confirmed laboratory test result, or direct observation of clinical signs or assessment of clinical data by a health care provider confirming the person has, or is likely to have, a sexually transmitted infection;

(b) The patient indicates that the individual has a partner or partners with whom the patient has engaged in sexual activity within the 60-day period immediately before the diagnosis of a sexually transmitted infection; and

(c) The patient indicates that the partner or partners of the individual are unable or unlikely to seek clinical services in a timely manner.

(3) A prescribing health care provider may prescribe, dispense, furnish, or otherwise provide medication to the diagnosed patient

as outlined in subsection (1) of this section for the patient to deliver to the exposed sexual partner or partners of the patient in order to prevent reinfection in the diagnosed patient.

(4) If a health care provider does not have the name of a patient's sexual partner for a drug prescribed under subsection (1) of this section, the prescription shall include the words "expedited partner therapy" or "EPT."

(5) A health care provider shall not be liable in a medical malpractice action or professional disciplinary action if the health care provider's use of expedited partner therapy is in compliance with this section, except in cases of intentional misconduct, gross negligence, or wanton or reckless activity.

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

(7) For the purpose of this section, "health care provider" means a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, or a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW.

**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."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Liias moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5983.

Senators Liias and Rivers spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Liias that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5983.

The motion by Senator Liias carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5983 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5983, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5983, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5983, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.



MESSAGE FROM THE HOUSE

February 27, 2024

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5985 with the following amendment(s): 5985-S.E AMH CRJ H3318.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.010 and 2023 c 295 s 2, 2023 c 262 s 1, and 2023 c 162 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2)(a) "Assault weapon" means:

(i) Any of the following specific firearms regardless of which company produced and manufactured the firearm:

AK-47 in all forms
AK-74 in all forms
Algimec AGM-1 type semiautomatic
American Arms Spectre da semiautomatic carbine
AR15, M16, or M4 in all forms
AR 180 type semiautomatic
Argentine L.S.R. semiautomatic
Australian Automatic
Auto-Ordnance Thompson M1 and 1927 semiautomatics
Barrett .50 cal light semiautomatic
Barrett .50 cal M87
Barrett .50 cal M107A1
Barrett REC7
Beretta AR70/S70 type semiautomatic
Bushmaster Carbon 15
Bushmaster ACR
Bushmaster XM-15
Bushmaster MOE
Calico models M100 and M900
CETME Sporter
CIS SR 88 type semiautomatic
Colt CAR 15
Daewoo K-1
Daewoo K-2
Dragunov semiautomatic
Fabrique Nationale FAL in all forms
Fabrique Nationale F2000
Fabrique Nationale L1A1 Sporter

Fabrique Nationale M249S
Fabrique Nationale PS90
Fabrique Nationale SCAR
FAMAS .223 semiautomatic
Galil
Heckler & Koch G3 in all forms
Heckler & Koch HK-41/91
Heckler & Koch HK-43/93
Heckler & Koch HK94A2/3
Heckler & Koch MP-5 in all forms
Heckler & Koch PSG-1
Heckler & Koch SL8
Heckler & Koch UMP
Manchester Arms Commando MK-45
Manchester Arms MK-9
SAR-4800
SIG AMT SG510 in all forms
SIG SG550 in all forms
SKS
Spectre M4
Springfield Armory BM-59
Springfield Armory G3
Springfield Armory SAR-8
Springfield Armory SAR-48
Springfield Armory SAR-3
Springfield Armory M-21 sniper
Springfield Armory M1A
Smith & Wesson M&P 15
Sterling Mk 1
Sterling Mk 6/7
Steyr AUG
TNW M230
FAMAS F11
Uzi 9mm carbine/rifle

(ii) A semiautomatic rifle that has an overall length of less than 30 inches;

(iii) A conversion kit, part, or combination of parts, from which an assault weapon can be assembled or from which a firearm can be converted into an assault weapon if those parts are in the possession or under the control of the same person; or

(iv) A semiautomatic, center fire rifle that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(B) Thumbhole stock;

(C) Folding or telescoping stock;

(D) Forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) Flash suppressor, flash guard, flash eliminator, flash hider,

sound suppressor, silencer, or any item designed to reduce the visual or audio signature of the firearm;

(F) Muzzle brake, recoil compensator, or any item designed to be affixed to the barrel to reduce recoil or muzzle rise;

(G) Threaded barrel designed to attach a flash suppressor, sound suppressor, muzzle break, or similar item;

(H) Grenade launcher or flare launcher; or

(I) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel;

(v) A semiautomatic, center fire rifle that has a fixed magazine with the capacity to accept more than 10 rounds;

(vi) A semiautomatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

(B) A second hand grip;

(C) A shroud that encircles either all or part of the barrel designed to shield the bearer's hand from heat, except a solid forearm of a stock that covers only the bottom of the barrel; or

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip;

(vii) A semiautomatic shotgun that has any of the following:

(A) A folding or telescoping stock;

(B) A grip that is independent or detached from the stock that protrudes conspicuously beneath the action of the weapon. The addition of a fin attaching the grip to the stock does not exempt the grip if it otherwise resembles the grip found on a pistol;

(C) A thumbhole stock;

(D) A forward pistol, vertical, angled, or other grip designed for use by the nonfiring hand to improve control;

(E) A fixed magazine in excess of seven rounds; or

(F) A revolving cylinder shotgun.

(b) For the purposes of this subsection, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) "Assault weapon" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(3) "Assemble" means to fit together component parts.

(4) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(5) "Bump-fire stock" means a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable with the semiautomatic firearm to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger.

(6) "Conviction" or "convicted" means, whether in an adult court or adjudicated in a juvenile court, that a plea of guilty has been accepted or a verdict of guilty has been filed, or a finding of guilt has been entered, notwithstanding the pendency of any future proceedings including, but not limited to, sentencing or disposition, posttrial 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.

(7) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter

amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(8) "Curio or relic" has the same meaning as provided in 27 C.F.R. Sec. 478.11.

(9) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(10) "Detachable magazine" means an ammunition feeding device that can be loaded or unloaded while detached from a firearm and readily inserted into a firearm.

(11) "Distribute" means to give out, provide, make available, or deliver a firearm or large capacity magazine to any person in this state, with or without consideration, whether the distributor is in-state or out-of-state. "Distribute" includes, but is not limited to, filling orders placed in this state, online or otherwise. "Distribute" also includes causing a firearm or large capacity magazine to be delivered in this state.

(12) "Domestic violence" has the same meaning as provided in RCW 10.99.020.

(13) "Family or household member" has the same meaning as in RCW 7.105.010.

(14) "Federal firearms dealer" means a licensed dealer as defined in 18 U.S.C. Sec. 921(a)(11).

(15) "Federal firearms importer" means a licensed importer as defined in 18 U.S.C. Sec. 921(a)(9).

(16) "Federal firearms manufacturer" means a licensed manufacturer as defined in 18 U.S.C. Sec. 921(a)(10).

(17) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(18) "Felony firearm offender" means a person who has previously been convicted or found not guilty by reason of insanity in this state of any felony firearm offense. A person is not a felony firearm offender under this chapter if any and all qualifying offenses have been the subject of an expungement, pardon, annulment, certificate, or rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or a pardon, annulment, or other equivalent procedure based on a finding of innocence.

(19) "Felony firearm offense" means:

(a) Any felony offense that is a violation of this chapter;

(b) A violation of RCW 9A.36.045;

(c) A violation of RCW 9A.56.300;

(d) A violation of RCW 9A.56.310;

(e) Any felony offense if the offender was armed with a firearm in the commission of the offense.

(20) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

gunpowder. For the purposes of RCW 9.41.040, "firearm" also includes frames and receivers. "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.

(21)(a) "Frame or receiver" means a part of a firearm that, when the complete firearm is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect the fire control components. Any such part identified with a serial number shall be presumed, absent an official determination by the bureau of alcohol, tobacco, firearms, and explosives or other reliable evidence to the contrary, to be a frame or receiver.

(b) For purposes of this subsection, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: Hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

(22) "Gun" has the same meaning as firearm.

(23) "Import" means to move, transport, or receive an item from a place outside the territorial limits of the state of Washington to a place inside the territorial limits of the state of Washington. "Import" does not mean situations where an individual possesses a large capacity magazine or assault weapon when departing from, and returning to, Washington state, so long as the individual is returning to Washington in possession of the same large capacity magazine or assault weapon the individual transported out of state.

(24) "Intimate partner" has the same meaning as provided in RCW 7.105.010.

(25) "Large capacity magazine" means an ammunition feeding device with the capacity to accept more than 10 rounds of ammunition, or any conversion kit, part, or combination of parts, from which such a device can be assembled if those parts are in possession of or under the control of the same person, but shall not be construed to include any of the following:

(a) An ammunition feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;

(b) A 22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm.

(26) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if such officer is duly authorized by his or her employer to carry a concealed pistol.

(27) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

(28) "Licensed collector" means a person who is federally licensed under 18 U.S.C. Sec. 923(b).

(29) "Licensed dealer" means a person who is federally licensed under 18 U.S.C. Sec. 923(a).

(30) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or

primed if the firearm is a muzzle loader.

(31) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(32) "Manufacture" means, with respect to a firearm or large capacity magazine, the fabrication, making, formation, production, or construction of a firearm or large capacity magazine, by manual labor or by machinery.

(33) "Mental health professional" means a psychiatrist, psychologist, or physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, social worker, mental health counselor, marriage and family therapist, or such other mental health professionals as may be defined in statute or by rules adopted by the department of health pursuant to the provisions of chapter 71.05 RCW.

(34) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(35) "Person" means any individual, corporation, company, association, firm, partnership, club, organization, society, joint stock company, or other legal entity.

(36) "Pistol" means any firearm with a barrel less than 16 inches in length, or is designed to be held and fired by the use of a single hand.

(37) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(38) "Sale" and "sell" mean the actual approval of the delivery of a firearm in consideration of payment or promise of payment.

(39) "Secure gun storage" means:

(a) A locked box, gun safe, or other secure locked storage space that is designed to prevent unauthorized use or discharge of a firearm; and

(b) The act of keeping an unloaded firearm stored by such means.

(40) "Semiautomatic" means any firearm which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(41)(a) "Semiautomatic assault rifle" means any rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(b) "Semiautomatic assault rifle" does not include antique firearms, any firearm that has been made permanently inoperable, or any firearm that is manually operated by bolt, pump, lever, or slide action.

(42) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least 10 years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age 14;

(e) Indecent liberties;

(f) Leading organized crime;

- (g) Promoting prostitution in the first degree;
  - (h) Rape in the third degree;
  - (i) Drive-by shooting;
  - (j) Sexual exploitation;
  - (k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;
  - (l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
  - (m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;
  - (n) Any other felony with a deadly weapon verdict under RCW 9.94A.825;
  - (o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense;
  - (p) Any felony conviction under RCW 9.41.115; or
  - (q) Any felony charged under RCW 46.61.502(6) or 46.61.504(6).
- (43) "Sex offense" has the same meaning as provided in RCW 9.94A.030.
- (44) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than 26 inches.
- (45) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than 26 inches.
- (46) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.
- (47) "Substance use disorder professional" means a person certified under chapter 18.205 RCW.
- (48) "Transfer" means the intended delivery of a firearm to another person without consideration of payment or promise of payment including, but not limited to, gifts and loans. "Transfer" does not include the delivery of a firearm owned or leased by an entity licensed or qualified to do business in the state of Washington to, or return of such a firearm by, any of that entity's employees or agents, defined to include volunteers participating in an honor guard, for lawful purposes in the ordinary course of business.
- (49) "Undetectable firearm" means any firearm that is not as detectable as 3.7 ounces of 17-4 PH stainless steel by walk-through metal detectors or magnetometers commonly used at airports or any firearm where the barrel, the slide or cylinder, or the frame or receiver of the firearm would not generate an image that accurately depicts the shape of the part when examined by the types of X-ray machines commonly used at airports.
- (50)(a) "Unfinished frame or receiver" means a frame or receiver that is partially complete, disassembled, or inoperable, that: (i) Has reached a stage in manufacture where it may readily be completed, assembled, converted, or restored to a functional state; or (ii) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once finished or completed, including without limitation products marketed or sold to the public as an 80 percent frame or receiver or unfinished

frame or receiver.

(b) For purposes of this subsection:

(i) "Readily" means a process that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speedy, or easy process. Factors relevant in making this determination, with no single one controlling, include the following: (A) Time, i.e., how long it takes to finish the process; (B) ease, i.e., how difficult it is to do so; (C) expertise, i.e., what knowledge and skills are required; (D) equipment, i.e., what tools are required; (E) availability, i.e., whether additional parts are required, and how easily they can be obtained; (F) expense, i.e., how much it costs; (G) scope, i.e., the extent to which the subject of the process must be changed to finish it; and (H) feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.

(ii) "Partially complete," as it modifies frame or receiver, means a forging, casting, printing, extrusion, machined body, or similar article that has reached a stage in manufacture where it is clearly identifiable as an unfinished component part of a firearm.

(51) "Unlicensed person" means any person who is not a licensed dealer under this chapter.

(52) "Untraceable firearm" means any firearm manufactured after July 1, 2019, that is not an antique firearm and that cannot be traced by law enforcement by means of a serial number affixed to the firearm by a federal firearms manufacturer, federal firearms importer, or federal firearms dealer in compliance with all federal laws and regulations.

(53) "Washington state patrol firearms background check program" means the division within the state patrol that conducts background checks for all firearm transfers and the disposition of firearms.

**Sec. 2.** RCW 9.41.049 and 2020 c 302 s 61 are each amended to read as follows:

(1) When a designated crisis responder files a petition for initial detention under RCW 71.05.150 or 71.05.153 on the grounds that the person presents a likelihood of serious harm, the petition shall include a copy of the person's driver's license or identicaid or comparable information such as their name, address, and date of birth. If the person is not subsequently committed for involuntary treatment under RCW 71.05.240, the court shall forward within three business days of the probable cause hearing a copy of the person's driver's license or identicaid, or comparable information, along with the date of release from the facility, to the department of licensing and to the Washington state patrol firearms background check program, who shall forward the information to the national instant criminal background check system index, denied persons file, created by the federal Brady handgun violence prevention act (P.L. 103-159). Upon expiration of the six-month period during which the person's right to possess a firearm is suspended as provided in RCW 71.05.182, the Washington state patrol ~~((shall forward to the national instant criminal background check system index, denied persons file, notice that the person's right to possess a firearm has been restored))~~ firearms background check program must remove the person from the national instant criminal background check system.

(2) Upon receipt of the information provided for by subsection (1) of this section, the department of licensing shall determine if the detained person has a concealed pistol license. If the person does have a concealed pistol license, the department of licensing shall immediately notify the license-issuing authority, which, upon receipt of such notification, shall immediately suspend the license for a period of six months from the date of the person's release from the facility.

(3) A person who is prohibited from possessing a firearm by reason of having been detained under RCW 71.05.150 or

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

71.05.153 may, upon discharge, petition the superior court to have his or her right to possess a firearm restored before the six-month suspension period has elapsed by following the procedures provided in RCW 9.41.047(3).

**Sec. 3.** RCW 9.41.111 and 2020 c 36 s 1 are each amended to read as follows:

(1) Beginning on the date that is thirty days after the Washington state patrol issues a notification to dealers that a state firearms background check system is established within the Washington state patrol, a dealer shall use the state firearms background check system to conduct background checks for purchases or transfers of firearm frames or receivers in accordance with this section.

~~((a))~~ (2) A dealer may not deliver a firearm frame or receiver to a purchaser or transferee unless the dealer first conducts a background check of the applicant through the state firearms background check system and the requirements ~~((e))~~ and time periods in RCW 9.41.092 ~~((f))~~ have been satisfied.

~~((b))~~ (3) When processing an application for the purchase or transfer of a firearm frame or receiver, a dealer shall comply with the application, recordkeeping, and other requirements of this chapter that apply to the sale or transfer of a pistol.

