

SIXTY EIGHTH LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 5, 2024

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Harshita Sinha and William Purves. The Speaker (Representative Bronoske presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Josh Hall, Spokane First Assembly.

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

SPEAKER'S PRIVILEGE

The Speaker (Representative Bronoske presiding) recognized Chief James A. Delissio and his wife Roberta of Monroe. Chief Delissio is a recipient of the Medal of Honor and two Medals of Valor and was previously recognized by House Resolution 4681.

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

MESSAGE FROM THE SENATE

Monday, March 4, 2024

Mme. Speaker:

The President 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.

Colleen Pehar, Deputy Secretary

MESSAGE FROM THE SENATE

Monday, March 4, 2024

Mme. Speaker:

The President has signed:

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
SENATE JOINT MEMORIAL NO. 8007

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

MESSAGE FROM THE SENATE

Monday, March 4, 2024

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5857
SECOND SUBSTITUTE SENATE BILL NO. 5882
ENGROSSED SUBSTITUTE SENATE BILL NO. 5890
ENGROSSED SUBSTITUTE SENATE BILL NO. 5891
SENATE BILL NO. 5904
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5908
SUBSTITUTE SENATE BILL NO. 5953
ENGROSSED SUBSTITUTE SENATE BILL NO. 5983
ENGROSSED SUBSTITUTE SENATE BILL NO. 5985
SUBSTITUTE SENATE BILL NO. 5986
SECOND SUBSTITUTE SENATE BILL NO. 6006
ENGROSSED SUBSTITUTE SENATE BILL NO. 6009
SUBSTITUTE SENATE BILL NO. 6015

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

MESSAGE FROM THE SENATE

Monday, March 4, 2024

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5150
SENATE BILL NO. 5184
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5213
SUBSTITUTE SENATE BILL NO. 5376
ENGROSSED SUBSTITUTE SENATE BILL NO. 5424
SECOND SUBSTITUTE SENATE BILL NO. 5444
ENGROSSED SENATE BILL NO. 5462

SECOND ENGROSSED SECOND SUBSTITUTE SENATE
BILL NO. 5580
ENGROSSED SENATE BILL NO. 5592
ENGROSSED SENATE BILL NO. 5632
SUBSTITUTE SENATE BILL NO. 5649
SUBSTITUTE SENATE BILL NO. 5774
SUBSTITUTE SENATE BILL NO. 5785
SENATE BILL NO. 5800
SUBSTITUTE SENATE BILL NO. 5804
ENGROSSED SENATE BILL NO. 5824
SECOND SUBSTITUTE SENATE BILL NO. 5825
ENGROSSED SUBSTITUTE SENATE BILL NO. 5828
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
5838

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

MESSAGE FROM PACIFIC COUNTY

BEFORE THE BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON
RESOLUTION NO. 2024-010

MATTER OF APPOINTING LILIAN HALE AS
TEMPORARY SUCCESSOR TO FILL
THE POSITION OF 19TH DISTRICT STATE
REPRESENTATIVE DUE TO
REPRESENTATIVE JOEL MCENTIRE ENTERING
ACTIVE SERVICE OR TRAINING AS PROVIDED FOR
UNDER RCW 73.16.041

WHEREAS, pursuant to the provisions of RCW 73.16.041 when any elected officer of the state shall enter active service or training as provided for in RCW 73.16.031, 73.16.033, and 73.16.035 the Board which would ordinarily fill the vacancy created by the death or resignation of the elected official so ordered to such service shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for in this statute shall operate to extend the term for which the occupant of any elected position shall have been elected; and

WHEREAS, Joel McEntire, 19th District State Representative, has advised the Board of County Commissioners that he has been called to active service or training for a leave of absence beginning March 5, 2024, and ending on March 8, 2024.

WHEREAS, pursuant to the provisions of RCW 73.16.041, the Board of County Commissioners is desirous of granting a leave of absence to Joel McEntire, 19th District State Representative for a time frame from approximately March 5, 2024, and ending on March 8, 2024 military orders as well as appointing a temporary successor to the position so vacated.

Now, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Pacific County, pursuant to the provisions of RCW 73.16.041, that the Board does hereby:

1. Grant a leave of absence to Joel McEntire, 19th District State Representative to cover the period of his active service and/or training for the time frame from approximately March 5, 2024, and ending on March 8, 2024.

2. Appoint Lilian Hale as temporary successor of 19th District State Representative for the time frame from March 5, 2024, and ending on March 8, 2024.

PASSED by the following vote this 13th day of February, 2024 by the Board of Pacific County Commissioners meeting in regular session at South Bend, Washington, then signed by its membership and attested to by its Clerk in authorization of such passage:

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Lisa Olsen, Chair

Jerry Doyle, Commissioner

David Tobin, Commissioner

ATTEST:

Amanda Bennett, Clerk of the Board

MESSAGE FROM LEWIS COUNTY

BEFORE THE BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

IN THE MATTER OF: RESOLUTION NO. 24-066
APPOINT LILIAN HALE AS TEMPORARY
SUCCESSOR TO 19TH LEGISLATIVE DISTRICT
STATE REPRESENTATIVE JOEL MCENTIRE AS
PROVIDED UNDER RCW 73.16.041

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Lewis County Board of County Commissioners (BOCC) has the care of county property and the management of county funds and business; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, when any elected officer of the state enters active service or training as provided for in RCW 73.16.031, 73.16.033 and 73.16.035, the Board that would ordinarily fill the vacancy created by the death or resignation of the elected official so ordered to such service shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for in this statute shall operate to extend the term for which the occupant of any elected position shall have been elected; and

WHEREAS, 19th Legislative District State Representative Joel McEntire who represents parts of Lewis County in addition to parts of Cowlitz, Grays Harbor, Pacific, Thurston and Wahkiakum counties - has advised the BOCC that he has been called to active service or training for a time frame of approximately March 5, 2024, through March 8, 2024; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, the BOCC wishes to grant a leave of absence to 19th Legislative District State Representative Joel McEntire for a time frame of March 5, 2024, through March 8, 2024; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, the BOCC also wishes to appoint a temporary successor to the position so vacated.

NOW THEREFORE BE IT RESOLVED that pursuant to the provisions of RCW 73.16.041 -- to the extent the BOCC has the authority per applicable law with consideration for the same and possible shared statutory authority with the counties of Cowlitz, Grays Harbor, Pacific, Thurston and Wahkiakum the BOCC hereby approves:

1. Granting a leave of absence to Joel McEntire, 19th Legislative District State Representative, to cover the period of his active service and/or training for the time frame of March 5, 2024, through March 8, 2024; and

2. Appointing Lilian Hale as temporary successor of 19th Legislative District State Representative for the time frame of March 5, 2024, through March 8, 2024.

DONE IN OPEN SESSION this 20th day of February, 2024.

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

Scott J. Brummer, Chair

Lindsey R. Pollock, DVM, Vice Chair

Sean D. Swope, Commissioner

APPROVED AS TO FORM:

Jonathan Meyer, Prosecuting Attorney

David Bailey, Chief Civil Deputy Prosecuting Attorney

ATTEST:

Rieva Lester, CMC
Clerk of the Lewis County Board of
County Commissioners

MESSAGE FROM GRAYS HARBOR COUNTY

GRAYS HARBOR COUNTY RESOLUTION NO. 2024-024

A RESOLUTION of the Grays Harbor County Board of Commissioners ("Board") granting a leave of absence for 19th Legislative District State Representative Joel McEntire and appointing Lilian Hale as his temporary successor.