~~((c))~~ (4) A signed application for the purchase or transfer of a firearm frame or receiver shall constitute a waiver of confidentiality and written request that the health care authority, mental health institutions, and other health care facilities release, to an inquiring court, law enforcement agency, or ~~((the state))~~ the Washington state patrol firearms background check program, information relevant to the applicant's eligibility to possess a firearm. Any mental health information received by a court, law enforcement agency, or ~~((the state))~~ the Washington state patrol firearms background check program pursuant to this section shall not be disclosed except as provided in RCW 42.56.240(4).

~~((d))~~ (5) The department of licensing shall keep copies or records of applications for the purchase or transfer of a firearm frame or receiver and copies or records of firearm frame or receiver transfers in the same manner as pistol and semiautomatic assault rifle application and transfer records under RCW 9.41.129.

~~((e))~~ (6) A person who knowingly makes a false statement regarding identity or eligibility requirements on the application to purchase a firearm frame or receiver is guilty of false swearing under RCW 9A.72.040.

~~((f))~~ (7) This section does not apply to sales or transfers of firearm frames or receivers to licensed dealers.

~~((2) For the purposes of this section, "firearm frame or receiver" means the federally regulated part of a firearm that provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.)~~

**Sec. 4.** RCW 9.41.114 and 2020 c 28 s 5 are each amended to read as follows:

Upon denying an application for the purchase or transfer of a firearm as a result of a background check by the Washington state patrol firearms background check program or completed and submitted firearm purchase or transfer application that indicates the applicant is ineligible to possess a firearm under state or federal law, the dealer shall:

(1) Provide the applicant with a copy of a notice form generated and distributed by the Washington state patrol firearms background check program under RCW 43.43.823(6), informing denied applicants of their right to appeal the denial; and

(2) Retain the original records of the attempted purchase or transfer of a firearm for a period not less than six years.

**Sec. 5.** RCW 9.41.350 and 2023 c 262 s 3 are each amended

to read as follows:

(1) A person may file a voluntary waiver of firearm rights, either in writing or electronically, with the clerk of the court in any county in Washington state. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to accepting the form. The person filing the form may provide the name of a family member, mental health professional, substance use disorder professional, or alternate person to be contacted if the filer attempts to purchase a firearm while the voluntary waiver of firearm rights is in effect or if the filer applies to have the voluntary waiver revoked. The clerk of the court must immediately give notice to the person filing the form and any listed family member, mental health professional, substance use disorder professional, or alternate person if the filer's voluntary waiver of firearm rights has been accepted. The notice must state that the filer's possession or control of a firearm is unlawful under RCW 9.41.040(7) and that any firearm in the filer's possession or control should be surrendered immediately. By the end of the business day, the clerk of the court must transmit the accepted form to the Washington state patrol firearms background check program. The Washington state patrol firearms background check program must enter the voluntary waiver of firearm rights into the national instant criminal background check system and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms within twenty-four hours of receipt of the form. Copies and records of the voluntary waiver of firearm rights shall not be disclosed except to law enforcement agencies.

(2) A filer of a voluntary waiver of firearm rights may update the contact information for any family member, mental health professional, substance use disorder professional, or alternate person provided under subsection (1) of this section by making an electronic or written request to the clerk of the court in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to updating the contact information on the form. By the end of the business day, the clerk of the court must transmit the updated contact information to the Washington state patrol.

(3) No sooner than seven calendar days after filing a voluntary waiver of firearm rights, the person may file a revocation of the voluntary waiver of firearm rights, either in writing or electronically, in the same county where the voluntary waiver of firearm rights was filed. The clerk of the court must request a physical or scanned copy of photo identification to verify the person's identity prior to accepting the form. By the end of the business day, the clerk of the court must transmit the form to the Washington state patrol firearms background check program and to any family member, mental health professional, substance use disorder professional, or alternate person listed on the voluntary waiver of firearm rights. Within seven days of receiving a revocation of a voluntary waiver of firearm rights, the Washington state patrol firearms background check program must remove the person from the national instant criminal background check system, and any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms in which the person was entered, unless the person is otherwise ineligible to possess a firearm under RCW 9.41.040, and destroy all records of the voluntary waiver.

(4) A person who knowingly makes a false statement regarding their identity on the voluntary waiver of firearm rights form or revocation of waiver of firearm rights form is guilty of false swearing under RCW 9A.72.040.

(5) Neither a voluntary waiver of firearm rights nor a

revocation of a voluntary waiver of firearm rights shall be considered by a court in any legal proceeding.

(6) A voluntary waiver of firearm rights may not be required of an individual as a condition for receiving employment, benefits, or services.

(7) All records obtained and all reports produced, as required by this section, are not subject to disclosure through the public records act under chapter 42.56 RCW.

**Sec. 6.** RCW 43.43.823 and 2020 c 28 s 6 are each amended to read as follows:

(1) The Washington state patrol firearms background check program shall report each instance where an application for the purchase or transfer of a firearm is denied as the result of a background check that indicates the applicant is ineligible to possess a firearm to the local law enforcement agency in the jurisdiction where the attempted purchase or transfer took place. The reported information must include the identifying information of the applicant, the date of the application and denial of the application, the basis for the denial of the application, and other information deemed appropriate by the Washington state patrol firearms background check program.

(2) The Washington state patrol firearms background check program must incorporate the information concerning any person whose application for the purchase or transfer of a firearm is denied as the result of a background check into its electronic database accessible to law enforcement agencies and officers, including federally recognized Indian tribes, that have a connection to the Washington state patrol firearms background check program electronic database.

(3) Upon appeal of a background check denial, the Washington state patrol firearms background check program shall immediately remove the record of the person from its electronic database accessible to law enforcement agencies and officers and keep a separate record of the person's information until such time as the appeal has been resolved. If the appeal is denied, the Washington state patrol firearms background check program shall put the person's background check denial information back in its electronic database accessible to law enforcement agencies and officers.

(4) Upon receipt of satisfactory proof that a person is no longer ineligible to possess a firearm under state or federal law, the Washington state patrol firearms background check program must remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers.

(5) In any case where the purchase or transfer of a firearm is initially denied as the result of a background check that indicates the applicant is ineligible to possess a firearm, but the purchase or transfer is subsequently approved, the Washington state patrol firearms background check program must remove any record of the person's denied firearms purchase or transfer application from its electronic database accessible to law enforcement agencies and officers within five business days and report the subsequent approval to the local law enforcement agency that received notification of the original denial.

(6) The Washington state patrol firearms background check program shall generate and distribute a notice form to all firearm dealers, to be provided by the dealers to applicants denied the purchase or transfer of a firearm as a result of a background check that indicates the applicant is ineligible to possess a firearm. The notice form must contain the following statements:

State law requires that the Washington state patrol transmit the following information to the local law enforcement agency as a result of your firearm purchase or transfer denial within five days of the denial:

(a) Identifying information of the applicant;

(b) The date of the application and denial of the application;

(c) The basis for the denial; and

(d) Other information as determined by the Washington state patrol firearms background check program.

If you believe this denial is in error, and you do not exercise your right to appeal, you may be subject to criminal investigation by the Washington state patrol and/or a local law enforcement agency.

The notice form shall also contain information directing the applicant to a website describing the process of appealing a background check system denial and refer the applicant to the Washington state patrol firearms background check program for information on a denial based on a state background check. The notice form shall also contain a phone number for a contact at the Washington state patrol to direct the person to resources regarding an individual's right to appeal a background check denial.

(7) The Washington state patrol shall provide to the Washington association of sheriffs and police chiefs any information necessary for the administration of the grant program in RCW 36.28A.420, providing notice to a protected person pursuant to RCW 36.28A.410, or preparation of the report required under RCW 36.28A.405.

(8) The Washington state patrol may adopt rules as are necessary to carry out the purposes of this section.

**Sec. 7.** RCW 43.43.580 and 2022 c 105 s 7 are each amended to read as follows:

(1) The Washington state patrol shall establish a firearms background check (~~unit~~) program to serve as a centralized single point of contact for dealers to conduct background checks for firearms sales or transfers required under chapter 9.41 RCW and the federal Brady handgun violence prevention act (18 U.S.C. Sec. 921 et seq.). The Washington state patrol shall establish an automated firearms background check system to conduct background checks on applicants for the purchase or transfer of a firearm. The system must include the following characteristics:

(a) Allow a dealer to contact the Washington state patrol through a web portal or other electronic means and by telephone to request a background check of an applicant for the purchase or transfer of a firearm;

(b) Provide a dealer with a notification that a firearm purchase or transfer application has been received;

(c) Assign a unique identifier to the background check inquiry;

(d) Provide an automated response to the dealer indicating whether the transfer may proceed or is denied, or that the check is indeterminate and will require further investigation;

(e) Include measures to ensure data integrity and the confidentiality and security of all records and data transmitted and received by the system; and

(f) Include a performance metrics tracking system to evaluate the performance of the background check system.

(2) Upon receipt of a request from a dealer for a background check in connection with the sale or transfer of a firearm, the Washington state patrol shall:

(a) Provide the dealer with a notification that a firearm transfer application has been received;

(b) Conduct a check of the national instant criminal background check system and the following additional records systems to determine whether the transferee is prohibited from possessing a firearm under state or federal law: (i) The Washington crime information center and Washington state identification system; (ii) the health care authority electronic database; (iii) the federal bureau of investigation national data exchange database and any available repository of statewide local law enforcement record management systems information; (iv)

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

the administrative office of the courts case management system; and (v) other databases or resources as appropriate;

(c) Perform an equivalency analysis on criminal charges in foreign jurisdictions to determine if the applicant has been convicted as defined in RCW 9.41.040(3) and if the offense is equivalent to a Washington felony as defined in RCW 9.41.010;

(d) Notify the dealer without delay that the records indicate the individual is prohibited from possessing a firearm and the transfer is denied or that the individual is approved to complete the transfer. If the results of the background check are indeterminate, the Washington state patrol shall notify the dealer of the delay and conduct necessary research and investigation to resolve the inquiry; and

(e) Provide the dealer with a unique identifier for the inquiry.

(3) The Washington state patrol may hold the delivery of a firearm to an applicant under the circumstances provided in RCW 9.41.090 (4) and (5).

(4)(a) The Washington state patrol shall require a dealer to charge each firearm purchaser or transferee a fee for performing background checks in connection with firearms transfers. The fee must be set at an amount necessary to cover the annual costs of operating and maintaining the firearm background check system but shall not exceed eighteen dollars. The Washington state patrol shall transmit the fees collected to the state treasurer for deposit in the state firearms background check system account created in RCW 43.43.590. It is the intent of the legislature that once the state firearm background check system is established, the fee established in this section will replace the fee required in RCW 9.41.090(7).

(b) The background check fee required under this subsection does not apply to any background check conducted in connection with a pawnbroker's receipt of a pawned firearm or the redemption of a pawned firearm.

(5) The Washington state patrol shall establish a procedure for a person who has been denied a firearms transfer as the result of a background check to appeal the denial to the Washington state patrol and to obtain information on the basis for the denial and procedures to review and correct any erroneous records that led to the denial.

(6) The Washington state patrol shall work with the administrative office of the courts to build a link between the firearm background check system and the administrative office of the courts case management system for the purpose of accessing court records to determine a person's eligibility to possess a firearm.

(7) Upon establishment of the firearm background check system under this section, the Washington state patrol shall notify each dealer in the state of the existence of the system, and the dealer must use the system to conduct background checks for firearm sales or transfers beginning on the date that is thirty days after issuance of the notification.

(8) The Washington state patrol shall consult with the Washington background check advisory board created in RCW 43.43.585 in carrying out its duties under this section.

(9) No later than July 1, 2025, and annually thereafter, the Washington state patrol firearms background check program shall report to the appropriate committees of the legislature the average time between receipt of request for a background check and final decision.

(10) All records and information prepared, obtained, used, or retained by the Washington state patrol in connection with a request for a firearm background check are exempt from public inspection and copying under chapter 42.56 RCW.

~~((4))~~ (11) The Washington state patrol may adopt rules necessary to carry out the purposes of this section.

~~((4))~~ (12) For the purposes of this section, "dealer" has the same meaning as given in RCW 9.41.010.

NEW SECTION. Sec. 8. 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.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

Senator Hansen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5985.

Senator Hansen spoke in favor of the motion.

Senator Padden spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Hansen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5985.

The motion by Senator Hansen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5985 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5985, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5985, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hawkins, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5985, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 2024

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 5986 with the following amendment(s): 5986-S AMH HCW H3321.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.43.005 and 2023 c 433 s 20 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used

to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Adverse benefit determination" means a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit, including a denial, reduction, termination, or failure to provide or make payment that is based on a determination of an enrollee's or applicant's eligibility to participate in a plan, and including, with respect to group health plans, a denial, reduction, or termination of, or a failure to provide or make payment, in whole or in part, for a benefit resulting from the application of any utilization review, as well as a failure to cover an item or service for which benefits are otherwise provided because it is determined to be experimental or investigational or not medically necessary or appropriate.

(3) "Air ambulance service" has the same meaning as defined in section 2799A-2 of the public health service act (42 U.S.C. Sec. 300gg-112) and implementing federal regulations in effect on March 31, 2022.

(4) "Allowed amount" means the maximum portion of a billed charge a health carrier will pay, including any applicable enrollee cost-sharing responsibility, for a covered health care service or item rendered by a participating provider or facility or by a nonparticipating provider or facility.

(5) "Applicant" means a person who applies for enrollment in an individual health plan as the subscriber or an enrollee, or the dependent or spouse of a subscriber or enrollee.

(6) "Balance bill" means a bill sent to an enrollee by a nonparticipating provider or facility for health care services provided to the enrollee after the provider or facility's billed amount is not fully reimbursed by the carrier, exclusive of permitted cost-sharing.

(7) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(8) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(9) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(10) "Behavioral health emergency services provider" means emergency services provided in the following settings:

(a) A crisis stabilization unit as defined in RCW 71.05.020;

(b) A 23-hour crisis relief center as defined in RCW 71.24.025;

(c) An evaluation and treatment facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department of health;

(d) An agency certified by the department of health under chapter 71.24 RCW to provide outpatient crisis services;

(e) An agency certified by the department of health under chapter 71.24 RCW to provide medically managed or medically monitored withdrawal management services; or

(f) A mobile rapid response crisis team as defined in RCW 71.24.025 that is contracted with a behavioral health administrative services organization operating under RCW 71.24.045 to provide crisis response services in the behavioral health administrative services organization's service area.

(11) "Board" means the governing board of the Washington health benefit exchange established in chapter 43.71 RCW.

(12)(a) For grandfathered health benefit plans issued before January 1, 2014, and renewed thereafter, "catastrophic health plan" means:

(i) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, (~~one thousand seven hundred fifty dollars~~) \$1,750 and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least (~~three thousand five hundred dollars~~) \$3,500, both amounts to be adjusted annually by the insurance commissioner; and

(ii) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, (~~three thousand five hundred dollars~~) \$3,500 and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least (~~six thousand dollars~~) \$6,000, both amounts to be adjusted annually by the insurance commissioner.

(b) In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding (~~twelve~~) 12 months, as determined by the United States department of labor. For a plan year beginning in 2014, the out-of-pocket limits must be adjusted as specified in section 1302(c)(1) of P.L. 111-148 of 2010, as amended. The adjusted amount shall apply on the following January 1st.

(c) For health benefit plans issued on or after January 1, 2014, "catastrophic health plan" means:

(i) A health benefit plan that meets the definition of catastrophic plan set forth in section 1302(e) of P.L. 111-148 of 2010, as amended; or

(ii) A health benefit plan offered outside the exchange marketplace that requires a calendar year deductible or out-of-pocket expenses under the plan, other than for premiums, for covered benefits, that meets or exceeds the commissioner's annual adjustment under (b) of this subsection.

(13) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(14) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(15) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(16) "Dependent" means, at a minimum, the enrollee's legal spouse and dependent children who qualify for coverage under the enrollee's health benefit plan.

(17) "Emergency medical condition" means a medical, mental health, or substance use disorder condition manifesting itself by acute symptoms of sufficient severity including, but not limited to, severe pain or emotional distress, such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical, mental health, or substance use disorder treatment attention to result in a condition (a) placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, (b) serious impairment to bodily functions, or (c) serious dysfunction of any bodily organ or part.

(18) "Emergency services" means:

(a)(i) A medical screening examination, as required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd), that is within the capability of the emergency department of a



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

hospital, including ancillary services routinely available to the emergency department to evaluate that emergency medical condition;

(ii) Medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd) to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. Sec. 1395dd(e)(3)); and

(iii) Covered services provided by staff or facilities of a hospital after the enrollee is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit during which screening and stabilization services have been furnished. Poststabilization services relate to medical, mental health, or substance use disorder treatment necessary in the short term to avoid placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part; or

(b)(i) A screening examination that is within the capability of a behavioral health emergency services provider including ancillary services routinely available to the behavioral health emergency services provider to evaluate that emergency medical condition;

(ii) Examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the behavioral health emergency services provider, as are required under section 1867 of the social security act (42 U.S.C. Sec. 1395dd) or as would be required under such section if such section applied to behavioral health emergency services providers, to stabilize the patient. Stabilize, with respect to an emergency medical condition, has the meaning given in section 1867(e)(3) of the social security act (42 U.S.C. Sec. 1395dd(e)(3)); and

(iii) Covered behavioral health services provided by staff or facilities of a behavioral health emergency services provider after the enrollee is stabilized and as part of outpatient observation or an inpatient or outpatient stay with respect to the visit during which screening and stabilization services have been furnished. Poststabilization services relate to mental health or substance use disorder treatment necessary in the short term to avoid placing the health of the individual, or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

(19) "Employee" has the same meaning given to the term, as of January 1, 2008, under section 3(6) of the federal employee retirement income security act of 1974.

(20) "Enrollee point-of-service cost-sharing" or "cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(21) "Essential health benefit categories" means:

- (a) Ambulatory patient services;
- (b) Emergency services;
- (c) Hospitalization;
- (d) Maternity and newborn care;
- (e) Mental health and substance use disorder services, including behavioral health treatment;
- (f) Prescription drugs;
- (g) Rehabilitative and habilitative services and devices;
- (h) Laboratory services;
- (i) Preventive and wellness services and chronic disease management; and
- (j) Pediatric services, including oral and vision care.

(22) "Exchange" means the Washington health benefit exchange established under chapter 43.71 RCW.

(23) "Final external review decision" means a determination by an independent review organization at the conclusion of an external review.

(24) "Final internal adverse benefit determination" means an adverse benefit determination that has been upheld by a health plan or carrier at the completion of the internal appeals process, or an adverse benefit determination with respect to which the internal appeals process has been exhausted under the exhaustion rules described in RCW 48.43.530 and 48.43.535.

(25) "Grandfathered health plan" means a group health plan or an individual health plan that under section 1251 of the patient protection and affordable care act, P.L. 111-148 (2010) and as amended by the health care and education reconciliation act, P.L. 111-152 (2010) is not subject to subtitles A or C of the act as amended.

(26) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(27) "Ground ambulance services" means:

(a) The rendering of medical treatment and care at the scene of a medical emergency or while transporting a patient from the scene to an appropriate health care facility or behavioral health emergency services provider when the services are provided by one or more ground ambulance vehicles designed for this purpose; and

(b) Ground ambulance transport between hospitals or behavioral health emergency services providers, hospitals or behavioral health emergency services providers and other health care facilities or locations, and between health care facilities when the services are medically necessary and are provided by one or more ground ambulance vehicles designed for this purpose.

(28) "Ground ambulance services organization" means a public or private organization licensed by the department of health under chapter 18.73 RCW to provide ground ambulance services. For purposes of this chapter, ground ambulance services organizations are not considered providers.

(29) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 or 70.230 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

~~((28))~~ (30) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

~~((29))~~ (31) "Health care service" means that service offered

or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

~~((30))~~ (32) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020, and includes "issuers" as that term is used in the patient protection and affordable care act (P.L. 111-148).

~~((31))~~ (33) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 or 48.83 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage;

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner;

(m) Civilian health and medical program for the veterans affairs administration (CHAMPVA); and

(n) Stand-alone prescription drug coverage that exclusively supplements medicare part D coverage provided through an employer group waiver plan under federal social security act regulation 42 C.F.R. Sec. 423.458(c).

~~((32))~~ (34) "Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

~~((33))~~ (35) "In-network" or "participating" means a provider or facility that has contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees and be reimbursed by the carrier at a contracted rate as payment in full for the health care services, including applicable cost-sharing obligations.

~~((34))~~ (36) "Local governmental entity" means any entity that is authorized to establish or provide ground ambulance services or set rates for ground ambulance services, including those as authorized in RCW 35.27.370, 35.23.456, 52.12.135, chapter 35.21 RCW, or as authorized under any state law.

(37) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

~~((35))~~ (38) "Nonemergency health care services performed by nonparticipating providers at certain participating facilities" means covered items or services other than emergency services

with respect to a visit at a participating health care facility, as provided in section 2799A-1(b) of the public health service act (42 U.S.C. Sec. 300gg-111(b)), 45 C.F.R. Sec. 149.30, and 45 C.F.R. Sec. 149.120 as in effect on March 31, 2022.

~~((36))~~ (39) "Open enrollment" means a period of time as defined in rule to be held at the same time each year, during which applicants may enroll in a carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

~~((37))~~ (40) "Out-of-network" or "nonparticipating" means a provider or facility that has not contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees.

~~((38))~~ (41) "Out-of-pocket maximum" or "maximum out-of-pocket" means the maximum amount an enrollee is required to pay in the form of cost-sharing for covered benefits in a plan year, after which the carrier covers the entirety of the allowed amount of covered benefits under the contract of coverage.

~~((39))~~ (42) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

~~((40))~~ (43) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

~~((41))~~ (44)(a) "Protected individual" means:

(i) An adult covered as a dependent on the enrollee's health benefit plan, including an individual enrolled on the health benefit plan of the individual's registered domestic partner; or

(ii) A minor who may obtain health care without the consent of a parent or legal guardian, pursuant to state or federal law.

(b) "Protected individual" does not include an individual deemed not competent to provide informed consent for care under RCW 11.88.010(1)(e).

~~((42))~~ (45) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

~~((43))~~ (46) "Sensitive health care services" means health services related to reproductive health, sexually transmitted diseases, substance use disorder, gender dysphoria, gender-affirming care, domestic violence, and mental health.

~~((44))~~ (47) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that employed an average of at least one but no more than ~~((fifty))~~ 50 employees, during the previous calendar year and employed at least one employee on the first day of the plan year, is not formed primarily for purposes of buying health insurance, and in which a bona fide employer-employee relationship exists. In determining the number of employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor who is covered as a group of one

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

must also: (a) Have been employed by the same small employer or small group for at least twelve months prior to application for small group coverage, and (b) verify that he or she derived at least ~~((seventy five))~~ 75 percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year, except a self-employed individual or sole proprietor in an agricultural trade or business, must have derived at least ~~((fifty one))~~ 51 percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year.

~~((45))~~ (48) "Special enrollment" means a defined period of time of not less than thirty-one days, triggered by a specific qualifying event experienced by the applicant, during which applicants may enroll in the carrier's individual health benefit plan without being subject to health screening or otherwise required to provide evidence of insurability as a condition for enrollment.

~~((46))~~ (49) "Standard health questionnaire" means the standard health questionnaire designated under chapter 48.41 RCW.

~~((47))~~ (50) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

~~((48))~~ (51) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

**Sec. 2.** RCW 48.49.003 and 2022 c 263 s 6 are each amended to read as follows:

(1) The legislature finds that:

(a) Consumers receive surprise bills or balance bills for services provided at nonparticipating facilities ~~((or))~~ by nonparticipating health care providers at in-network facilities, and by ground ambulance services organizations;

(b) Consumers must not be placed in the middle of contractual disputes between ~~((providers))~~ entities referenced in this section and health insurance carriers; and

(c) Facilities, providers, and health insurance carriers all share responsibility to ensure consumers have transparent information on network providers and benefit coverage, and the insurance commissioner is responsible for ensuring that provider networks include sufficient numbers and types of contracted providers to reasonably ensure consumers have in-network access for covered benefits.

(2) It is the intent of the legislature to:

(a) Ban balance billing of consumers enrolled in fully insured, regulated ~~((insurance))~~ health plans and plans offered to public and school employees under chapter 41.05 RCW for the services described in RCW 48.49.020~~((,))~~ and section 8 of this act and to provide self-funded group health plans with an option to elect to be subject to the provisions of this chapter;

(b) Remove consumers from balance billing disputes and require that nonparticipating providers and carriers negotiate nonparticipating provider payments in good faith under the terms of this chapter;

(c) Align Washington state law with the federal balance billing prohibitions and transparency protections in sections 2799A-1 et

seq. of the public health service act (P.L. 116-260) and implementing federal regulations in effect on March 31, 2022, while maintaining provisions of this chapter that provide greater protection for consumers; and

(d) Provide an environment that encourages self-funded groups to negotiate payments in good faith with nonparticipating providers and facilities in return for balance billing protections.

**Sec. 3.** RCW 48.49.060 and 2022 c 263 s 13 are each amended to read as follows:

(1) The commissioner, in consultation with health carriers, health care providers, health care facilities, behavioral health emergency services providers, ground ambulance services organizations, and consumers, must develop standard template language for a notice of consumer rights notifying consumers of their rights under this chapter, and sections 2799A-1 and 2799A-2 of the public health service act (42 U.S.C. Secs. 300gg-111 and 300gg-112) and implementing federal regulations in effect on March 31, 2022.

(2) The standard template language must include contact information for the office of the insurance commissioner so that consumers may contact the office of the insurance commissioner if they believe they have received a balance bill in violation of this chapter.

(3) The office of the insurance commissioner shall determine by rule when and in what format health carriers, health care providers, ~~((and))~~ health care facilities, behavioral health emergency services providers, and ground ambulance services organizations must provide consumers with the notice developed under this section.

**Sec. 4.** RCW 48.49.070 and 2022 c 263 s 14 are each amended to read as follows:

(1)(a) A hospital, ambulatory surgical facility, ~~((or))~~ behavioral health emergency services provider, or ground ambulance services organization must post the following information on its website, if one is available:

(i) The listing of the carrier health plan provider networks with which the hospital, ambulatory surgical facility, ~~((or))~~ behavioral health emergency services provider, or ground ambulance services organization is an in-network provider, based upon the information provided by the carrier pursuant to RCW 48.43.730(7); and

(ii) The notice of consumer rights developed under RCW 48.49.060.

(b) If the hospital, ambulatory surgical facility, ~~((or))~~ behavioral health emergency services provider, or ground ambulance services organization does not maintain a website, this information must be provided to consumers upon an oral or written request.

(2) Posting or otherwise providing the information required in this section does not relieve a hospital, ambulatory surgical facility, ~~((or))~~ behavioral health emergency services provider, or ground ambulance services organization of its obligation to comply with the provisions of this chapter.

(3) Not less than ~~((thirty))~~ 30 days prior to executing a contract with a carrier, a hospital or ambulatory surgical facility must provide the carrier with a list of the nonemployed providers or provider groups contracted to provide emergency medicine, anesthesiology, pathology, radiology, neonatology, surgery, hospitalist, intensivist~~((s))~~, and diagnostic services, including radiology and laboratory services at the hospital or ambulatory surgical facility. The hospital or ambulatory surgical facility must notify the carrier within thirty days of a removal from or addition to the nonemployed provider list. A hospital or ambulatory surgical facility also must provide an updated list of these providers within ~~((fourteen))~~ 14 calendar days of a request for an

updated list by a carrier.

**Sec. 5.** RCW 48.49.090 and 2022 c 263 s 15 are each amended to read as follows:

(1) A carrier must update its website and provider directory no later than thirty days after the addition or termination of a facility or provider.

(2) A carrier must provide an enrollee with:

(a) A clear description of the health plan's out-of-network health benefits;

(b) The notice of consumer rights developed under RCW 48.49.060;

(c) Notification that if the enrollee receives services from an out-of-network provider, facility, ~~((#))~~ behavioral health emergency services provider, or ground ambulance services organization, under circumstances other than those described in RCW 48.49.020 and section 8 of this act, the enrollee will have the financial responsibility applicable to services provided outside the health plan's network in excess of applicable cost-sharing amounts and that the enrollee may be responsible for any costs in excess of those allowed by the health plan;

(d) Information on how to use the carrier's member transparency tools under RCW 48.43.007;

(e) Upon request, information regarding whether a health care provider is in-network or out-of-network, and whether there are in-network providers available to provide emergency medicine, anesthesiology, pathology, radiology, neonatology, surgery, hospitalist, intensivist~~((#))~~, and diagnostic services, including radiology and laboratory services at specified in-network hospitals or ambulatory surgical facilities; and

(f) Upon request, an estimated range of the out-of-pocket costs for an out-of-network benefit.

**Sec. 6.** RCW 48.49.100 and 2022 c 263 s 16 are each amended to read as follows:

(1) If the commissioner has cause to believe that any health care provider, hospital, ambulatory surgical facility, or behavioral health emergency services provider, has engaged in a pattern of unresolved violations of RCW 48.49.020 or 48.49.030, the commissioner may submit information to the department of health or the appropriate disciplining authority for action. Prior to submitting information to the department of health or the appropriate disciplining authority, the commissioner may provide the health care provider, hospital, ambulatory surgical facility, or behavioral health emergency services provider, with an opportunity to cure the alleged violations or explain why the actions in question did not violate RCW 48.49.020 or 48.49.030.

(2) If any health care provider, hospital, ambulatory surgical facility, or behavioral health emergency services provider, has engaged in a pattern of unresolved violations of RCW 48.49.020 or 48.49.030, the department of health or the appropriate disciplining authority may levy a fine or cost recovery upon the health care provider, hospital, ambulatory surgical facility, or behavioral health emergency services provider in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the department or disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner or initiated directly by an enrollee, the department of health or the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(3) If the commissioner has cause to believe that any ground ambulance services organization has engaged in a pattern of unresolved violations of section 8 of this act, the authority and process provided in subsections (1) and (2) of this section apply.

(4) If a carrier has engaged in a pattern of unresolved violations

of any provision of this chapter, the commissioner may levy a fine or apply remedies authorized under this chapter, chapter 48.02 RCW, RCW 48.44.166, 48.46.135, or 48.05.185.

~~((4))~~ (5) For purposes of this section, "disciplining authority" means the agency, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of chapter 18.130 RCW or a chapter specified under RCW 18.130.040.

**Sec. 7.** RCW 48.49.130 and 2022 c 263 s 17 are each amended to read as follows:

As authorized in 45 C.F.R. Sec. 149.30 as in effect on March 31, 2022, the provisions of this chapter apply to a self-funded group health plan whether governed by or exempt from the provisions of the federal employee retirement income security act of 1974 (29 U.S.C. Sec. 1001 et seq.) only if the self-funded group health plan elects to participate in the provisions of RCW 48.49.020 ~~((and))~~, 48.49.030, 48.49.040, 48.49.160, and ~~((48.49.040))~~ section 8 of this act. To elect to participate in these provisions, the self-funded group health plan shall provide notice, on ~~((an annual))~~ a periodic basis, to the commissioner in a manner and by a date prescribed by the commissioner, attesting to the plan's participation and agreeing to be bound by RCW 48.49.020 ~~((and))~~, 48.49.030, 48.49.040, 48.49.160, and ~~((48.49.040))~~ section 8 of this act. An entity administering a self-funded health benefits plan that elects to participate under this section, shall comply with the provisions of RCW 48.49.020 ~~((and))~~, 48.49.030, 48.49.040, 48.49.160, and ~~((48.49.040))~~ section 8 of this act.