WHEREAS, under RCW 73.16.041, if an elected official enters active service or training under RCWs 73.16.031, 73.16.033, and 73.16.035, then the proper officer, board, or other agency that would:

- (a) ordinarily be authorized to grant leave of absence, or
 - (b) fill a vacancy created the death or resignation of the official
- shall grant extended leave of absence to cover the period of active service or training, and may appoint a temporary successor to the vacated position; and

WHEREAS, Article II, Section 15 of the Washington State Constitution states in relevant part that:

"in case of a vacancy occurring in the office of joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county legislative authorities of the counties composing the joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of the members of the county legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated."

Washington Constitution Article II, Section 15; and

WHEREAS, Washington State Legislative District 19 includes Pacific and Wahkiakum Counties and parts of Cowlitz, Lewis, and Grays Harbor Counties; and

WHEREAS, on or about February 12, 2024, 19th Legislative District State Representative Joel McEntire notified the Board that he must report for United States Marine Corps Reserve training for the time period beginning on March 5, 2024 and ending on March 8, 2024 ("Period of Training"), and requested a leave of absence to cover the Period of Training.

WHEREAS, Representative McEntire also requested that the Board appoint Lilian Hale as his temporary successor during the Period of Training.

NOW THEREFORE, BE IT HEREBY RESOLVED that:

1. The Board grants Representative McEntire's request for a leave of absence during the Period of Training.

2. The Board appoints Lilian Hale as Representative McEntire's temporary successor during the Period of Training.

ADOPTED this 20th day of February 2023.

BOARD OF COMMISSIONERS
GRAYS HARBOR COUNTY

Kevin Pine, Chair, District 2

Jill Warne, District 1

Vickie Raines, District 3

ATTEST:

Wendy Chatham, Clerk of the Board

Approved as to form:

Jon Beltran
Chief Civil Deputy Prosecuting Attorney

MESSAGE FROM THURSTON COUNTY

RESOLUTION NO. 16368

A RESOLUTION of the Board of County Commissioners of Thurston County appointing Lilian Hale as temporary successor to fill the position of 19th District State Representative due to Representative Joel McEntire entering active service or training, per RCW 73.16.041.

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Thurston County has the care of County property and the management of County funds and business; and

WHEREAS, pursuant to the provisions of RCW 73.16.041 when any elected officer of the state shall enter active service or training as provided for in RCW 73.16.031, 73.16.033, and 73.16.035 the Board which would ordinarily fill the vacancy created by the death or resignation of the elected official so ordered to such service shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for in this statute shall operate to extend the term for which the occupant of any elected position shall have been elected; and

WHEREAS, Joel McEntire, 19th District State Representative, has advised the Board of County Commissioners that he has been called to active service or training for a leave of absence beginning March 5, 2024, and ending on March 8, 2024; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, the Board of County Commissioners is desirous of granting a leave of absence to Joel McEntire, 19th District State Representative for a time frame from approximately March 5, 2024, and ending on March 8, 2024.

NOW, THEREFORE, the Board of County Commissioners of Thurston County, State of Washington, does resolve as follows, pursuant to the provisions of RCW 73.16.041:

Section 1. Grant a leave of absence to Joel McEntire, 19th District State Representative to cover the period of his active service and/or training for the time frame from approximately March 5, 2024, and ending on March 8, 2024.

Section 2. Appoint Lilian Hale as temporary successor of 19th District State Representative for the time frame from March 5, 2024, and ending on March 8, 2024.

ADOPTED: February 20, 2024

**BOARD OF COUNTY COMMISSIONERS
THURSTON COUNTY, WASHINGTON**

TYE MENSER, Chair

WAYNE FOURNIER, Vice Chair

GARY EDWARDS, Commissioner

CAROLINE MEJIA, Commissioner

EMILY CLOUSE, Commissioner

ATTEST:

Amy Davis
Clerk of the Board

APPROVED AS TO FORM:

Jon Tunheim
Prosecuting Attorney

Elizabeth Patrick
Deputy Prosecuting Attorney

MESSAGE FROM WAHAKIUM COUNTY

RESOLUTION NO. 24-24

**A RESOLUTION APPOINTING LILIAN HALE AS
TEMPORARY SUCCESSOR TO FILL
THE POSITION OF 19TH DISTRICT STATE
REPRESENTATIVE DUE TO
REPRESENTATIVE JOEL MCENTIRE ENTERING
ACTIVE SERVICE OR TRAINING AS PROVIDED FOR
UNDER RCW 73.16.041**

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Wahkiakum County has the care of County property and the management of County funds and business; and

WHEREAS, pursuant to the provisions of RCW 73.16.041 when any elected officer of the state shall enter active service or training as provided for in RCW 73.16.031, 73.16.033, and 73.16.035 the Board which would ordinarily fill the vacancy created by the death or resignation of the elected official so ordered to such service shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for in this statute shall operate to extend the term for which the occupant of any elected position shall have been elected; and

WHEREAS, Joel McEntire, 19th District state Representative, has advised the Board of County Commissioners that he has been called to active service or training for a leave of absence beginning March 5, 2024, and ending on March 8, 2024; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, the Board of County Commissioners is desirous of granting a leave of absence to Joel McEntire, 19th District State Representative for a time frame from approximately March 5, 2024, and ending on March 8, 2024 military orders as well as appointing a temporary successor to the position so vacated; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of County Commissioners of Wahkiakum County, pursuant to the provisions of RCW 73.16.041, the Board does hereby:

1. Grant a leave of absence to Joel McEntire, 19th District State Representative to cover the period of his active service and/or training for the time frame from approximately March 5, 2024 and ending on March 8, 2024.

2. Appoint Lilian Hale as temporary successor of 19th District State Representative for the time frame from March 5, 2024 and ending on March 8, 2024.

DULY PASSED AND ADOPTED this 20th day of February, 2024.

**BOARD OF COUNTY COMMISSIONERS
OF WAHAKIUM COUNTY, WASHINGTON**

Eugene Strong, Chairman

Lee Tischer, Commissioner

Daniel L. Cothren, Commissioner

ATTEST:

Dianna Adsero
Clerk of the Board

APPROVED AS TO FORM

Daniel H. Bigelow
Prosecuting Attorney

Wahkiakum Board of County Commissioners
District No. 1 Commissioner: Lee Tischer
District No. 2 Commissioner: Daniel L. Cothren
District No. 3 Commissioner: Gene Strong, Chair

MESSAGE FROM COWLITZ COUNTY

**BEFORE THE BOARD OF COMMISSIONERS OF
COWLITZ COUNTY, WA.**

In the Matter of Appointing Lilian Hale)
As Temporary Successor to Fill the Position)
Of 19th District State Representative, Joel)
McEntire as provided under RCW 73.16.041)

RESOLUTION NO. 24-017

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Cowlitz County has the care of County property and the management of funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other power as are or may be conferred by law; and

WHEREAS, pursuant to the provisions of RCW 73.16.041, when any elective officer of this state or any political subdivision thereof, including any judicial officer, shall enter upon active service or training as provided in RCW 73.16.031, 73.16.033 and 73.16.035, the proper officer, board or other agency, which would ordinarily be authorized to grant leave of absence or fill a vacancy created by the death or resignation of the elective official so ordered to such service, shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for herein shall operate to extend the term for which the occupant of any elective position shall have been elected.