NEW SECTION. **Sec. 8.** A new section is added to chapter 48.49 RCW to read as follows:

(1) For health plans issued or renewed on or after January 1, 2025, a nonparticipating ground ambulance services organization may not balance bill an enrollee for covered ground ambulance services.

(2) If an enrollee receives covered ground ambulance services:

(a) The enrollee satisfies their obligation to pay for the ground ambulance services if they pay the in-network cost-sharing amount specified in the enrollee's or applicable group's health plan contract. The enrollee's obligation must be calculated using the allowed amount determined under subsection (3) of this section. The carrier shall provide an explanation of benefits to the enrollee and the nonparticipating ground ambulance services organization that reflects the cost-sharing amount determined under this subsection;

(b) The carrier, nonparticipating ground ambulance services organization, and any agent, trustee, or assignee of the carrier or nonparticipating ground ambulance services organization shall ensure that the enrollee incurs no greater cost than the amount determined under (a) of this subsection;

(c) The nonparticipating ground ambulance services organization and any agent, trustee, or assignee of the nonparticipating ground ambulance services organization may not balance bill or otherwise attempt to collect from the enrollee any amount greater than the amount determined under (a) of this subsection. This does not impact the ground ambulance services organization's ability to collect a past due balance for that cost-sharing amount with interest;

(d) The carrier shall treat any cost-sharing amounts determined under (a) of this subsection paid by the enrollee for a nonparticipating ground ambulance services organization's services in the same manner as cost-sharing for health care services provided by an in-network ground ambulance services organization and must apply any cost-sharing amounts paid by the enrollee for such services toward the enrollee's maximum out-of-pocket payment obligation; and

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(e) A ground ambulance services organization shall refund any amount in excess of the in-network cost-sharing amount to an enrollee within 30 business days of receipt if the enrollee has paid the nonparticipating ground ambulance services organization an amount that exceeds the in-network cost-sharing amount determined under (a) of this subsection. Interest must be paid to the enrollee for any unrefunded payments at a rate of 12 percent beginning on the first calendar day after the 30 business days.

(3) Until December 31, 2027, the allowed amount paid to a nonparticipating ground ambulance services organization for covered ground ambulance services under a health plan issued by a carrier must be one of the following amounts:

(a)(i) The rate established by the local governmental entity where the covered health care services originated for the provision of ground ambulance services by ground ambulance services organizations owned or operated by the local governmental entity and submitted to the office of the insurance commissioner under section 9 of this act; or

(ii) Where the ground ambulance services were provided by a private ground ambulance services organization under contract with the local governmental entity where the covered health care services originated, the amount set by the contract submitted to the office of the insurance commissioner under section 9 of this act; or

(b) If a rate has not been established under (a) of this subsection, the lesser of:

(i) 325 percent of the current published rate for ambulance services as established by the federal centers for medicare and medicaid services under Title XVIII of the social security act for the same service provided in the same geographic area; or

(ii) The ground ambulance services organization's billed charges.

(4) Payment made in compliance with this section is payment in full for the covered services provided, except for any applicable in-network copayment, coinsurance, deductible, and other cost-sharing amounts required to be paid by the enrollee.

(5) The carrier shall make payments for ground ambulance services provided by nonparticipating ground ambulance services organizations directly to the organization, rather than the enrollee.

(6) A ground ambulance services organization may not request or require a patient at any time, for any procedure, service, or supply, to sign or otherwise execute by oral, written, or electronic means, any document that would attempt to avoid, waive, or alter any provision of this section.

(7) Carriers shall make available through electronic and other methods of communication generally used by a ground ambulance services organization to verify enrollee eligibility and benefits information regarding whether an enrollee's health plan is subject to the requirements of this section.

(8) For purposes of this chapter, ground ambulance services organizations are not considered providers. RCW 48.49.020, 48.49.030, 48.49.040, and 48.49.160 do not apply to ground ambulance services or ground ambulance services organizations.

**NEW SECTION. Sec. 9.** A new section is added to chapter 48.49 RCW to read as follows:

(1) Each local governmental entity that has established or contracted for rates for ground ambulance services provided in their geographic service area must submit the rates to the office of the insurance commissioner, in the form and manner prescribed by the commissioner for purposes of section 8 of this act. Rates established for ground ambulance transports include rates for services provided directly by the local governmental entity and rates for ground ambulance services provided by private ground ambulance services organizations under contract with the local governmental entity.

(2) The commissioner shall establish and maintain, directly or through the lead organization for administrative simplification designated under RCW 48.165.030, a publicly accessible database for the rates. A carrier may rely in good faith on the rates shown on the website. Local governmental entities are solely responsible for submitting any updates to their rates to the commissioner or the lead organization for administrative simplification, as directed by the commissioner.

**NEW SECTION. Sec. 10.** A new section is added to chapter 48.49 RCW to read as follows:

(1) The commissioner must undertake a process to review the reasonableness of the percentage of the medicare rate established in section 8 of this act and any trends in changes to ground ambulance services rates set by local governmental entities and ground ambulance services organizations' billed charges. In conducting the review, the commissioner should consider the relationship of the rates to the cost of providing ground ambulance services and any impacts on health plan enrollees that may result from health plans increasing in-network consumer cost-sharing for ground ambulance services due to increased rates paid for these services by carriers.

(2) The results of the review must be submitted to the legislature by the earlier of:

(a) October 1, 2026; or

(b) October 1st following any:

(i) Significant trend of increasing rates for ground ambulance services established or contracted for by local governmental entities, increasing billed charges by ground ambulance services organizations, or increasing consumer cost-sharing for ground ambulance services;

(ii) Significant reduction in access to ground ambulance services in Washington state, including in rural or frontier communities; or

(iii) Update in medicare ground ambulance services payment rates by the federal centers for medicare and medicaid services.

(3) The report submitted to the legislature under subsection (2)(a) of this section must include:

(a) Health carrier spending on ground ambulance transports for fully insured health plans and for public and school employee programs administered under chapter 41.05 RCW during plan years 2024 and 2025;

(b) Individual and small group health plan premium trends and cost-sharing trends for ground ambulance services for plan years 2024 and 2025;

(c) Trends in coverage of ground ambulance services for fully insured health plans and for public and school employee programs administered under chapter 41.05 RCW for plan years 2024 and 2025;

(d) A description of current emergency medical services training, equipment, and personnel standards for emergency medical services licensure; and

(e) A description of emergency medical services interfacility transport capabilities in Washington state.

**NEW SECTION. Sec. 11.** A new section is added to chapter 18.73 RCW to read as follows:

If the insurance commissioner reports to the department that they have cause to believe that a ground ambulance services organization has engaged in a pattern of violations of section 8 of this act, and the report is substantiated after investigation, the department may levy a fine upon the ground ambulance services organization in an amount not to exceed \$1,000 per violation and take other formal or informal disciplinary action as permitted under the authority of the department.

**NEW SECTION. Sec. 12.** A new section is added to chapter 48.43 RCW to read as follows:

(1) For health plans issued or renewed on or after January 1, 2025, a health carrier shall provide coverage for ground ambulance transports to behavioral health emergency services providers for enrollees who are experiencing an emergency medical condition as defined in RCW 48.43.005. A health carrier may not require prior authorization of ground ambulance services if a prudent layperson acting reasonably would have believed that an emergency medical condition existed.

(2) Coverage of ground ambulance transports to behavioral health emergency services providers may be subject to applicable in-network copayments, coinsurance, and deductibles, as provided in chapter 48.49 RCW.

**NEW SECTION. Sec. 13.** (1) The office of the insurance commissioner, in consultation with the health care authority, shall contract for an actuarial analysis of the cost, potential cost savings, and total net costs or savings of covering services provided by ground ambulance services organizations when a ground ambulance services organization is dispatched to the scene of an emergency and the person is treated but is not transported to a hospital or behavioral health emergency services provider. The analysis must calculate net costs or savings separately for the individual, small group, and large group health plan markets and for public and school employee programs administered under chapter 41.05 RCW. The analysis should consider, at a minimum:

(a) The proportion of ground ambulance dispatches that do not result in patient transport to a hospital or behavioral health emergency services provider;

(b) Appropriate payment rates for these services;

(c) Any potential impact of coverage of these services on the number or type of transports to hospitals or behavioral health emergency services providers and associated costs or cost savings; and

(d) Other considerations identified by the commissioner.

(2) The report must include the findings of the actuarial analysis described in this section and recommendations related to whether the services described in this section should be treated as covered services under health plans issued or renewed in Washington state and health benefit programs for public and school employees administered under chapter 41.05 RCW. The office of the insurance commissioner shall submit the report to the legislature by October 1, 2025.

**NEW SECTION. Sec. 14.** A new section is added to chapter 18.73 RCW to read as follows:

(1) The Washington state institute for public policy, in collaboration with the department, the health care authority, and the office of the insurance commissioner, shall conduct a study on the extent to which other states fund or have considered funding emergency medical services substantially or entirely through federal, state, or local governmental funding and the current landscape of emergency medical services in Washington.

(2) The institute shall consider the following elements in conducting the study:

(a) Trends in the number and types of emergency medical services available and the volume of 911 responses and interfacility transports provided by emergency medical services organizations over time and by county in Washington state;

(b) Projections of the need for emergency medical services in Washington state counties over the next two years;

(c) Examination of geographic disparities in emergency medical services access and average response times, including identification of geographic areas in Washington state without access to emergency medical services within an average 25-minute response time;

(d) Estimates for the cost to address gaps in emergency medical services so all parts of the state are assured a timely response;

(e) Models for funding emergency medical services that are used by other states; and

(f) Existing research and literature related to funding models for emergency medical services.

(3) In conducting the study, the institute shall consult with emergency medical services organizations, local governmental entities, hospitals, labor organizations representing emergency medical services personnel, and other interested entities as determined by the institute in consultation with the department, the health care authority, and the office of the insurance commissioner.

(4) A report detailing the results of the study must be submitted to the department and the relevant policy and fiscal committees of the legislature on or before June 1, 2026.

**NEW SECTION. Sec. 15.** RCW 48.49.190 (Reports to legislature) and 2022 c 263 s 21 are each repealed."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Cleveland moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5986.

Senator Cleveland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Cleveland that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5986.

The motion by Senator Cleveland carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5986 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5986, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5986, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 5986, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed SECOND SUBSTITUTE SENATE BILL NO. 6006 with the following amendment(s): 6006-S2 AMH ENGR H3302.E

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.40.100 and 2017 c 126 s 1 are each amended to read as follows:

(1) A person is guilty of trafficking in the first degree when(~~(a) Such person~~;  
(~~i) Recruits~~) such person recruits, entices, harbors, transports, (~~transfers~~) isolates, solicits, provides, obtains, buys, purchases, maintains, or receives by any means another person (~~(knowing)~~) and:

(a)(i) Knows, or acts in reckless disregard of the fact, (~~(A)~~) that force, fraud, or coercion (~~(as defined in RCW 9A.36.070)~~) will be used to cause the person to engage in(~~(~~

- (i) Forced labor;
- (ii) Involuntary servitude;
- (iii) A sexually explicit act; or

(iv) A commercial sex act, or (B) that the person has not attained the age of eighteen years and is caused to engage in a sexually explicit act or a commercial sex act; or

(ii) Benefits)) forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act; or

(ii) Such person knowingly, or in reckless disregard, causes a person under 18 years of age to engage in a sexually explicit act or commercial sex act, or benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(i) or (ii) of this subsection; provided, that it is not a defense that such person did not know, or recklessly disregarded the fact, that the other person was under 18 years of age or believed the other person was older, as the case may be; and

(b) The acts or venture set forth in (a)(i) or (ii) of this subsection:

(i) Involve such person committing or attempting to commit kidnapping;

(ii) Involve a finding of sexual motivation (~~(under RCW 9.94A.835)~~);

- (iii) Involve the illegal harvesting or sale of human organs; or
- (iv) Result in a death.

(2) Trafficking in the first degree is a class A felony.

(3)(~~(a)~~) A person is guilty of trafficking in the second degree when such person(~~(~~

(i) Recruits)) recruits, entices, harbors, transports, (~~transfers~~) isolates, solicits, provides, obtains, buys, purchases, maintains, or receives by any means another person (~~(knowing)~~) and:

(a) Knows, or acts in reckless disregard of the fact, that force, fraud, or coercion (~~(as defined in RCW 9A.36.070)~~) will be used to cause the person to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act(~~(or that the person has not attained the age of eighteen years and is caused to engage in a sexually explicit act or a commercial sex act; or~~

- (ii) Benefits) ; or

(b) Such person knowingly, or in reckless disregard, causes a person under 18 years of age to engage in a sexually explicit act or commercial sex act, or benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(~~(i)~~) or (b) of this subsection; provided, that it is not a defense that such person did not know, or recklessly disregarded the fact, that the other person was under 18 years of age or believed the other person was older, as the case may be.

(~~(b)~~) (4) Trafficking in the second degree is a class A felony.

(~~(4)~~(a) In any prosecution under this chapter in which the offense or degree of the offense depends on the victim's age, it is not a defense that the perpetrator did not know the victim's age, or that the perpetrator believed the victim to be older, as the case may be.

(~~b~~) (5) If the victim of any offense identified in this section is a minor, then force, fraud, or coercion are not necessary elements of an offense and consent to the sexually explicit act or commercial sex act does not constitute a defense.

(6) For purposes of this section:

(a) "Coercion" includes, but is not limited to, the following circumstances:

(i) Using or threatening to use physical force against any person;

(ii) Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against their will;

(iii) Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, constituting debt bondage, if the value of the labor or services are pledged as a security for the debt, the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, or the length and nature of the labor or services are not respectively limited and defined;

(iv) Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;

(v) Causing or threatening to cause financial harm to any person;

(vi) Enticing or luring any person by fraud or deceit;

(vii) Providing or withholding any drug, alcohol, controlled substance, property, or necessities of life including money, food, lodging, or anything else of value that belongs to or was promised to another person knowing that this other person will be caused to engage in forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act;

(viii) Accusing any person of a crime or causing criminal charges to be instituted against any person;

(ix) Exposing a secret or publicizing an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule;

(x) Testifying or providing information, or withholding testimony or information, with respect to another's legal claim or defense;

(xi) Taking wrongful action as an official against anyone or anything, or wrongfully withholding official action, or causing such action or withholding;

(xii) Committing any other act which is intended to harm substantially the person threatened or another with respect to his or her health, safety, business, financial condition, or personal relationships; or

(xiii) Holding or returning a person to a condition of involuntary servitude, debt bondage, or forced labor, with the intent of placing them in or returning them to a condition of involuntary servitude, debt bondage, or forced labor, where such condition is based on the alleged, implied, or actual inheritance of another's debt, constituting peonage.

(b) "Commercial sex act" means any act of sexual contact or sexual intercourse, both as defined in chapter 9A.44 RCW, for which something of value is given or received by any person.

(c) "Kidnapping" means intentionally abducting another person.

(d) "Maintain" means, in relation to forced labor, involuntary servitude, a sexually explicit act, or a commercial sex act, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of the victim to perform such labor, servitude, or act.

(e) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of

his or her sexual gratification.

(f) "Sexually explicit act" means a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons for which something of value is given or received.

(7) A person who is ~~((either))~~ convicted ~~((of))~~, enters into a plea agreement to a reduced or different charge, is given a deferred sentence or a deferred prosecution, or ~~((who has entered))~~ enters into a statutory or nonstatutory diversion agreement as a result of an arrest for a violation of a trafficking crime shall be assessed a ~~((ten thousand dollar))~~ \$10,000 fee. The court shall not reduce, waive, or suspend payment of all or part of the fee assessed in this section unless it finds, on the record, that the offender does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

~~((c))~~ The court shall not reduce, waive, or suspend payment of all or part of the fee assessed in this section unless it finds, on the record, that the offender does not have the ability to pay the fee in which case it may reduce the fee by an amount up to two-thirds of the maximum allowable fee.