WHEREAS, Joel McEntire, 19th District State Representative, has advised the Board of County Commissioners that he has been called to active service or training beginning on March 5, 2024, and ending on March 8, 2024; and

WHEREAS, the Board of County Commissioners wishes to grant a leave of absence to Joel McEntire, 19th District, State

Representative, to cover the period of his active service or training, and appoint Lilian Hale as temporary successor of the 19th District State Representative, beginning March 5, 2024, through March 8, 2024; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Commissioners of Cowlitz County that Lilian Hale is hereby appointed to temporarily serve as 19th District State Representative, beginning March 5, 2024, through March 8th, 2024.

Approved in Open Session this 28th day of February 2024.

BOARD OF COUNTY COMMISSIONERS
OF COWLITZ COUNTY, WASHINGTON

Richard P. Dahl, Chairman

Dennis P. Weber, Commissioner District 2

Ame Mortensen, Commissioner District 1

ATTEST:

Kelly Dombrowsky, Clerk of the Board

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

INTRODUCTION & FIRST READING

HB 2500 by Representatives Rule, Stearns, Slatter, Ramos, Simmons, Santos, Ryu, Nance, Callan and Bergquist

AN ACT Relating to protecting access to assisted reproductive services; adding a new section to chapter 1.12 RCW; adding a new chapter to Title 70 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2501 by Representatives Street, Santos and Nance

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.

HB 2502 by Representatives Rule, Slatter, Ramos, Simmons, Santos, Ryu, Nance, Callan and Bergquist

AN ACT Relating to promoting reproductive autonomy by protecting access to contraceptive methods; reenacting and amending RCW 18.130.180; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

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

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

THIRD READING

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1012, with the following amendment(s): 1012-S AMS SGE S5299.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act may be known and cited as the extreme weather protection act.

NEW SECTION. **Sec. 2.** (1) The legislature finds that cold storm patterns in the winter months, dangerous heat waves in the summer, and other major weather events present severe public health challenges for individuals and families in Washington.

(2) Moreover, the legislature finds that these challenges are not experienced equally across the population. The elderly, people with disabilities, people with low incomes, farmworkers, people experiencing homelessness, and people who historically were zoned to areas that faced increased environmental impacts during weather events are the most at risk for losing their life or being severely impacted by weather-related ailments.

(3) The legislature finds that pets are particularly vulnerable to extreme weather conditions, including increased risk of heatstroke-related illness and death, and the inability for pet owners to find pet friendly accommodations is a major barrier to accessing heating and cooling centers and other resources and prevents individuals from evacuating to safety.

(4) The legislature finds that during the record heatwave of 2021, the deadliest weather-related disaster in Washington on record, over 100 people in Washington and nearly 800 people in the northwest region lost their lives as a result of inability to access cooling centers or resources and hundreds more visited emergency rooms with heat-related illnesses.

(5) The legislature acknowledges that according to scientists at the Pacific Northwest national laboratory, it is predicted that these severe weather events will happen more frequently because of the changing climate.

(6) The legislature finds that the cost to local governments to provide heating and cooling centers are sometimes insurmountable and intends to provide supplemental resources to local jurisdictions and tribal partners where local resources are not available during extreme weather events.

NEW SECTION. **Sec. 3.** A new section is added to chapter 38.52 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall develop and implement an extreme weather response grant program for the purpose of assisting political subdivisions and federally recognized tribes, in geographic areas where vulnerable populations face combined, multiple environmental harms and health impacts as determined by the department,

with the costs of responding to community needs during periods of extremely hot or cold weather or in situations of severe poor air quality from wildfire smoke. The department may adopt rules to administer the extreme weather response grant program.

(2)(a) The department may award grants to political subdivisions and federally recognized tribes, in geographic areas where vulnerable populations face combined, multiple environmental harms and health impacts as determined by the department, for reimbursement of costs in accordance with subsection (3) of this section if the costs were incurred by communities that have demonstrated a lack of local resources to address community needs and were incurred for the benefit of vulnerable populations. For the purposes of this section, vulnerability refers to the resilience of communities when confronted by external stresses on human health, such as natural or human-caused disasters. Vulnerable populations include, but are not limited to, individuals with disabilities, individuals without vehicles, older adults, individuals with low incomes or experiencing homelessness, and individuals with limited English proficiency.

(b) The department may utilize grant dollars to purchase temporary, movable shelters, which shall remain in the custody of the department to be loaned out to political subdivisions when requested by the executive head to assist with emergency response to extreme weather events.

(3) The costs associated with the following activities are eligible for reimbursement under the extreme weather response grant program:

(a) Establishing and operating warming and cooling centers, including rental of equipment, purchase of supplies and water, staffing, and other associated costs;

(b) Transporting individuals and their pets to warming and cooling centers;

(c) Purchasing fans or other supplies needed for cooling of congregate living settings;

(d) Providing emergency temporary housing such as rental of a hotel or convention center;

(e) Retrofitting or establishing facilities within warming and cooling centers that are pet friendly in order to permit individuals to evacuate with their pets; and

(f) Other related 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.

(4) The department shall, upon request, provide information to political subdivisions and federally recognized tribes regarding the establishment and operation of warming and cooling centers.

(5) Grant funding awarded under this section must be used to supplement, not supplant, other federal, state, and local funding for emergency response.

(6) For purposes of this section, "political subdivision" means any county, city, or town that has established a local organization for emergency management or any joint local organization for emergency

management established pursuant to RCW 38.52.070.

Sec. 4. RCW 38.52.105 and 2022 c 157 s 10 are each amended to read as follows:

The disaster response account is created in the state treasury. Moneys may be placed in the account from legislative appropriations and transfers, federal appropriations, or any other lawful source. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for support of state agency and local government disaster response and recovery efforts, including the awarding of grants under section 3 of this act, response by state and local government and federally recognized tribes to the novel coronavirus pursuant to the gubernatorial declaration of emergency of February 29, 2020, and to reimburse the workers' compensation funds and self-insured employers under RCW 51.16.220. Expenditures from the disaster response account may be used for military department operations and to support wildland fire suppression preparedness, prevention, and restoration activities by state agencies and local governments. The legislature may direct the treasurer to make transfers of moneys in the disaster response account to the state general fund."

On page 1, line 1 of the title, after "events;" strike the remainder of the title and insert "amending RCW 38.52.105; adding a new section to chapter 38.52 RCW; and creating new sections."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1012 and advanced the bill, as amended by the Senate, to final passage.

Representatives Leavitt and Volz spoke in favor of the passage of the bill.