~~((d))~~ (8)(a) Fees assessed under this section shall be collected by the clerk of the court and remitted ~~((to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town. Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.~~

~~((i))~~ At least fifty percent of the revenue from fees imposed under this section must be spent on prevention, including education programs for offenders, such as john school, and rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

~~((ii))~~ as follows:

~~((i))~~ 45 percent to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town, and which must be spent on services for victims of trafficking crimes in that jurisdiction;

~~((ii))~~ 45 percent to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town, and which must be spent on: (A) Local efforts to reduce the commercial sale of sex, including but not limited to increasing enforcement of commercial sex laws; (B) prevention, including education programs for offenders, such as programs to educate and divert persons from soliciting commercial sexual services; and (C) rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling; and

~~((iii))~~ 10 percent must be retained by the clerks of the courts for their official services.

(b) Revenues from these fees are not subject to the distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or 35.20.220.

~~((5))~~ If the victim of any offense identified in this section is a minor, force, fraud, or coercion are not necessary elements of an

offense and consent to the sexually explicit act or commercial sex act does not constitute a defense.

(6) For purposes of this section:

(a) "Commercial sex act" means any act of sexual contact or sexual intercourse, both as defined in chapter 9A.44 RCW, for which something of value is given or received by any person; and

(b) "Sexually explicit act" means a public, private, or live photographed, recorded, or videotaped act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons for which something of value is given or received.)

**NEW SECTION. Sec. 2.** (1) The state auditor must conduct a performance audit of the collection and use of mandatory fees assessed pursuant to RCW 9A.40.100. In addition to other measures established by the state auditor, the audit shall:

(a) Determine whether jurisdictions are assessing fees consistent with the requirements of RCW 9A.40.100;

(b) Determine whether jurisdictions are using the revenue from assessed fees to fund local efforts to reduce the commercial sale of sex as required by RCW 9A.40.100;

(c) Determine whether jurisdictions are using at least 50 percent of the revenue from assessed fees on prevention and rehabilitative services as required by RCW 9A.40.100; and

(d) If fees are not being assessed or used as required, make recommendations for corrective action.

(2) The state auditor may conduct the audit at a sample of jurisdictions as needed.

(3) The state auditor shall publish its final audit report no later than December 31, 2025.

(4) This section expires January 31, 2026.

**NEW SECTION. Sec. 3.** A new section is added to chapter 7.68 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this purpose, the commercially sexually exploited children statewide coordinating committee is established to facilitate a statewide coordinated response to the commercial sexual exploitation of children, youth, and young adults 24 years old and younger by relying on the voices of those with lived experience, qualitative and quantitative data, and the collective expertise of youth-serving professionals and youth policy experts to increase supports, protections, and resource identification in the areas of prevention and intervention with a particular emphasis on improving the response of systems of care, including but not limited to child welfare, juvenile criminal legal, health care, and education.

(2) The committee is convened by the office of the attorney general. The committee consists of the following members:

(a) One member from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives;

(b) One member from each of the two largest caucuses of the senate appointed by the president of the senate;

(c) A representative of the governor's office appointed by the governor;

(d) The secretary of the department of children, youth, and families or his or her designee;

(e) The secretary of the juvenile rehabilitation administration or his or her designee;

(f) The attorney general or his or her designee;

(g) The superintendent of public instruction or his or her designee;

(h) A representative of the administrative office of the courts appointed by the administrative office of the courts;

(i) A representative of the Washington state patrol;

(j) The executive director of the Washington association of sheriffs and police chiefs or his or her designee;



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(k) The executive director of the Washington state criminal justice training commission or his or her designee;

(l) A representative of the Washington association of prosecuting attorneys appointed by the association;

(m) The executive director of the office of public defense or his or her designee;

(n) Three representatives of community service providers that provide direct services to commercially sexually exploited children appointed by the attorney general;

(o) Two representatives of nongovernmental organizations familiar with the issues affecting commercially sexually exploited children appointed by the attorney general;

(p) The president of the superior court judges' association or his or her designee;

(q) The president of the juvenile court administrators or his or her designee;

(r) Any existing chairs of regional task forces on commercially sexually exploited children;

(s) A representative from the criminal defense bar;

(t) A representative of the center for children and youth justice;

(u) A representative from the office of crime victims advocacy;

(v) The executive director of the Washington coalition of sexual assault programs;

(w) The executive director of the statewide organization representing children's advocacy centers or his or her designee;

(x) A representative of an organization that provides inpatient chemical dependency treatment to youth, appointed by the attorney general;

(y) A representative of an organization that provides mental health treatment to youth, appointed by the attorney general;

(z) A survivor of human trafficking, appointed by the attorney general;

(aa) Two subject matter experts in intervention and prevention of commercial sexual exploitation of children, youth, and young adults;

(bb) A representative from a youth advocacy organization;

(cc) A representative from the office of homeless youth;

(dd) A representative from a homeless youth policy advocacy organization; and

(ee) A representative from the LGBTQ+ community.

(3) The duties of the committee include, but are not limited to:

(a) Overseeing and reviewing the implementation of the Washington state model protocol for commercially sexually exploited children at task force sites;

(b) Receiving reports and data from local and regional entities regarding the incidence of commercially sexually exploited children in their areas as well as data information regarding perpetrators, geographic data and location trends, and any other data deemed relevant;

(c) Receiving reports on local coordinated community response practices and results of the community responses;

(d) Reviewing recommendations from local and regional entities regarding policy and legislative changes that would improve the efficiency and effectiveness of local response practices;

(e) Making recommendations regarding policy and legislative changes that would improve the effectiveness of the state's response to and promote best practices for suppression of the commercial sexual exploitation of children;

(f) Making recommendations regarding data collection useful to understanding or addressing the problem of commercially sexually exploited children;

(g) Reviewing and making recommendations regarding strategic local investments or opportunities for federal and state funding to address the commercial sexual exploitation of

children;

(h) Compiling data on the number of juveniles believed to be victims of sexual exploitation taken into custody under RCW 43.185C.260;

(i) Making recommendations on how to fulfill and improve Washington's safe harbor law, chapter 331, Laws of 2020 (Engrossed Third Substitute House Bill 1775), including addressing the lack of receiving centers; and

(j) Coordinating efforts on behalf of commercially sexually exploited children and youth across the state so as to avoid duplicative efforts, use resources more efficiently, and increase awareness of available resources.

(4) The committee must meet no less than annually.

(5) The committee shall annually report its findings and recommendations to the appropriate committees of the legislature and to any other known statewide committees addressing trafficking or the commercial sex trade.

(6) This section expires June 30, 2030.

#### **PART I - VICTIM IDENTIFICATION, REPORTING, AND SCREENING**

**Sec. 4.** RCW 13.34.030 and 2021 c 304 s 1 and 2021 c 67 s 2 are each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

(a) Has been abandoned;

(b) Is abused or neglected as defined in ~~(chapter 26.44)~~ RCW 26.44.020 by a person legally responsible for the care of the child;

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

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

RCW 74.13.031; or

(e) Is a victim of sex trafficking or severe forms of trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., when the parent is involved in the trafficking, facilitating the trafficking, or should have known that the child is being trafficked.

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

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

(9) "Experiencing homelessness" means lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

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

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

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

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

(14) "Guardianship" means a guardianship pursuant to chapter 13.36 RCW or a limited guardianship of a minor pursuant to RCW 11.130.215 or equivalent laws of another state or a federally recognized Indian tribe.

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

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

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

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

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

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

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

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

(19) "Parent" means the biological or adoptive parents of a child, or an individual who has established a parent-child relationship under RCW 26.26A.100, unless the legal rights of that person have been terminated by a judicial proceeding pursuant to this chapter, chapter 26.33 RCW, or the equivalent laws of another state or a federally recognized Indian tribe.

(20) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(21) "Prevention services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child. Prevention services include, but are not limited to, prevention and family services and programs as defined in this section.

(22) "Qualified residential treatment program" means a program that meets the requirements provided in RCW 13.34.420, qualifies for funding under the family first prevention services act under 42 U.S.C. Sec. 672(k), and, if located within Washington state, is licensed as a group care facility under chapter 74.15 RCW.

(23) "Relative" includes persons related to a child in the following ways:

(a) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(b) Stepfather, stepmother, stepbrother, and stepsister;

(c) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(d) Spouses of any persons named in (a), (b), or (c) of this subsection, even after the marriage is terminated;

(e) Relatives, as named in (a), (b), (c), or (d) of this subsection, of any half sibling of the child; or

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(f) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4).

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

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

(26) "Social study" means a written evaluation of matters relevant to the disposition of the case that contains the information required by RCW 13.34.430.

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

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

**Sec. 5.** RCW 26.44.020 and 2023 c 122 s 5 are each amended to read as follows:

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

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, female genital mutilation as defined in RCW 18.130.460, trafficking as described in RCW 9A.40.100, sex trafficking or severe forms of trafficking in persons under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

(4) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the

child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(5) "Child protective services section" means the child protective services section of the department.

(6) "Child who is a candidate for foster care" means a child who the department identifies as being at imminent risk of entering foster care but who can remain safely in the child's home or in a kinship placement as long as services or programs that are necessary to prevent entry of the child into foster care are provided, and includes but is not limited to a child whose adoption or guardianship arrangement is at risk of a disruption or dissolution that would result in a foster care placement. The term includes a child for whom there is reasonable cause to believe that any of the following circumstances exist:

(a) The child has been abandoned by the parent as defined in RCW 13.34.030 and the child's health, safety, and welfare is seriously endangered as a result;

(b) The child has been abused or neglected as defined in this chapter and the child's health, safety, and welfare is seriously endangered as a result;

(c) There is no parent capable of meeting the child's needs such that the child is in circumstances that constitute a serious danger to the child's development;

(d) The child is otherwise at imminent risk of harm.

(7) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(8) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(9) "Court" means the superior court of the state of Washington, juvenile department.

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

(11) "Experiencing homelessness" means lacking a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter I) as it existed on January 1, 2021.

(12) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(13) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and

otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(14) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(15) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(16) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(17) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(18) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(19) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, experiencing homelessness, or exposure to domestic violence as defined in RCW 7.105.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(20) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(22) "Prevention and family services and programs" means specific mental health prevention and treatment services, substance abuse prevention and treatment services, and in-home parent skill-based programs that qualify for federal funding under the federal family first prevention services act, P.L. 115-123. For purposes of this chapter, prevention and family services and programs are not remedial services or family reunification services as described in RCW 13.34.025(2).

(23) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(24) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(25) "Screened-out report" means a report of alleged child

abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(26) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(27) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(28) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(29) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

**Sec. 6.** RCW 26.44.030 and 2019 c 172 s 6 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of children, youth, and families, licensed or certified child care providers or their employees, employee of the department of social and health services, juvenile probation officer, diversion unit staff, placement and liaison specialist, responsible living skills program staff, HOPE center staff, state family and children's ombuds or any volunteer in the (~~ombuds~~) ombuds office, or host home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership,

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11 and 13 RCW and this title, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law

enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report that a child is a candidate for foster care as defined in RCW 26.44.020, the department may provide prevention and family services and programs to the child's parents, guardian, or caregiver. The department may not be held civilly liable for the decision regarding whether to provide prevention and family services and programs, or for the provision

of those services and programs, for a child determined to be a candidate for foster care.

(11) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(12)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Indicates a child's health, safety, and welfare will be seriously endangered if not taken into custody for reasons including, but not limited to, sexual abuse and sexual exploitation of the child as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW.

(c) In addition, the department may use a family assessment response to assess for and provide prevention and family services

and programs, as defined in RCW 26.44.020, for the following children and their families, consistent with requirements under the federal family first prevention services act and this section:

(i) A child who is a candidate for foster care, as defined in RCW 26.44.020; and

(ii) A child who is in foster care and who is pregnant, parenting, or both.

(d) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(13)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(14) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report except as follows:

(i) Upon parental agreement, the family assessment response period may be extended up to one hundred twenty days. The department's extension of the family assessment response period must be operated within the department's appropriations;

(ii) For cases in which the department elects to use a family assessment response as authorized under subsection (12)(c) of this section, and upon agreement of the child's parent, legal guardian, legal custodian, or relative placement, the family assessment response period may be extended up to one year. The department's extension of the family assessment response must be operated within the department's appropriations.

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian agree to participate in services before services are initiated. The department shall inform the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not agree to participate in services.

(15)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the association shall consult with the department and the Washington association of sheriffs and police chiefs.

(16) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(17) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(18)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(19) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(20) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(21) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(22) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is

screened in and open for investigation that relates to that military parent or guardian.

(23) The department shall make available on its public website a downloadable and printable poster that includes the reporting requirements included in this section. The poster must be no smaller than eight and one-half by eleven inches with all information on one side. The poster must be made available in both the English and Spanish languages. Organizations that include employees or volunteers subject to the reporting requirements of this section must clearly display this poster in a common area. At a minimum, this poster must include the following:

- (a) Who is required to report child abuse and neglect;
- (b) The standard of knowledge to justify a report;
- (c) The definition of reportable crimes;
- (d) Where to report suspected child abuse and neglect; and
- (e) What should be included in a report and the appropriate timing.

**NEW SECTION. Sec. 7.** A new section is added to chapter 26.44 RCW to read as follows:

(1) The department must use a validated assessment tool to screen a child for commercial sexual abuse of a minor if a report of abuse and neglect under RCW 26.44.030 alleges commercial sexual abuse of a minor.

(2) Whenever there is reasonable cause to believe that a child under the jurisdiction of a juvenile justice agency has suffered commercial sexual abuse of a minor, the juvenile justice agency must use a validated assessment tool to screen the child for commercial sexual abuse of a minor and report such abuse and neglect pursuant to RCW 26.44.030.

(3) For purposes of this section, "juvenile justice agency" means any of the following: Law enforcement; diversion units; juvenile courts; detention centers; and persons or public or private agencies having children committed to their custody.

**Sec. 8.** RCW 74.13.031 and 2023 c 221 s 3 are each amended to read as follows:

(1) The department shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, children with disabilities or behavioral health conditions, teens, pregnant and parenting teens, and the department shall annually provide data and information to the governor and the legislature concerning the department's success in: (a) Placing children with relatives; (b) providing supports to kinship caregivers including guardianship assistance payments; (c) supporting relatives to pass home studies and become licensed caregivers; and (d) meeting the need for nonrelative family foster homes when children cannot be placed with relatives.

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a

crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) The department shall make recommendations to the legislature about the types of services that need to be offered to children who have been identified by a state or local agency as being a victim of either sex trafficking or severe forms of trafficking in persons described under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.

(5) For children identified as victims of sex trafficking and victims of severe forms of trafficking in persons described under the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq., the department:

(a) Shall assess and offer services to dependent children as described under RCW 13.34.030; and

(b) May assess and offer services to children who have not been found dependent.

(6) As provided in RCW 26.44.030, the department may respond to a report of child abuse or neglect by using the family assessment response.

(7) The department shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(8) The department shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. Under this section children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month. The department shall randomly select no less than ten percent of the caregivers currently providing care to receive one unannounced face-to-face visit in the caregiver's home per year. No caregiver will receive an unannounced visit through the random selection process for two consecutive years. If the caseworker makes a good faith effort to conduct the unannounced visit to a caregiver and is unable to do so, that month's visit to that caregiver need not be unannounced. The department is encouraged to group monthly visits to caregivers by geographic area so that in the event an unannounced visit cannot be completed, the caseworker may complete other required monthly visits. The department shall use a method of random selection that does not cause a fiscal impact to the department.