MOTION

On motion of Representative Griffey, Representatives Chandler and Barnard were excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1012, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1012, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 70; Nays, 25; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Ormsby, Ortiz-Self, Orwall,

Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Barkis, Caldier, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, Orcutt, Robertson, Rude, Schmick, Schmidt, Volz, Walsh and Ybarra

Excused: Representatives Barnard and Chandler

SUBSTITUTE HOUSE BILL NO. 1012, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1205, with the following amendment(s): 1205-S2 AMS ENGR S5294.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.080 and 2000 c 122 s 9 are each amended to read as follows:

(1) The court shall direct the ~~((clerk))~~petitioner to publish notice in a legal newspaper ~~((printed in the county, qualified to publish summons))~~, as described under RCW 65.16.020, once a week for three consecutive weeks, with the first publication of the notice to be at least twenty-five days prior to the date fixed for the hearing when it appears by the petition or verified statement that:

(a)(i) The parent or guardian is a nonresident of this state; or

(ii) The name or place of residence or whereabouts of the parent or guardian is unknown; and

(b) After due diligence, the person attempting service of the summons or notice provided for in RCW 13.34.070 has been unable to make service, and a copy of the notice has been deposited in the post office, postage prepaid, directed to such person at his or her last known place of residence. If the parent, guardian, or legal custodian is believed to be a resident of another state or a county other than the county in which the petition has been filed, notice also shall be published in the county in which the parent, guardian, or legal custodian is believed to reside.

(2) Publication may proceed simultaneously with efforts to provide service in person or by mail, when the court determines there is reason to believe that service in person or by mail will not be successful. Notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known. If their names are unknown, the phrase "To whom it may concern" shall be used, apply to, and be binding upon, those persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition, the date of hearing, and the object of the proceeding in

general terms shall be set forth. There shall be filed with the clerk an affidavit showing due publication of the notice. ~~((The))~~

(3)(a) Except as provided in (b) of this subsection, the cost of publication shall be paid by the ~~((county))~~petitioner at a rate not greater than the rate paid for other legal notices.

(b) If the petitioner is a minor child or the court finds that the petitioner is an indigent parent or legal guardian, the cost of publication shall be paid or reimbursed by the office of civil legal aid where the petitioner is a minor child, or the office of public defense where the petitioner is a parent or legal guardian, pursuant to procedures set by each agency.

(4) The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 3. This act takes effect January 31, 2026."

On page 1, line 3 of the title, after "cases;" strike the remainder of the title and insert "amending RCW 13.34.080; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1205 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1205, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1205, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons,

Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Barnard and Chandler

SECOND SUBSTITUTE HOUSE BILL NO. 1205, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, February 27, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272, with the following amendment(s): 1272-S2.E AMS SGE S4572.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.32.010 and 2003 c 111 s 801 are each amended to read as follows:

The secretary of state shall, whenever at least one statewide measure or office is scheduled to appear on the general election ballot, print and distribute a voters' pamphlet.

The secretary of state shall distribute the voters' pamphlet to each household in the state, to public libraries, and to any other locations ~~((he or she))~~ the secretary deems appropriate. The secretary of state shall also produce ~~((taped))~~ recorded or Braille transcripts of the voters' pamphlet, publicize their availability, and mail without charge a copy to any person who requests one.

The secretary of state may make the material required to be distributed by this chapter available to the public in electronic form. The secretary of state may provide the material in electronic form to ~~((computer bulletin boards))~~ web based, print, and broadcast news media ~~((, community computer networks,))~~ and similar services at the cost of reproduction or transmission of the data.

Sec. 2. RCW 29A.32.020 and 2003 c 111 s 802 are each amended to read as follows:

No person or entity may publish or distribute any campaign material that is deceptively similar in design or appearance to a voters' pamphlet that was published by the secretary of state during the ~~((ten))~~ 10-year period before the publication or distribution of the campaign material by the person or entity. The secretary of state shall take reasonable measures to prevent or to stop violations of this section. Such measures may include, among others, petitioning the superior court for a temporary restraining order or other appropriate injunctive relief. In addition, the secretary may request the superior court to impose a civil fine on a violator of this section. The court is authorized to levy on and recover from each violator a civil fine not to exceed the greater of: (1) ~~((Two dollars))~~ \$5 for each copy of the deceptive material distributed, or (2) ~~((one thousand dollars))~~ \$10,000. In addition, the violator is liable for the state's legal expenses and

other costs resulting from the violation. Any funds recovered under this section must be transmitted to the state treasurer for deposit in the general fund.

Sec. 3. 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))~~ statements, if submitted, from candidates for any office ((voted upon statewide)) listed in subsection (2) of this section that 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)). 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;

(4) Contact information for the public disclosure commission established under RCW 42.17A.100, 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." 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. 4. RCW 29A.32.060 and 2015 c 171 s 2 are each amended to read as follows:

Committees shall write and submit arguments advocating the approval or rejection of each statewide ballot issue and rebuttals of those arguments. The secretary of state, the presiding officer of the senate, and the presiding officer of the house of representatives shall appoint the initial two members of each committee. In making these committee appointments the secretary of state and presiding officers of the senate and house of representatives shall consider legislators, sponsors of initiatives and referendums, and other interested groups known to advocate or oppose the ballot measure. Committees must have the explanatory and fiscal impact statements available before preparing their arguments.

The initial two members may select up to four additional members, and the committee shall elect a chairperson. The remaining committee member or members may fill vacancies through appointment.

After the committee submits its initial argument statements to the secretary of state, the secretary of state shall transmit the statements to the opposite committee. The opposite committee may then prepare rebuttal arguments. Rebuttals may not interject new points.

The voters' pamphlet may contain only text argument statements prepared according to this section. ~~((Arguments may contain graphs and charts supported by factual statistical data and pictures or other illustrations. Cartoons))~~ Graphs, charts, photographs, cartoons, or caricatures are not permitted.

Sec. 5. RCW 29A.32.070 and 2023 c 109 s 2 are each amended to read as follows:

The secretary of state shall determine the format and layout of the voters' pamphlet published under RCW 29A.32.010. The secretary of state shall print the pamphlet in clear, readable type on a size, quality, and weight of paper that in the judgment of the secretary of state best serves the voters. The pamphlet must contain a table of contents. Measures and arguments must be printed in the order specified by RCW 29A.72.290.

The secretary of state's name may not appear in the voters' pamphlet in ~~((his or her))~~ an official capacity if the secretary is a candidate for office during the same year. ~~((His or her))~~ The secretary's name may only be included as part of the information normally included for candidates.

The voters' pamphlet must provide the following information for each statewide issue on the ballot:

(1) The legal identification of the measure by serial designation or number;

(2) The official ballot title of the measure;

(3) A statement prepared by the attorney general explaining the law as it presently exists;

(4) A statement prepared by the attorney general explaining the effect of the proposed measure if it becomes law;

(5) The fiscal impact statement prepared under RCW 29A.72.025;

(6) The total number of votes cast for and against the measure in the senate and house of representatives, if the measure has been passed by the legislature;

(7) An argument advocating the voters' approval of the measure together with any statement in rebuttal of the opposing argument;

(8) An argument advocating the voters' rejection of the measure together with any statement in rebuttal of the opposing argument;

(9) Each argument or rebuttal statement must be followed by the names of the committee members who submitted them, and may be followed by a telephone number that citizens may call to obtain information on the ballot measure;

(10) The full text of the measure.

Sec. 6. RCW 29A.32.121 and 2004 c 271 s 168 are each amended to read as follows:

(1) The maximum number of words for statements submitted by candidates is as follows: State representative, ~~((one hundred))~~ 100 words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, ~~((two hundred))~~ 200 words; president and vice president, United States senator, United States representative, and governor, ~~((three hundred))~~ 300 words.