The department shall conduct the monthly visits with children and caregivers to whom it is providing child welfare services.

(9) The department shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(10) The department may accept custody of children from parents through a voluntary placement agreement to provide child welfare services. The department may place children with a relative, a suitable person, or a licensed foster home under a voluntary placement agreement. In seeking a placement for a voluntary placement agreement, the department should consider the preferences of the parents and attempt to place with relatives or suitable persons over licensed foster care.

(11) The department shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

~~((40))~~ (12) The department shall have authority to purchase care for children.

~~((44))~~ (13) The department shall establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

~~((42))~~ (14)(a) The department shall provide continued extended foster care services to nonminor dependents who are:

(i) Enrolled in a secondary education program or a secondary education equivalency program;

(ii) Enrolled and participating in a postsecondary academic or postsecondary vocational education program;

(iii) Participating in a program or activity designed to promote employment or remove barriers to employment;

(iv) Engaged in employment for eighty hours or more per month; or

(v) Not able to engage in any of the activities described in (a)(i) through (iv) of this subsection due to a documented medical condition.

(b) To be eligible for extended foster care services, the nonminor dependent must have been dependent at the time that he or she reached age eighteen years. If the dependency case of the nonminor dependent was dismissed pursuant to RCW 13.34.267, he or she may receive extended foster care services pursuant to a voluntary placement agreement under RCW 74.13.336 or pursuant to an order of dependency issued by the court under RCW 13.34.268. A nonminor dependent whose dependency case was dismissed by the court may request extended foster care services before reaching age twenty-one years. Eligible nonminor dependents may unenroll and reenroll in extended foster care through a voluntary placement agreement an unlimited number of times between ages eighteen and twenty-one.

(c) The department shall develop and implement rules regarding youth eligibility requirements.

(d) The department shall make efforts to ensure that extended foster care services maximize medicaid reimbursements. This must include the department ensuring that health and mental health extended foster care providers participate in medicaid, unless the condition of the extended foster care youth requires specialty care that is not available among participating medicaid providers or there are no participating medicaid providers in the area. The department shall coordinate other services to maximize federal resources and the most cost-efficient delivery of services to extended foster care youth.

(e) The department shall allow a youth who has received extended foster care services, but lost his or her eligibility, to reenter the extended foster care program an unlimited number of times through a voluntary placement agreement when he or she meets the eligibility criteria again.

~~((43))~~ (15) The department shall have authority to provide adoption support benefits on behalf of youth ages 18 to 21 years who achieved permanency through adoption at age 16 or older and who meet the criteria described in subsection ~~((42))~~ (14) of this section.

~~((44))~~ (16) The department shall have the authority to provide guardianship subsidies on behalf of youth ages 18 to 21 who achieved permanency through guardianship and who meet the criteria described in subsection ~~((42))~~ (14) of this section.

~~((45))~~ (17) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

~~((46))~~ (18) The department shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order. The purchase of such care is exempt from the requirements of chapter 74.13B RCW and may be purchased from the federally recognized Indian tribe or tribally licensed child-placing agency, and shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200, 43.185C.295, 74.13.035, and 74.13.036, or of this section all services to be provided by the department under subsections ~~((4), (7), and (9))~~ (6), (9), and (11) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

~~((47))~~ (19) The department may, within funds appropriated for guardianship subsidies, provide subsidies for eligible guardians who are appointed as guardian of an Indian child by the tribal court of a federally recognized tribe located in Washington state, as defined in RCW 13.38.040. The provision of subsidies shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department provides subsidies. To be eligible, the guardian must either be certified by a department-licensed child-placing agency or licensed by a federally recognized tribe located in Washington state that is a Title IV-E agency, as defined in 45 C.F.R. 1355.20.

~~((48))~~ (20) Within amounts appropriated for this specific purpose, the department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

~~((49))~~ (21) The department shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-three years of age, who are or have been in the department's care and custody, or who are or were nonminor dependents.

~~((20))~~ (22) The department shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

~~((24))~~ (23)(a) The department shall, within current funding levels, place on its public website a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

- (i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;
- (ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);
- (iii) Parent-child visits;
- (iv) Statutory preference for placement with a relative or other

suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

~~((22))~~ (24)(a) The department shall have the authority to purchase legal representation for parents or kinship caregivers, or both, of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan under RCW 13.34.155 or chapter 26.09, 26.26A, or 26.26B RCW or secure orders establishing other relevant civil legal relationships authorized by law, when it is necessary for the child's safety, permanence, or well-being. The department's purchase of legal representation for kinship caregivers must be within the department's appropriations. This subsection does not create an entitlement to legal representation purchased by the department and does not create judicial authority to order the department to purchase legal representation for a parent or kinship caregiver. Such determinations are solely within the department's discretion. The term "kinship caregiver" as used in this section means a caregiver who meets the definition of "kin" in RCW 74.13.600(1), unless the child is an Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903. For an Indian child as defined in RCW 13.38.040 and 25 U.S.C. Sec. 1903, the term "kinship caregiver" as used in this section means a caregiver who is an "extended family member" as defined in RCW 13.38.040(8).

(b) The department is encouraged to work with the office of public defense parent representation program and the office of civil legal aid to develop a cost-effective system for providing effective civil legal representation for parents and kinship caregivers if it exercises its authority under this subsection.

## PART II - CIVIL PROTECTION ORDERS

**Sec. 9.** RCW 7.105.010 and 2022 c 268 s 1 and 2022 c 231 s 8 are each reenacted and amended to read as follows:

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

(1) "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)(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.

(5) "Commercial sexual exploitation" means commercial sexual abuse of a minor and sex trafficking.

(6) "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.

~~((6))~~ (7)(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.

~~((7))~~ (8) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

~~((8))~~ (9) "Dating relationship" means a social relationship of

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

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.

~~((9))~~ (10) "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.

~~((40))~~ (11) "Electronic monitoring" has the same meaning as in RCW 9.94A.030.

~~((44))~~ (12) "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.

~~((42))~~ (13) "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.

~~((43))~~ (14) "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.

~~((44))~~ (15) "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.

~~((45))~~ (16) "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.

~~((46))~~ (17) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

~~((47))~~ (18) "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.

~~((48))~~ (19) "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.

~~((49))~~ (20) "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.

~~((20))~~ (21) "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.

~~((24))~~ (22)(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.

~~((22))~~ (23) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

~~((23))~~ (24) "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.

~~((24))~~ (25) "Minor" means a person who is under 18 years of age.

~~((25))~~ (26) "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.

((26)) (27) "Nonconsensual" means a lack of freely given consent.

((27)) (28) "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, or contact through third parties.

((28)) (29) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

((29)) (30) "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.

((30)) (31) "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.

((31)) (32) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

((32)) (33) "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.

((33)) (34) "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.

((34)) (35) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW 9A.46.110;

(b) Any act of cyber harassment as defined under RCW 9A.90.120; 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.

((35)) (36) "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.

((36)) (37) "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.

((37)) (38) "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.

**Sec. 10.** RCW 7.105.100 and 2022 c 268 s 5 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

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

order or a stalking protection order.

(b) A petition for a sexual assault protection order, which must allege the existence of nonconsensual sexual conduct ((~~¶~~)), nonconsensual sexual penetration, or commercial sexual exploitation 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.

(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.

(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.

(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.

(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.

**Sec. 11.** RCW 7.105.110 and 2021 c 215 s 15 are each amended to read as follows:

The following apply only to the specific type of protection orders referenced in each subsection.

(1) The department of social and health services, in its discretion, may file a petition for a vulnerable adult protection order or a domestic violence protection order on behalf of, and with the consent of, any vulnerable adult. When the department has reason to believe a vulnerable adult lacks the ability or capacity to consent, the department, in its discretion, may seek relief on behalf of the vulnerable adult. Neither the department nor the state of Washington is liable for seeking or failing to seek relief on behalf of any persons under this section. The vulnerable adult shall not be held responsible for any violations of the order by the respondent.

(2)(a) If the petitioner for an extreme risk protection order is a law enforcement agency, the petitioner shall make a good faith effort to provide notice to an intimate partner or family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for an extreme risk protection order or has already done so, and include referrals to appropriate resources, including behavioral health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice, or attest to the steps that will be taken to provide such notice.

(b) Recognizing that an extreme risk protection order may need to be issued outside of normal business hours, courts shall allow law enforcement petitioners to petition after hours for a temporary extreme risk protection order using an on-call, after-hours judge, as is done for approval of after-hours search warrants.

(3) The department of children, youth, and families, when it has reason to believe that a minor lacks the ability or capacity to consent may file a petition for a sexual assault protection order on behalf of the minor. Neither the department nor the state of Washington is liable for seeking or failing to seek relief on behalf of any persons under this section. The minor shall not be held responsible for any violations of the order by the respondent.

(4) A law enforcement agency, when it has reason to believe that a minor lacks the ability or capacity to consent may file a petition for an ex parte temporary sexual assault protection order on behalf of the minor. Neither the law enforcement agency nor the state of Washington is liable for seeking or failing to seek relief on behalf of any persons under this section. The minor shall not be held responsible for any violations of the order by the respondent.

**Sec. 12.** RCW 7.105.225 and 2021 c 215 s 29 are each amended to read as follows:

(1) The court shall issue a protection order if it finds by a preponderance of the evidence that the petitioner has proved the required criteria specified in (a) through (f) of this subsection for obtaining a protection order under this chapter.

(a) For a domestic violence protection order, that the petitioner has been subjected to domestic violence by the respondent.

(b) For a sexual assault protection order, that the petitioner has been subjected to nonconsensual sexual conduct ~~((~~¶~~))~~, nonconsensual sexual penetration, or commercial sexual exploitation by the respondent.

(c) For a stalking protection order, that the petitioner has been subjected to stalking by the respondent.

(d) For a vulnerable adult protection order, that the petitioner has been abandoned, abused, financially exploited, or neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by the respondent.

(e) For an extreme risk protection order, 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.

(f) For an antiharassment protection order, that the petitioner has been subjected to unlawful harassment by the respondent.

(2) The court may not deny or dismiss a petition for a protection order on the grounds that:

(a) The petitioner or the respondent is a minor, unless provisions in this chapter specifically limit relief or remedies based upon a party's age;

(b) The petitioner did not report the conduct giving rise to the petition to law enforcement;

(c) A no-contact order or a restraining order that restrains the respondent's contact with the petitioner has been issued in a criminal proceeding or in a domestic relations proceeding;

(d) The relief sought by the petitioner may be available in a different action or proceeding, or criminal charges are pending against the respondent;

(e) The conduct at issue did not occur recently or because of the passage of time since the last incident of conduct giving rise to the petition; or

(f) The respondent no longer lives near the petitioner.

(3) In proceedings where the petitioner alleges that the respondent engaged in nonconsensual sexual conduct ~~((~~¶~~))~~, nonconsensual sexual penetration, or commercial sexual exploitation, the court shall not require proof of physical injury on the person of the petitioner or any other forensic evidence. Denial of a remedy to the petitioner may not be based, in whole or in part, on evidence that:

(a) The respondent was voluntarily intoxicated;

(b) The petitioner was voluntarily intoxicated; or

(c) The petitioner engaged in limited consensual sexual touching.

(4) In proceedings where the petitioner alleges that the respondent engaged in stalking, the court may not require proof of the respondent's intentions regarding the acts alleged by the petitioner.

(5) In proceedings where the petitioner alleges that the respondent engaged in commercial sexual exploitation, denial of a remedy to the petitioner may not be based, in whole or in part, on evidence that the petitioner consented to sexual conduct or sexual penetration.

(6) If the court declines to issue a protection order, the court shall state in writing the particular reasons for the court's denial. If the court declines a request to include one or more of the petitioner's family or household member who is a minor or a vulnerable adult in the order, the court shall state the reasons for that denial in writing. The court shall also explain from the bench:

(a) That the petitioner may refile a petition for a protection order at any time if the petitioner has new evidence to present that would support the issuance of a protection order;

(b) The parties' rights to seek revision, reconsideration, or appeal of the order; and

(c) The parties' rights to have access to the court transcript or recording of the hearing.

~~((~~¶~~))~~ (7) A court's ruling on a protection order must be filed by the court in writing and must be made by the court on the mandatory form developed by the administrative office of the courts.

**Sec. 13.** RCW 7.105.405 and 2021 c 215 s 54 are each amended to read as follows:

The following provisions apply to the renewal of all full protection orders issued under this chapter, with the exception of the renewal of extreme risk protection orders.

(1) If the court grants a protection order for a fixed time period,

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

the petitioner may file a motion to renew the order at any time within the 90 days before the order expires. The motion for renewal must state the reasons the petitioner seeks to renew the protection order. Upon receipt of a motion for renewal, the court shall order a hearing, which must be not later than 14 days from the date of the order. Service must be made on the respondent not less than five judicial days before the hearing, as provided in RCW 7.105.150.

(2) If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion and statement of the reason for the requested renewal.

(3) The petitioner bears no burden of proving that he or she has a current reasonable fear of harm by the respondent.

(4) The court shall grant the motion for renewal unless the respondent proves by a preponderance of the evidence that there has been a substantial change in circumstances and the following:

(a) For a domestic violence protection order, that the respondent proves that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's family or household members who are minors or vulnerable adults when the order expires;

(b) For a sexual assault protection order, that the respondent proves that the respondent will not engage in, or attempt to engage in, physical or nonphysical contact, or acts of commercial sexual exploitation, with the petitioner when the order expires;

(c) For a stalking protection order, that the respondent proves that the respondent will not resume acts of stalking against the petitioner or the petitioner's family or household members when the order expires;

(d) For a vulnerable adult protection order, that the respondent proves that the respondent will not resume acts of abandonment, abuse, financial exploitation, or neglect against the vulnerable adult when the order expires; or

(e) For an antiharassment protection order, that the respondent proves that the respondent will not resume harassment of the petitioner when the order expires.

(5) 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; commercial sexual exploitation; domestic violence; stalking; abandonment, abuse, financial exploitation, or neglect of a vulnerable adult; 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, commercial sexual exploitation, domestic violence, or stalking, or acts of abandonment, abuse, financial exploitation, or neglect of a vulnerable adult, 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; and

(g) Other factors relating to a substantial change in

circumstances.

(6) The court shall not deny a motion to renew a protection order for any of the following reasons:

(a) The respondent has not violated the protection order previously issued by the court;

(b) The petitioner or the respondent is a minor;

(c) The petitioner did not report the conduct giving rise to the protection order, or subsequent violations of the protection order, to law enforcement;

(d) A no-contact order or a restraining order that restrains the respondent's contact with the petitioner has been issued in a criminal proceeding or in a domestic relations proceeding;

(e) The relief sought by the petitioner may be available in a different action or proceeding;

(f) The passage of time since the last incident of conduct giving rise to the issuance of the protection order; or

(g) The respondent no longer lives near the petitioner.

(7) The terms of the original protection order must not be changed on a motion for renewal unless the petitioner has requested the change.

(8) The court may renew the protection order for another fixed time period of no less than one year, or may enter a permanent order as provided in this section.

(9) If the protection order includes the parties' children, a renewed protection order may be issued for more than one year, subject to subsequent orders entered in a proceeding under chapter 26.09, 26.26A, or 26.26B RCW.

(10) The court may award court costs, service fees, and reasonable attorneys' fees to the petitioner as provided in RCW 7.105.310.

(11) If the court declines to renew the protection order, the court shall state, in writing in the order, the particular reasons for the court's denial. If the court declines to renew a protection order that had restrained the respondent from having contact with children protected by the order, the court shall determine on the record whether the respondent and the children should undergo reunification therapy. Any reunification therapy provider should be made aware of the respondent's history of domestic violence and should have training and experience in the dynamics of intimate partner violence.