(2) Arguments written by committees under RCW 29A.32.060 may not exceed ~~((two hundred fifty))~~ 250 words in length.

(3) Rebuttal arguments written by committees may not exceed ~~((seventy-five))~~ 75 words in length.

(4) The secretary of state or county auditor shall allocate space in the pamphlet based on the number of candidates or nominees for each office.

Sec. 7. RCW 29A.32.210 and 2020 c 337 s 6 are each amended to read as follows:

Before any primary or general election, or any special election held under RCW 29A.04.321 or 29A.04.330, each county auditor shall print and distribute a local voters' pamphlet. The pamphlet shall provide information on all measures and candidates appearing on ballots within that ~~((jurisdiction))~~ county. The format of any local voters' pamphlet shall, whenever applicable, comply with the provisions of this chapter regarding the publication of the state candidates' and voters' pamphlets.

Sec. 8. RCW 29A.32.220 and 2003 c 111 s 814 are each amended to read as follows:

(1) Not later than ~~((ninety))~~ 90 days before the publication and distribution of a local voters' pamphlet by a county, the county auditor shall notify each city, town,

or special taxing district (~~located wholly~~) with issues or offices appearing on ballots within that county that a pamphlet will be produced.

(2) ~~((If a))~~ All voters' ((pamphlet is)) pamphlets published by the county ~~((for a primary or general election, the pamphlet shall be published for))~~ pursuant to RCW 29A.32.210 must include the elective offices and ballot measures of the county and ((for) the elective offices and ballot measures of each unit of local government ((located entirely)) within the county which will appear on the ballot at that primary or election. ((However, the offices and measures of a first-class or code city shall not be included in the pamphlet if the city publishes and distributes its own voters' pamphlet for the primary or election for its offices and measures. The offices and measures of any other town or city are not required to appear in the county's pamphlet if the town or city is obligated by ordinance or charter to publish and distribute a voters' pamphlet for the primary or election for its offices and measures and it does so.))

If the required appearance in a county's voters' pamphlet of the offices or measures of a unit of local government would create undue financial hardship for the unit of government, the legislative authority of the unit may petition the legislative authority of the county to waive this requirement. The legislative authority of the county may provide such a waiver if it does so not later than ~~((sixty))~~ 60 days before the publication of the pamphlet and it finds that the requirement would create such hardship.

(3) If a city, town, or district is located within more than one county, ((the respective county auditors may enter into an interlocal agreement to permit the distribution of each county's local voters' pamphlet into those parts of the city, town, or district located outside of that county)) all appropriate information for that jurisdiction must appear in the local voters' pamphlet for each of the counties containing the jurisdiction. Arguments, candidate statements, and photographs must be submitted to the county auditor of the county that accepted any resolutions or candidate filings for that jurisdiction. The auditor that receives this information shall provide it to the other county auditors after reviewing and accepting the submissions.

~~((4))~~ If a first-class or code city authorizes the production and distribution of a local voters' pamphlet, the city clerk of that city shall notify any special taxing district located wholly within that city that a pamphlet will be produced. Notification shall be provided in the manner required or provided for in subsection (1) of this section.

(5) A unit of local government located within a county and the county may enter into an interlocal agreement for the publication of a voters' pamphlet for offices or measures not required by subsection (2) of this section to appear in a county's pamphlet.)

Sec. 9. RCW 29A.32.241 and 2020 c 208 s 12 are each amended to read as follows:

(1) The local voters' pamphlet shall include but not be limited to the following:

(a) Appearing on the cover, the words "official local voters' pamphlet," the name of the jurisdiction producing the pamphlet, and the date of the election or primary;

(b) A list of jurisdictions that have measures or candidates in the pamphlet;

(c) Information on how a person may register to vote and obtain a ballot;

(d) Candidate statements and photographs;

(e) The text of each measure accompanied by an explanatory statement prepared by the prosecuting attorney for any county measure or by the attorney for the jurisdiction submitting the measure if other than a county measure. All explanatory statements for city, town, or district measures not approved by the attorney for the jurisdiction submitting the measure shall be reviewed and approved by the county prosecuting attorney or city attorney, when applicable, before inclusion in the pamphlet;

~~((e))~~ (f) The arguments for and against each measure submitted by committees selected pursuant to RCW 29A.32.280; and

~~((f))~~ (g) A list of all student engagement hubs in the county as designated under RCW 29A.40.180 ((; and

~~(g) For partisan primary elections, information on how to vote the applicable ballot format and an explanation that minor political party candidates and independent candidates will appear only on the general election ballot)).~~

(2) The county auditor's name may not appear in the local voters' pamphlet in ~~((his or her))~~ an official capacity if the county auditor is a candidate for office during the same year. ~~((His or her))~~ The auditor's name may only be included as part of the information normally included for candidates.

Sec. 10. RCW 29A.32.250 and 2003 c 111 s 817 are each amended to read as follows:

~~((If the legislative authority of a county or first-class or code city provides for the inclusion of candidates in the local voters' pamphlet, the pamphlet))~~ Local voters' pamphlets shall include ((the) candidate statements ((from candidates)) accepted by the county auditor and may also include ((these)) candidates' photographs accepted by the county auditor.

Sec. 11. RCW 29A.32.260 and 2022 c 193 s 2 are each amended to read as follows:

As soon as practicable before the primary, special election, or general election, the county auditor ~~((, or if applicable, the city clerk of a first-class or code city, as appropriate,))~~ shall mail the local voters' pamphlet to every residence in each jurisdiction ~~((that has included information))~~ within the county that is participating in the associated primary or election and for which election information is included in the pamphlet. The county auditor ~~((or city clerk, as appropriate,))~~ may choose to mail the pamphlet to each registered voter in each

jurisdiction (~~((that has included information in the pamphlet))~~) within the county that is participating in the associated primary or election and for which election information is included in the pamphlet, if in (~~(his or her))~~) the auditor's judgment, a more economical and effective distribution of the pamphlet would result. The county auditor shall either mail or send a printable electronic version of the state and local voters' pamphlets to any service or overseas voter registered in the jurisdiction who has requested them.

Sec. 12. RCW 29A.32.280 and 2015 c 146 s 3 are each amended to read as follows:

(1) For each measure from a unit of local government (~~((that is))~~) included in a local voters' pamphlet, the legislative authority of that jurisdiction shall, not later than the resolution deadline, formally appoint a committee to prepare arguments advocating voters' approval of the measure and shall formally appoint a committee to prepare arguments advocating voters' rejection of the measure.

(2) The authority shall appoint persons that reside within the jurisdictional boundaries and are known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons that reside within the jurisdictional boundaries and are known to oppose the measure to serve on the committee advocating rejection.

(3) Each committee shall have not more than three members, however, a committee may seek the advice of any person or persons.

(4) If the legislative authority of a unit of local government fails to make such appointments by the prescribed deadline, the county auditor shall (~~((whenever possible make the appointments))~~) issue a media release and publish information on the auditor's election website announcing the opportunity to form committees and provide statements. If the legislative authority is unable to make appointments, the auditor shall make appointments on a first-come, first-served basis if qualified committee members contact the auditor by the appropriate deadline.

(5) If no statement is produced, the auditor shall include a statement in the pamphlet stating that no person in the jurisdiction contacted the auditor to provide a statement, and there are no statements for that measure.