(12) In determining whether there has been a substantial change in circumstances for respondents under the age of 18, or in determining the appropriate duration for an order, the court shall consider the circumstances surrounding the respondent's youth at the time of the initial behavior alleged in the petition for a protection order. The court shall consider developmental factors, including the impact of time of a youth's development, and any information the minor respondent presents about his or her personal progress or change in circumstances.

**Sec. 14.** RCW 7.105.500 and 2022 c 268 s 23 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, or acts of commercial sexual exploitation, 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, commercial sexual exploitation, 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, commercial sexual exploitation, 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, commercial sexual exploitation, 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.

### PART III - CRIME VICTIMS COMPENSATION

**Sec. 15.** RCW 7.68.060 and 2020 c 308 s 1 are each amended to read as follows:

(1) Except for applications received pursuant to subsection (6) of this section, no compensation of any kind shall be available under this chapter if:

(a) An application for benefits is not received by the department within three years after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of beneficiaries accrued, unless the director has determined that "good cause" exists to expand the time permitted to receive the application. "Good cause" shall be determined by the department on a case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of beneficiaries accrued; or

(b) The criminal act is not reported by the victim or someone on his or her behalf to a local police department or sheriff's office within twelve months of its occurrence or, if it could not reasonably have been reported within that period, within twelve months of the time when a report could reasonably have been made. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victims.

(2) No person or spouse, child, or dependent of such person is eligible for benefits under this chapter when the injury for which benefits are sought was:

(a) The result of consent, provocation, or incitement by the victim, unless an injury resulting from a criminal act caused the death of the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(3) No person or spouse, child, or dependent of such person is eligible for benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator of the criminal act which gave rise to the claim.

(4) A victim is not eligible for benefits under this chapter if the victim:

(a) Has been convicted of a felony offense within five years preceding the criminal act for which the victim is applying where the felony offense is a violent offense under RCW 9.94A.030 or a crime against persons under RCW 9.94A.411, or is convicted of such a felony offense after the criminal act for which the victim is applying; and



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

(b) Has not completely satisfied all legal financial obligations owed.

(5) Because victims of childhood criminal acts may repress conscious memory of such criminal acts far beyond the age of eighteen, the rights of adult victims of childhood criminal acts shall accrue at the time the victim discovers or reasonably should have discovered the elements of the crime. In making determinations as to reasonable time limits, the department shall give greatest weight to the needs of the victim.

(6)(a) Benefits under this chapter are available to any victim of a person against whom the state initiates proceedings under chapter 71.09 RCW. The right created under this subsection shall accrue when the victim is notified of proceedings under chapter 71.09 RCW or the victim is interviewed, deposed, or testifies as a witness in connection with the proceedings. An application for benefits under this subsection must be received by the department within two years after the date the victim's right accrued unless the director determines that good cause exists to expand the time to receive the application. The director shall determine "good cause" on a case-by-case basis and may extend the period of time in which an application can be received for up to five years after the date the right of the victim accrued. Benefits under this subsection shall be limited to compensation for costs or losses incurred on or after the date the victim's right accrues for a claim allowed under this subsection.

(b) A person identified as a minor victim of sex trafficking or as the "minor" in the charge of commercial sexual abuse of a minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor under RCW 9.68A.101, or promoting travel for commercial sexual abuse of a minor under RCW 9.68A.102 is considered a victim of a criminal act for the purpose of the right to benefits under this chapter even if the person is also charged with prostitution under RCW 9A.88.030. A person identified under this subsection (6)(b) may file an application for benefits at any time, and the ineligibility factors of subsections (1) and (2) of this section do not apply to such a person.

**PART IV - STATUTE OF LIMITATIONS AND EVIDENTIARY PROCEDURES**

**Sec. 16.** RCW 9A.04.080 and 2023 c 197 s 8 and 2023 c 122 s 8 are each reenacted and amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Homicide by abuse;
- (iii) Arson if a death results;
- (iv) Vehicular homicide;
- (v) Vehicular assault if a death results;
- (vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4));
- (vii) Rape in the first degree (RCW 9A.44.040) if the victim is under the age of sixteen;
- (viii) Rape in the second degree (RCW 9A.44.050) if the victim is under the age of sixteen;
- (ix) Rape of a child in the first degree (RCW 9A.44.073);
- (x) Rape of a child in the second degree (RCW 9A.44.076);
- (xi) Rape of a child in the third degree (RCW 9A.44.079);
- (xii) Sexual misconduct with a minor in the first degree (RCW 9A.44.093);
- (xiii) Custodial sexual misconduct in the first degree (RCW 9A.44.160);
- (xiv) Child molestation in the first degree (RCW 9A.44.083);
- (xv) Child molestation in the second degree (RCW 9A.44.086);

(xvi) Child molestation in the third degree (RCW 9A.44.089); ~~((and))~~

(xvii) Sexual exploitation of a minor (RCW 9.68A.040);  
 (xviii) Trafficking (RCW 9A.40.100) if the victim is under the age of 18;

(xix) Commercial sexual abuse of a minor (RCW 9.68A.100);  
(xx) Promoting commercial sexual abuse of a minor (RCW 9.68A.101);

(xxi) Promoting travel for commercial sexual abuse of a minor (RCW 9.68A.102); and

(xxii) Permitting commercial sexual abuse of a minor (RCW 9.68A.103).

(b) Except as provided in (a) of this subsection, the following offenses may not be prosecuted more than ~~((twenty))~~ 20 years after its commission:

- (i) Rape in the first degree (RCW 9A.44.040);
- (ii) Rape in the second degree (RCW 9A.44.050); or
- (iii) Indecent liberties (RCW 9A.44.100).

(c) The following offenses may not be prosecuted more than ten years after its commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

- (ii) Arson if no death results;
- (iii) Rape in the third degree (RCW 9A.44.060);
- (iv) Attempted murder; or
- (v) Trafficking under RCW 9A.40.100.

(d) A violation of ~~((any))~~ this offense listed in this subsection (1)(d) may be prosecuted up to ~~((ten))~~ 10 years after its commission or, if committed against a victim under the age of ~~((eighteen))~~ 18, up to the victim's ~~((thirtieth))~~ 30th birthday, whichever is later:

- ~~((i)) RCW 9.68A.100 (commercial sexual abuse of a minor);~~
- ~~((ii)) RCW 9.68A.101 (promoting commercial sexual abuse of a minor);~~
- ~~((iii)) RCW 9.68A.102 (promoting travel for commercial sexual abuse of a minor); or~~
- ~~((iv)) RCW 9A.64.020 (incest).~~

(e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years after its commission, or if committed against a victim under the age of 18, up to the victim's 28th birthday, whichever is later.

(f) The following offenses may not be prosecuted more than six years after its commission or discovery, whichever occurs later:

- (i) Violations of RCW 9A.82.060 or 9A.82.080;
- (ii) Any felony violation of chapter 9A.83 RCW;
- (iii) Any felony violation of chapter 9.35 RCW;
- (iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception;
- (v) Theft from a vulnerable adult under RCW 9A.56.400;
- (vi) Trafficking in stolen property in the first or second degree under chapter 9A.82 RCW in which the stolen property is a motor vehicle or major component part of a motor vehicle as defined in RCW 46.80.010; or
- (vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

(g) The following offenses may not be prosecuted more than five years after its commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(h) Bigamy may not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(i) A violation of RCW 9A.56.030 may not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(j) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW

9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(k) No gross misdemeanor, except as provided under (e) of this subsection, may be prosecuted more than two years after its commission.

(l) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or four years from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing or by photograph as defined in RCW 9.68A.011, whichever is later.

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

**Sec. 17.** RCW 9A.44.120 and 2019 c 90 s 1 are each amended to read as follows:

(1) A statement not otherwise admissible by statute or court rule, is admissible in evidence in dependency proceedings under Title 13 RCW and criminal proceedings, including juvenile offense adjudications, in the courts of the state of Washington if:

(a)(i) It is made by a child when under the age of ten describing any act of sexual contact performed with or on the child by another, describing any attempted act of sexual contact with or on the child by another, or describing any act of physical abuse of the child by another that results in substantial bodily harm as defined by RCW 9A.04.110; or

(ii) It is made by a child when under the age of ~~(sixteen)~~ 18 describing any of the following acts or attempted acts performed with or on the child: Trafficking under RCW 9A.40.100; commercial sexual abuse of a minor under RCW 9.68A.100; promoting commercial sexual abuse of a minor under RCW 9.68A.101; or promoting travel for commercial sexual abuse of a minor under RCW 9.68A.102;

(b) The court finds, in a hearing conducted outside the presence of the jury, that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(c) The child either:

(i) Testifies at the proceedings; or

(ii) Is unavailable as a witness, except that when the child is unavailable as a witness, such statement may be admitted only if there is corroborative evidence of the act.

(2) A statement may not be admitted under this section unless the proponent of the statement makes known to the adverse party his or her intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statement.

**Sec. 18.** RCW 9A.44.150 and 2013 c 302 s 9 are each amended to read as follows:

(1) On motion of the prosecuting attorney in a criminal proceeding, the court may order that a child under the age of ~~(fourteen)~~ 18 may testify in a room outside the presence of the defendant and the jury while one-way closed-circuit television equipment simultaneously projects the child's testimony into

another room so the defendant and the jury can watch and hear the child testify if:

(a) The testimony will:

(i) Describe an act or attempted act of sexual contact performed with or on the child witness by another person or with or on a child other than the child witness by another person;

(ii) Describe an act or attempted act of physical abuse against the child witness by another person or against a child other than the child witness by another person;

(iii) Describe a violation of RCW 9A.40.100 (trafficking) or any offense identified in chapter 9.68A RCW (sexual exploitation of children); or

(iv) Describe a violent offense as defined by RCW 9.94A.030 committed against a person known by or familiar to the child witness or by a person known by or familiar to the child witness;

(b) The testimony is taken during the criminal proceeding;

(c) The court finds by substantial evidence, in a hearing conducted outside the presence of the jury, that ~~((requiring the child witness to testify in the presence of the defendant will cause the))~~:

(i) The particular child involved would be traumatized;

(ii) The source of the trauma is not the courtroom generally, but the presence of the defendant; and

(iii) The emotional or mental distress suffered by the child ~~((to suffer serious emotional or mental distress that will prevent))~~ would be more than de minimis, such that the child ~~((from))~~ could not reasonably ~~((communicating))~~ communicate at the trial. If the defendant is excluded from the presence of the child, the jury must also be excluded;

(d) As provided in (a) and (b) of this subsection, the court may allow a child witness to testify in the presence of the defendant but outside the presence of the jury, via closed-circuit television, if the court finds, upon motion and hearing outside the presence of the jury, that ~~((the child will suffer serious emotional distress that will prevent the child from reasonably communicating at the trial in front of the jury, or, that although the child may be able to reasonably communicate at trial in front of the jury, the child will suffer serious emotional or mental distress from testifying))~~; (i) The particular child involved would be traumatized; (ii) the source of the trauma is not the courtroom generally, but the presence of the jury; and (iii) the emotional or mental distress suffered by the child would be more than de minimis, regardless of whether or not the child could reasonably communicate at the trial in front of the jury. If the child is able to communicate in front of the defendant but not the jury the defendant will remain in the room with the child while the jury is excluded from the room;

(e) The court finds that the prosecutor has made all reasonable efforts to prepare the child witness for testifying, including informing the child or the child's parent or guardian about community counseling services, giving court tours, and explaining the trial process. If the prosecutor fails to demonstrate that preparations were implemented or the prosecutor in good faith attempted to implement them, the court shall deny the motion;

(f) The court balances the strength of the state's case without the testimony of the child witness against the defendant's constitutional rights and the degree of infringement of the closed-circuit television procedure on those rights;

(g) The court finds that no less restrictive method of obtaining the testimony exists that can adequately protect the child witness from ~~((the serious))~~ suffering emotional or mental distress that would be more than de minimis;

(h) When the court allows the child witness to testify outside the presence of the defendant, the defendant can communicate constantly with the defense attorney by electronic transmission

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

and be granted reasonable court recesses during the child's testimony for person-to-person consultation with the defense attorney;

(i) The court can communicate with the attorneys by an audio system so that the court can rule on objections and otherwise control the proceedings;

(j) All parties in the room with the child witness are on camera and can be viewed by all other parties. If viewing all participants is not possible, the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child;

(k) The court finds that the television equipment is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment; and

(l) The court imposes reasonable guidelines upon the parties for conducting the filming to avoid trauma to the child witness or abuse of the procedure for tactical advantage.

The prosecutor, defense attorney, and a neutral and trained victim's advocate, if any, shall always be in the room where the child witness is testifying. The court in the court's discretion depending on the circumstances and whether the jury or defendant or both are excluded from the room where the child is testifying, may remain or may not remain in the room with the child.

(2) During the hearing conducted under subsection (1) of this section to determine whether the child witness may testify outside the presence of the defendant and/or the jury, the court may conduct the observation and examination of the child outside the presence of the defendant if:

(a) The prosecutor alleges and the court concurs that the child witness will be unable to testify in front of the defendant or ~~((will suffer severe emotional or mental distress if forced to testify in front of the defendant))~~ that (i) the particular child involved would be traumatized; (ii) the source of the trauma is not the courtroom generally, but the presence of the defendant; and (iii) the emotional or mental distress suffered by the child would be more than de minimis;

(b) The defendant can observe and hear the child witness by closed-circuit television;

(c) The defendant can communicate constantly with the defense attorney during the examination of the child witness by electronic transmission and be granted reasonable court recesses during the child's examination for person-to-person consultation with the defense attorney; and

(d) The court finds the closed-circuit television is capable of making an accurate reproduction and the operator of the equipment is competent to operate the equipment. Whenever possible, all the parties in the room with the child witness shall be on camera so that the viewers can see all the parties. If viewing all participants is not possible, then the court shall describe for the viewers the location of the prosecutor, defense attorney, and other participants in relation to the child.

(3) The court shall make particularized findings on the record articulating the factors upon which the court based its decision to allow the child witness to testify via closed-circuit television pursuant to this section. The factors the court may consider include, but are not limited to, a consideration of the child's age, physical health, emotional stability, expressions by the child of fear of testifying in open court or in front of the defendant, the relationship of the defendant to the child, and the court's observations of the child's inability to reasonably communicate in front of the defendant or in open court. The court's findings shall identify the impact the factors have upon the child's ability to testify in front of the jury or the defendant or both and the specific nature of the emotional or mental trauma the child would suffer.

The court shall determine whether the source of the trauma is the presence of the defendant, the jury, or both, and shall limit the use of the closed-circuit television accordingly.

(4) This section does not apply if the defendant is an attorney pro se unless the defendant has a court-appointed attorney assisting the defendant in the defense.

(5) This section may not preclude the presence of both the child witness and the defendant in the courtroom together for purposes of establishing or challenging the identification of the defendant when identification is a legitimate issue in the proceeding.

(6) The Washington supreme court may adopt rules of procedure regarding closed-circuit television procedures.

(7) All recorded tapes of testimony produced by closed-circuit television equipment shall be subject to any protective order of the court for the purpose of protecting the privacy of the child witness.

(8) Nothing in this section creates a right of the child witness to a closed-circuit television procedure in lieu of testifying in open court.

(9) The state shall bear the costs of the closed-circuit television procedure.

(10) A child witness may or may not be a victim in the proceeding.

(11) Nothing in this section precludes the court, under other circumstances arising under subsection (1)(a) of this section, from allowing a child to testify outside the presence of the defendant and the jury so long as the testimony is presented in accordance with the standards and procedures required in this section.

**Sec. 19.** RCW 9A.82.100 and 2012 c 139 s 2 are each amended to read as follows:

(1)(a) A person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity, or by an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070, or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (ii) to prevent, restrain, or remedy a pattern of criminal profiteering activity, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070, or a violation of RCW 9A.82.060 or 9A.82.080.

(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy a pattern of criminal profiteering activity, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070, or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy a pattern of criminal profiteering, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070, or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, orders issued under

subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of actual damages sustained to those persons injured by a violation of RCW 9A.82.060 or 9A.82.080, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070, or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of a pattern of criminal profiteering, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070, activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county, including any costs of defense provided at public expense, as appropriate to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering, or by an offense defined in RCW 9A.40.100, then to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070, and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or antiprofitteering revolving fund of the county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity, or an offense defined in RCW 9A.40.100, 9.68A.100, 9.68A.101, 9.68A.102, 9.68A.103, or 9A.88.070, and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that appellate review of the conviction and sentence has been or may be sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings under this section shall be commenced within the later of the following periods:

(a) Within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered; or ~~(-in)~~

(b) In the case of an offense that is defined in RCW 9A.40.100, ~~(within)~~ 9.68A.100, 9.68A.101, 9.68A.102, and 9.68A.103;

(i) Within three years of the act alleged to have caused the injury or condition;

(ii) Within three years of the time the victim discovered or reasonably should have discovered that the injury or condition was caused by said act;

(iii) Within three years of the time the victim discovered that the act caused the injury for which the claim is brought; or

(iv) Within three years after the final disposition of any criminal charges relating to the offense ~~(, whichever is later).~~

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1)(a) and (b)(i) of this section, either party has the right to a jury trial.

#### PART V - VICTIM PRIVACY

**Sec. 20.** RCW 10.97.130 and 2019 c 300 s 2 are each amended to read as follows:

(1) Information revealing the specific details that describe the alleged or proven child victim of sexual assault or commercial sexual exploitation under age ~~((eighteen))~~ 18, or the identity or contact information of an alleged or proven child victim of sexual assault or commercial sexual exploitation under age ~~((eighteen))~~ 18 is confidential and not subject to release to the press or public without the permission of the child victim and the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, 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. Contact information or information identifying the child victim of sexual assault or commercial sexual exploitation may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault. Prior to release of any criminal history record information, the releasing agency shall delete any contact information or information identifying a child victim of sexual assault or commercial sexual exploitation from the information except as provided in this section.

(2) This section does not apply to court documents or other

materials admitted in open judicial proceedings.

(3) For purposes of this section, "commercial sexual exploitation" has the same meaning as in RCW 7.105.010.

**Sec. 21.** RCW 42.56.240 and 2022 c 268 s 31 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)(a) Information revealing the specific details that describe an alleged or proven child victim of sexual assault or commercial sexual exploitation under age ~~((eighteen))~~ 18, or the identity or contact information of an alleged or proven child victim of sexual assault or commercial sexual exploitation who is under age ~~((eighteen))~~ 18. 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.

(b) For purposes of this subsection (5), "commercial sexual exploitation" has the same meaning as in RCW 7.105.010;

(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 requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer 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

FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

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))~~ 60 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.

**PART VI - MISCELLANEOUS**

NEW SECTION. **Sec. 22.** 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. 23.** This act takes effect July 1, 2025."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

**MOTION**

Senator Dhingra moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6006.

Senator Dhingra spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Dhingra that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6006.

The motion by Senator Dhingra carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6006 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6006, as amended by the House.

**ROLL CALL**

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6006, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE SENATE BILL NO. 6006, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**MESSAGE FROM THE HOUSE**

February 28, 2024

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6009 with the following amendment(s): 6009-S.E AMH MENA H3440.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds it is imperative that our criminal justice systems, including the law enforcement profession, must secure public trust and ensure accountability. In order to do so, the legislature finds that it is important to discontinue practices and tactics that dehumanize and create unnecessary risk of harm and/or death to the people they serve. Additionally, it is important that law enforcement is using up-to-date tactics that come with adequate training from the criminal justice training commission to ensure continuity and oversight in the standards applied across the profession. This includes tactics that comply with the model use of force policies put forward by our state's attorney general.

The legislature finds that, in the quest to ensure that all communities are and feel safe, it is important to take guidance from published model policies, comport with statewide standards and training on restraint tactics, and prohibit hog-tying and other similar tactics that are inhumane, outdated, and have led to the unnecessary loss of human life.

NEW SECTION. **Sec. 2.** A new section is added to chapter 10.116 RCW to read as follows:

- (1) A peace officer is prohibited from:
  - (a) Hog-tying a person; or
  - (b) Assisting in putting a person into a hog-tie.
- (2) Hog-tying shall constitute the use of excessive force for the purposes of RCW 10.93.190.
- (3) This section shall not be interpreted to prohibit the use of any other alternative restraint product or device that is

administered to reduce the incidence of respiratory fatigue or positional asphyxia if such restraint product or device does not violate this section.

(4) For purposes of this section, "hog-tie" or "hog-tying" means fastening together bound or restrained ankles to bound or restrained wrists. "Hog-tie" or "hog-tying" does not include the following:

(a) Use of transport chains or waist chains to transport prisoners; or

(b) Use of a product or device that does not require bound or restrained ankles to be fastened together to bound or restrained wrists."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Trudeau moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6009.

Senator Trudeau spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Trudeau that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6009.

The motion by Senator Trudeau carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6009 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6009, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6009, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6009, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6015 with the following amendment(s): 6015-S AMH ENGR H3381.E

Strike everything after the enacting clause and insert the following:

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

(1) Cities and counties planning under this chapter shall

enforce land use regulations for residential development as provided in this section:

(a) Garages and carports may not be required as a way to meet minimum parking requirements for residential development;

(b) Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed;

(c) Parking spaces in tandem must count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress;

(d) Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet local parking standards, up to a maximum of six parking spaces;

(e) Parking spaces may not be required to exceed eight feet by 20 feet, except for required parking for people with disabilities;

(f) Any county planning under this chapter, and any cities within those counties with a population greater than 6,000, may not require off-street parking as a condition of permitting a residential project if compliance with tree retention would otherwise make a proposed residential development or redevelopment infeasible; and

(g) Parking spaces that consist of grass block pavers may count toward minimum parking requirements.

(2) Existing parking spaces that do not conform to the requirements of this section by the effective date of this act are not required to be modified or resized, except for compliance with the Americans with disabilities act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

(3) The provisions in subsection (1) of this section do not apply to portions of cities within a one-mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements."

Correct the title.

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

#### MOTION

Senator Shewmake moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6015.

Senators Shewmake and Torres spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Shewmake that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6015.

The motion by Senator Shewmake carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6015 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6015, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6015, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.



FIFTY SEVENTH DAY, MARCH 4, 2024

2024 REGULAR SESSION

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hawkins, Hunt, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hasegawa, Holy, Kauffman, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE SENATE BILL NO. 6015, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Warnick: “Thank you. I waited all day to say this, but I want to talk about Bulldogs. Your favorite team, the Gonzaga Bulldogs, did very well Saturday but my favorite team, the Colfax Bulldogs, did even better. They came away with a 2B State Championship. And I have a favorite player on that team, that’s No. 12, happens to be my grandson. He hit one hundred percent of field goals, the free throws. He was named Most Valuable

Player. He led a team that has been pretty much together the whole time since they were third graders. And they came out, they beat undefeated teams twice to get to the championship and they are undefeated, 29-0. So, I am pretty proud of that Bulldog team. Thank you Mr. President.”

The Senate recognized the Colfax High School Bulldogs, the Boys Basketball program, Mr. Reece Jenkin, Head Coach, and Mr. Seth Lustig, Senior point guard, on their first place finish during the Washington Interscholastic Activities Association (WIAA) Classification 2B 2024 Boys State Basketball Tournament on Saturday, March 2 securing a state championship and an undefeated season.

#### MOTION

At 4:43 p.m., on motion of Senator Pedersen, the Senate adjourned until 10 o'clock a.m. Tuesday, March 5, 2024.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

1097-SE		Other Action.....	1
Messages .....	2	Second Reading .....	5
President Signed.....	342	Third Reading Final Passage .....	5
1618-S2E		2113-SI	
Messages .....	2	Committee Report.....	1
President Signed.....	342	Other Action.....	1
1768-S		Second Reading .....	5
Committee Report.....	1	Third Reading Final Passage .....	5
1862-SE		2230-S	
Second Reading .....	6	Messages .....	2
Third Reading Final Passage .....	6	President Signed.....	342
1911-S		2306-SE	
Messages .....	2	Messages .....	2
President Signed.....	342	President Signed.....	342
1946		2454	
Messages .....	2	Second Reading .....	6
President Signed.....	342	Third Reading Final Passage .....	6
1976		2489-S	
Messages .....	2	Introduction & 1st Reading.....	2
President Signed.....	342	5150-SE2	
1992		Final Passage as amended by House.....	343
Messages .....	2	Messages .....	342
President Signed.....	342	Other Action.....	343
1996-S		5180	
Messages .....	2	Messages .....	6
President Signed.....	342	Other Action.....	11
2004		5184	
Messages .....	2	Final Passage as amended by House.....	346
President Signed.....	342	Messages .....	343
2021-SE		Other Action.....	346
Messages .....	2	5213-S2E	
President Signed.....	342	Final Passage as amended by House.....	351
2044		Messages .....	346
Messages .....	2	Other Action.....	351
President Signed.....	342	5306-S	
2072-S		President Signed.....	4
Messages .....	2	5376-S	
President Signed.....	342	Final Passage as amended by House.....	352
2081-SI		Messages .....	352
Committee Report.....	1	Other Action.....	352
Other Action.....	1	5419	
Second Reading .....	5	Messages .....	2
Third Reading Final Passage .....	5	President Signed.....	396
2084-S2		5424-SE	
Messages .....	2	Final Passage as amended by House.....	361
President Signed.....	342	Messages .....	352
2111-SI		Other Action.....	361
Committee Report.....	1	5427-S	

President Signed.....	4	Messages .....	376
5444-S2		Other Action.....	376
Final Passage as amended by House.....	361	5792	
Messages .....	361	Messages .....	1
Other Action.....	361	President Signed.....	396
5462-E		5796-SE	
Final Passage as amended by House.....	364	Messages .....	281
Messages .....	362	Other Action.....	341
Other Action.....	364	5800	
5580-S2E2		Final Passage as amended by House.....	378
Final Passage as amended by House.....	366	Messages .....	376
Messages .....	365	Other Action.....	378
Other Action.....	366	5801-SE	
5589-SE		President Signed.....	4
President Signed.....	4	5803-S	
5592-E		President Signed.....	4
Final Passage as amended by House.....	367	5804-S	
Messages .....	366	Final Passage as amended by House.....	380
Other Action.....	366	Messages .....	379
5632-E		Other Action.....	380
Final Passage as amended by House.....	367	5806-S	
Messages .....	367	President Signed.....	4
Other Action.....	367	5811	
5649-S		Messages .....	380
Final Passage as amended by House.....	368	Other Action.....	382
Messages .....	367	5812-S	
Other Action.....	368	Messages .....	1
5652-S		President Signed.....	396
Messages .....	2	5816-SE	
President Signed.....	396	Messages .....	1
5667-S		President Signed.....	396
Messages .....	1	5821	
President Signed.....	396	President Signed.....	4
5690-SE		5824-E	
Messages .....	369	Final Passage as amended by House.....	382
Other Action.....	372	Messages .....	382
5774-S		Other Action.....	382
Final Passage as amended by House.....	375	5825-S2	
Messages .....	373	Final Passage as amended by House.....	395
Other Action.....	375	Messages .....	382
5785-S		Other Action.....	395
Final Passage as amended by House.....	376	5828-S	
Messages .....	375	Final Passage as amended by House.....	396
Other Action.....	375	5828-SE	
5788-SE		Messages .....	395
Messages .....	2	Other Action.....	396
President Signed.....	396	5829-S	
5790-E		President Signed.....	4

5838-S2E		Messages.....	466
Final Passage as amended by House.....	398	Other Action.....	469
Messages.....	396	5955-S2E	
Other Action.....	398	Messages.....	2
5852		President Signed.....	396
Messages.....	2	5983-SE	
President Signed.....	396	Final Passage as amended by House.....	472
5853-S2E		Messages.....	470
President Signed.....	4	Other Action.....	472
5857-S		5985-SE	
Final Passage as amended by House.....	448	Final Passage as amended by House.....	479
Messages.....	399	Messages.....	473
Other Action.....	448	Other Action.....	479
5882-S2		5986-S	
Final Passage as amended by House.....	452	Final Passage as amended by House.....	486
Messages.....	448	Messages.....	479
Other Action.....	452	Other Action.....	486
5890-SE		6006-S2	
Final Passage as amended by House.....	456	Final Passage as amended by House.....	511
Messages.....	452	Messages.....	486
Other Action.....	456	Other Action.....	511
5891-SE		6009-SE	
Final Passage as amended by House.....	456	Final Passage as amended by House.....	512
Messages.....	456	Messages.....	511
Other Action.....	456	Other Action.....	512
5904		6015-S	
Final Passage as amended by House.....	460	Final Passage as amended by House.....	512
Messages.....	457	Messages.....	512
Other Action.....	460	Other Action.....	512
5908-S2E		6079	
Final Passage as amended by House.....	466	President Signed.....	4
Messages.....	460	6080	
Other Action.....	466	Messages.....	1
5919-S		President Signed.....	396
Messages.....	2	6089-E	
President Signed.....	396	Messages.....	1
5937-S2E		President Signed.....	396
President Signed.....	4	6094	
5938		Messages.....	1
Messages.....	1	6121-S	
President Signed.....	396	Messages.....	1
5950-SE		President Signed.....	396
Messages.....	12	6125-S	
Other Action.....	274	Messages.....	2
5952		President Signed.....	396
Messages.....	2	6173	
5953-S		Messages.....	2
Final Passage as amended by House.....	469	President Signed.....	396

6192-S  
 President Signed..... 4

6194-S2E  
 Messages ..... 274  
 Other Action..... 281

6215  
 Messages ..... 1  
 President Signed..... 396

6229  
 President Signed..... 4

6283  
 President Signed..... 4

6291-SE  
 Messages ..... 2  
 President Signed..... 396

6319  
 Introduction & 1st Reading..... 2

8005-E  
 Messages ..... 2  
 President Signed..... 396

8007  
 Messages ..... 2  
 President Signed..... 396

8009-S  
 President Signed..... 4

8685  
 Adopted..... 3  
 Introduced ..... 2

9213 Seabrooks, Norman  
 Confirmed ..... 3

9260 Gregory B. Dietzel  
 Confirmed ..... 3

9270 Chang, Florence  
 Confirmed ..... 3

9275 Smith, Bradley  
 Confirmed ..... 4

CHAPLAIN OF THE DAY  
 Luhn, Pastor Emeritus Bob, Church of the  
 Nazarene, Othello ..... 1

FLAG BEARERS  
 Miller, Mr. Noah ..... 1  
 Zhou, Mr. Philip..... 1

GUESTS  
 Canyon Park Middle School, Bothell ..... 4, 5  
 Japanese American Citizens League (JACL),  
 Seattle..... 3  
 Newhouse, The Honorable Dan, U.S.  
 Representative, 4th Congressional District  
 ..... 375  
 Owens, Miss Natalie, Pledge of Allegiance.. 1  
 Tashima, Mr. Bill, past President, JACL-  
 Seattle..... 3

MOMENT OF SILENCE  
 Gadd, Trooper Christopher, WSP, Badge No.  
 927..... 4

PRESIDENT OF THE SENATE  
 Remarks by the President..... 341

WASHINGTON STATE SENATE  
 Colfax High School Bulldogs recognized. 513  
 Jenkin, Mr. Reece, Head Coach, Colfax  
 Bulldogs ..... 513  
 Lustig, Mr. Seth, Colfax Bulldogs ..... 513  
 Muzzall, Senator, birthday acknowledged 342  
 Parliamentary Inquiry, Senator Hawkins.. 376  
 Personal Privilege, Senator Lovick..... 4  
 Personal Privilege, Senator Muzzall ..... 342  
 Personal Privilege, Senator Warnick ..... 513  
 Reply by the President ..... 376