NEW SECTION. Sec. 13. This act takes effect January 1, 2025."

On page 1, line 2 of the title, after "pamphlets;" strike the remainder of the title and insert "amending RCW 29A.32.010, 29A.32.020, 29A.32.031, 29A.32.060, 29A.32.070, 29A.32.121, 29A.32.210, 29A.32.220, 29A.32.241, 29A.32.250, 29A.32.260, and 29A.32.280; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272 and advanced the bill, as amended by the Senate, to final passage.

Representatives Bergquist and Cheney spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1272, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1272, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 10; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Corry, Couture, Dent, Jacobsen, Kretz, Maycumber, Mosbrucker, Walsh and Ybarra

Excused: Representatives Barnard and Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1272, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277, with the following amendment(s): 1277-S.E AMS EDU S5373.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature acknowledges that it created the paraeducator board to adopt standards of practice and required school districts to provide to paraeducators a four-day fundamental course of study on the standards to paraeducators. The legislature finds that it required that at least one day of the fundamental course of study be provided in person due to the benefits of in-person instruction, including that instructors can confirm the participant's application of learning objectives.

(2) The legislature recognizes that paraeducators benefit from in-person training that is part of the hiring and onboarding process. The legislature intends to expand this benefit by generally requiring two days of the fundamental course

of study be provided to paraeducators in person. The legislature recognizes that an exemption from this in-person requirement is necessary for some small school districts that experience barriers to providing the fundamental course of study in person due to long commute times for paraeducators, irregular hiring dates in small school districts, and other extenuating circumstances.

(3) However, it is the intent of the legislature to ensure that all paraeducators in Washington receive high quality and consistent professional development through the fundamental course of study, with a significant majority of paraeducators being trained in person.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.413 RCW to read as follows:

(1) By July 1, 2025, the board must update rules on the implementation of the fundamental course of study under RCW 28A.413.060 to require that a significant majority of paraeducators are provided with the course in person. Under the rules, the board may grant an exemption from the in-person requirement of RCW 28A.413.060 for second-class school districts hiring paraeducators after the beginning of the school year.

(2) By July 1, 2025, the board must publish guidance for school districts on how to provide the fundamental course of study under RCW 28A.413.060 to improve the consistency and quality of staff development.

Sec. 3. RCW 28A.413.060 and 2019 c 268 s 3 are each amended to read as follows:

(1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2)(a) School districts must provide a four-day fundamental course of study on the state standards of practice, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. ~~((At least one day of the fundamental course of study must be provided in person.))~~

(b) School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the following deadlines ~~((provided in subsection (3) of this section.))~~

~~((3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection (2) of this section by the deadlines provided in (a) of this subsection.))~~

~~((a))~~(i) For paraeducators hired ~~((on or before ((September 1st))the beginning of the school year, the first two days of the fundamental course of study must be provided ((by September 30th of that year))in person before the beginning of the school year and the second two days of the~~

fundamental course of study must be provided within six months of the date of hire ~~((regardless of the size of the district))~~; and

(ii) For paraeducators hired after ~~((September 1st))the beginning of the school year:~~

(A) For paraeducators hired by first-class districts ~~((with ten thousand or more students))~~, the first two days of the fundamental course of study must be provided in person within four months of the date of hire and the second two days of the fundamental course of study must be provided within six months of the date of hire or by September 1st of the following year, whichever is sooner; and

(B) For paraeducators hired by second-class districts ~~((with fewer than ten thousand students))~~, the four-day fundamental course of study must be provided no later than September 1st of the following year, with two of the days provided in person unless the district has applied for and received an exemption under section 2 of this act.

~~((b))~~(i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and

~~((ii))~~ For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.

~~((4))~~(3) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section."

On page 1, line 2 of the title, after "paraeducators;" strike the remainder of the title and insert "amending RCW 28A.413.060; adding a new section to chapter 28A.413 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277 and advanced the bill, as amended by the Senate, to final passage.

Representatives Donaghy and Rude spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1277, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1277, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low,

Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Barnard and Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, February 28, 2024

Mme. Speaker:

The Senate has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1377, with the following amendment(s): 1377-S.E2 AMS EDU S5162.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.410.277 and 2021 c 77 s 1 are each amended to read as follows:

(1) The Washington professional educator standards board must adopt rules for renewal of administrator certificates and teacher certificates that meet the continuing education requirements of this section.

(2) To renew an administrator certificate on or after July 1, 2023, continuing education must meet the following requirements: 10 percent must focus on equity-based school practices, 10 percent must focus on the national professional standards for education leaders, and five percent must focus on government-to-government relationships with federally recognized tribes.

(3) To renew a teacher certificate on or after July 1, 2023, 15 percent of continuing education must focus on equity-based school practices. This subsection (3) does not apply to a person renewing both a teacher certificate and an administrator certificate.

(4)(a) Except as provided under ~~((b))~~ (c) of this subsection (4), continuing education must be provided by one or more of the following entities, if they are an approved clock hour provider:

(i) The office of the superintendent of public instruction;

(ii) A school district;

(iii) An educational service district;

(iv) A Washington professional educator standards board-approved administrator or teacher preparation program;

(v) The association of Washington school principals; ~~((e))~~

(vi) The Washington education association; or

(vii) Other organizations approved by the Washington professional educator standards board.

(b) ~~((Continuing))~~ Beginning with the 2025-26 school year, the professional educator standards board must approve clock hour providers under this section through a revised application process. As part of the revised application process, entities must

submit an application to the professional educator standards board that, at a minimum, includes the following:

(i) The entity's mission and vision;

(ii) The entity's experience and expertise in providing professional development to educators generally, as well as specific experience and expertise in equity-based practices;

(iii) Possible subject matter topics of continuing education to be provided by the entity;

(iv) Information on clock hour pricing;

(v) Transcript processes; and

(vi) Other application elements deemed appropriate by the professional educator standards board.

(c) To meet the requirements of subsection (2) of this section, continuing education related to government-to-government relationships with federally recognized tribes must be provided by one or more subject matter experts approved by the governor's office on Indian affairs in collaboration with the tribal leaders congress on education and the office of Native education in the office of the superintendent of public instruction.

~~((d))~~ (d) The office of the superintendent of public instruction and the Washington professional educator standards board must maintain a list of subject matter experts approved under (c) of this subsection on their respective websites.

(5) An entity providing an administrator or teacher continuing education program focused on equity-based school practices or the national professional standards for education leaders must publicly post the learning objectives of the program on its website. If the entity does not have a website, it must post the learning objectives of the program in a conspicuous place in the entity's main office and submit a copy of the learning objectives to the Washington professional educator standards board.

(6) Continuing education focused on equity-based school practices must be aligned with the standards ~~((for cultural competency developed))~~ of practice developed by the Washington professional educator standards board under RCW 28A.410.260.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.410 RCW to read as follows:

(1) By September 1, 2024, the Washington professional educator standards board must develop a process for the temporary or permanent revocation of continuing education provider status.

(a) Continuing education provider status may be revoked for providers that meet any of the following criteria:

(i) Providers that receive a substantial number of complaints filed against the provider, as determined by the board;

(ii) Providers found to not be in substantial compliance with RCW 28A.410.277; or

(iii) Providers found to offer course material that is not in substantial alignment with the cultural competency, diversity, equity, and inclusion standards

of practices adopted in RCW 28A.410.260, as determined by the board.

(b) Entities authorized to submit a complaint under this section are limited to the following:

- (i) Educators;
- (ii) Local education agencies;
- (iii) The office of the superintendent of public instruction;
- (iv) Organizations representing principals;
- (v) Organizations representing school board members;
- (vi) Organizations representing school administrators;
- (vii) Labor organizations representing classified instructional staff; and
- (viii) Labor organizations representing teachers.

(2) By December 1, 2024, the professional educator standards board in consultation with the office of the superintendent of public instruction must submit to the relevant committees of the legislature a report on how to implement an auditing system of continuing education providers and other recommendations for improving the clock hour system.

(3) For the purposes of this section, "approved provider" and "provider" have the same meaning as "approved in-service education agency" in WAC 181-85-045, but apply only to providers of administrator or teacher continuing education programs focused on either equity-based school practices or the national professional standards for education leaders."

On page 1, line 5 of the title, after "teachers;" strike the remainder of the title and insert "amending RCW 28A.410.277; and adding a new section to chapter 28A.410 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1377 and advanced the bill, as amended by the Senate, to final passage.

Representatives Santos and Rude spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1377, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1377, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner,

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

Excused: Representative Chandler

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1377, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, February 28, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1851, with the following amendment(s): 1851-S AMS HS S5095.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.24.061 and 2021 c 126 s 1 are each amended to read as follows:

(1) The authority shall provide flexibility to encourage licensed or certified community behavioral health agencies to subcontract with an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington department of psychiatry and behavioral sciences. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, Seattle children's hospital, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices

to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and online resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under RCW 71.36.025(2) and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the authority and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3)(a) To the extent that funds are specifically appropriated for this purpose, the authority in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall implement the following access lines:

(i) The partnership access line to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program;

(ii) The partnership access line for moms to support obstetricians, pediatricians, primary care providers, mental health professionals, and other health care professionals providing care to pregnant women and new mothers through same-day telephone consultations in the assessment and provision of appropriate diagnosis and treatment of depression in pregnant women and new mothers; ~~((and))~~

(iii) The mental health referral service for children and teens to facilitate referrals to children's mental health services and other resources for parents and guardians with concerns related to the mental health of the parent or guardian's child. Facilitation activities include assessing the level of services needed by the child; within an average of seven days from call intake processing with a parent or guardian, identifying mental health professionals who are in-network with the child's health care coverage who are accepting new patients and taking appointments; coordinating contact between the parent or guardian and the mental health professional; and providing postreferral reviews to determine if the child has outstanding needs. In conducting its referral activities, the program shall

collaborate with existing databases and resources to identify in-network mental health professionals; and

(iv) The first approach skills training program to provide brief, evidence-based behavioral therapy for youth and families with common mental health concerns.

(b) The program activities described in (a) of this subsection shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

(4) The authority, in collaboration with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital, shall report on the following:

(a) The number of individuals who have accessed the resources described in subsection (3) of this section;

(b) The number of providers, by type, who have accessed the resources described in subsection (3) of this section;

(c) Demographic information, as available, for the individuals described in (a) of this subsection. Demographic information may not include any personally identifiable information and must be limited to the individual's age, gender, and city and county of residence;

(d) A description of resources provided;

(e) Average time frames from receipt of call to referral for services or resources provided; and

(f) Systemic barriers to services, as determined and defined by the health care authority, the University of Washington department of psychiatry and behavioral sciences, and Seattle children's hospital.

(5) Beginning December 30, 2019, and annually thereafter, the authority must submit, in compliance with RCW 43.01.036, a report to the governor and appropriate committees of the legislature with findings and recommendations for improving services and service delivery from subsection (4) of this section.

(6) The authority shall enforce requirements in managed care contracts to ensure care coordination and network adequacy issues are addressed in order to remove barriers to access to mental health services identified in the report described in subsection (4) of this section.

Sec. 2. RCW 71.24.063 and 2020 c 291 s 3 are each amended to read as follows:

(1) The University of Washington department of psychiatry and behavioral ~~((health))~~ sciences shall collect the following information for the ~~((partnership access line described in RCW 71.24.061(3)(a)-(i))~~) partnership access line for moms described in RCW 71.24.061(3)(a)(ii) ~~((A))~~, and the psychiatric consultation line described in RCW 71.24.062, in coordination with any hospital that it collaborates with to administer the programs:

(a) The number of individuals served;

(b) Demographic information regarding the individuals served, as available, including the individual's age, gender, and city and

county of residence. Demographic information may not include any personally identifiable information;

(c) Demographic information regarding the providers placing the calls, including type of practice, and city and county of practice;

(d) Insurance information, including health plan and carrier, as available;

(e) A description of the resources provided; and

(f) Provider satisfaction.

(2) ~~The ((University of Washington department of psychiatry and behavioral health sciences)) authority shall collect the following information for the program called the ((partnership access line for kids referral and assistance service)) mental health referral service for children and teens described in RCW 71.24.061((3)(a)(ii)-(B)) (3)(a)(iii), and the partnership access line described in RCW 71.24.061(3)(a)(i), in coordination with ((any)) Seattle children's hospital ((that it collaborates with)) to administer the program:~~

(a) The number of individuals served;

(b) Demographic information regarding the individuals served, as available, including the individual's age, gender, and city and county of residence. Demographic information may not include any personally identifiable information;

(c) Demographic information regarding the parents or guardians placing the calls, including family location;

(d) Insurance information, including health plan and carrier, as available;

(e) A description of the resources provided;

(f) Average time frames from receipt of the call to referral for services or resources provided;

(g) The most frequently requested issues that parents and guardians are asking for assistance with;

(h) The most frequently requested issues that families are asking for referral assistance with;

(i) The number of individuals that receive an appointment based on referral assistance; and

(j) Parent or guardian satisfaction.

(3) The authority shall collect the following information for the first approach skills training program (FAST) described in RCW 71.24.061(3)(a)(iv), in coordination with Seattle children's hospital to administer the program:

(a) The number of providers trained;

(b) The number of clinics supported;

(c) The number of ongoing consultation training sessions delivered;

(d) The utilization rates of the FAST website video and materials; and

(e) Updates on all new materials created, such as new translations, for the program.

Sec. 3. RCW 71.24.064 and 2020 c 291 s 4 are each amended to read as follows:

(1) Beginning July 1, 2021, the partnership access lines described in RCW 71.24.061(3)(a), ~~((and))~~ the psychiatric consultation line described in RCW 71.24.062, and the first approach skills training program described in RCW

71.24.061(3)(a)(iv) shall be funded as follows:

(a) The authority, in consultation with the University of Washington department of psychiatry and behavioral sciences and Seattle children's hospital shall determine the annual costs of operating each program, as well as the authority's costs for administering the programs.

(b) For each program, the authority shall calculate the proportion of clients that are covered by programs administered pursuant to chapter 74.09 RCW. The state must cover the cost for programs administered pursuant to chapter 74.09 RCW through state and federal funds, as appropriated.

(c)(i) The authority shall collect a proportional share of program costs from each of the following entities that are not for covered lives under contract with the authority as medicaid managed care organizations:

(A) Health carriers, as defined in RCW 48.43.005;

(B) Self-funded multiple employer welfare arrangements, as defined in RCW 48.125.010;

(C) Employers or other entities that provide health care in this state, including self-funding entities or employee welfare benefit plans.

(ii) For entities listed in (c)(i) of this subsection, a proportional share of the entity's annual program costs for each program must be calculated by determining the annual cost of operating the program not covered under (b) of this subsection and multiplying it by a fraction that in which the numerator is the entity's total number of resident insured persons among the population served by the program and the denominator is the total number of residents in the state who are served by the program and not covered by programs administered pursuant to chapter 74.09 RCW. The total number of resident insured persons among the population served by the program shall be determined according to the covered lives per calendar year determined by covered person months.

(iii) The entities listed in (c)(i) of this subsection shall provide information needed to calculate the proportional share of program costs under this section to the authority.

(d) The authority's administrative costs for these programs may not be included in the assessments.

(2) The authority may contract with a third-party administrator to calculate and administer the assessments of the entities identified in subsection (1)(c)(i) of this section.

(3) The authority shall develop separate performance measures for the partnership access lines described in RCW 71.24.061(3)(a), and the psychiatric consultation line described in RCW 71.24.062.

(4) The University of Washington department of psychiatry and behavioral sciences, in coordination with any hospital that it collaborates with to administer the programs, shall provide quarterly reports to the authority on the demographic data collected by each program, as described in RCW 71.24.063 (1) and (2), any performance measures specified by the authority, and

systemic barriers to services, as determined and defined by the authority, the University of Washington, and Seattle children's hospital."

On page 1, line 3 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 71.24.061, 71.24.063, and 71.24.064."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1851 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1851, as amended by the Senate.

ROLL CALL

MESSAGE FROM THE SENATE

Tuesday, February 27, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1945, with the following amendment(s): 1945-S AMS EDU S5370.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.216.1368 and 2023 c 222 s 4 are each amended to read as follows:

(1) It is the intent of the legislature to increase working families' access to affordable, high quality child care and to support the expansion of the workforce to support businesses and the statewide economy.

(2) Beginning October 1, 2021, a family is eligible for working connections child care when the household's annual income is at or below 60 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(3) Beginning July 1, 2025, a family is eligible for working connections child care when the household's annual income is above 60 percent and at or below 75 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(4) Beginning July 1, 2027, and subject to the availability of amounts appropriated for this specific purpose, a family is eligible for working connections child care when the household's annual income is above 75 percent of the state median income and is at or below 85 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(5) (a) Beginning October 1, 2021, through June 30, 2023, the department must calculate a monthly copayment according to the following schedule:

| If the household's income is: | Then the household's maximum monthly copayment is: |
|---|--|
| At or below 20 percent of the state median income | Waived to the extent allowable under federal law; otherwise, a maximum of \$15 |

The Clerk called the roll on the final passage of Substitute House Bill No. 1851, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 1851, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

****FORMAT CHANGED TO ACCOMMODATE TEXT****

| | |
|--|---|
| Above 20 percent and at or below 36 percent of the state median income | \$65 |
| Above 36 percent and at or below 50 percent of the state median income | \$115 until December 31, 2021, and \$90 beginning January 1, 2022 |
| Above 50 percent and at or below 60 percent of the state median income | \$115 |

(b) Beginning July 1, 2023, the department must calculate a monthly copayment according to the following schedule:

| | |
|--|--|
| If the household's income is: | Then the household's maximum monthly copayment is: |
| At or below 20 percent of the state median income | Waived to the extent allowable under federal law; otherwise, a maximum of \$15 |
| Above 20 percent and at or below 36 percent of the state median income | \$65 |
| Above 36 percent and at or below 50 percent of the state median income | \$90 |
| Above 50 percent and at or below 60 percent of the state median income | \$165 |

(c) Beginning July 1, 2025, the department must calculate a maximum monthly copayment of \$215 for households with incomes above 60 percent and at or below 75 percent of the state median income.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department shall adopt a copayment model for households with annual incomes above 75 percent of the state median income and at or below 85 percent of the state median income. The model must calculate a copayment for each household that is no greater than seven percent of the household's countable income within this income range.

(e) The department may adjust the copayment schedule to comply with federal law.

(6) Beginning November 1, 2024, when an applicant or consumer is a member of an assistance unit that is eligible for or receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program the department must determine that the household income eligibility requirements in this section are met.

(7) The department must adopt rules to implement this section, including an income phase-out eligibility period.

~~((+7))~~ (8) This section does not apply to households eligible for the working connections child care program under RCW 43.216.145 and 43.216.1364.

Sec. 2. RCW 43.216.505 and 2021 c 199 s 204 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.216.500 through 43.216.559, 43.216.900, and 43.216.901.

(1) "Advisory committee" means the advisory committee under RCW 43.216.520.

(2) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.216.500 through 43.216.550, 43.216.900, and 43.216.901 and are designated as eligible for funding by the department under RCW 43.216.530 and 43.216.540.

(3) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(4) "Eligible child" means a three to five-year old child who is not age-eligible for kindergarten, is not a participant in a federal or state program providing comprehensive services, and who:

(a) Has a family with ~~((financial need))~~ an income at or below 50 percent of the state median income adjusted for family size;

(b) Is experiencing homelessness;

(c) Has participated in early head start or a successor federal program providing comprehensive services for children from birth through two years of age, the early support for infants and toddlers program or received class C developmental services, the birth to three early childhood education and assistance program, or the early childhood intervention and prevention services program;

(d) Is eligible for special education due to disability under RCW 28A.155.020;

(e) Is a member of an assistance unit that is eligible for or is receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program;

(f) Is Indian as defined in rule by the department after consultation and agreement with Washington state's federally recognized tribes pursuant to RCW 43.216.5052 and is at or below 100 percent of the state median income adjusted for family size; or

~~((+f))~~ (g) Meets criteria under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood

program. Preference for enrollment in this group shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(5) "Experiencing homelessness" means a child without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2021.

(6) "Family support services" means providing opportunities for parents to:

- (a) Actively participate in their child's early childhood program;
- (b) Increase their knowledge of child development and parenting skills;
- (c) Further their education and training;
- (d) Increase their ability to use needed services in the community;
- (e) Increase their self-reliance; and
- (f) Connect with culturally competent, disability positive therapists and supports where appropriate.

~~((7) "Family with financial need" means families with incomes at or below 36 percent of the state median income adjusted for family size until the 2030-31 school year. Beginning in the 2030-31 school year, "family with financial need" means families with incomes at or below 50 percent of the state median income adjusted for family size.))~~

Sec. 3. RCW 43.216.512 and 2019 c 409 s 2 are each amended to read as follows:

(1) The department shall adopt rules that allow the enrollment of children who meet one or more of the following criteria in the early childhood education and assistance program, as space is available if the number of such children equals not more than twenty-five percent of total statewide enrollment ~~((, whose family income is))~~:

(a) ~~((Above))~~ The child's family income is above one hundred ten percent but less than or equal to one hundred thirty percent of the federal poverty level; ((or))

(b) ~~((Above))~~ The child's family income is above one hundred thirty percent but less than or equal to two hundred percent of the federal poverty level if the child meets at least one of the risk factor criterion described in subsection (2) of this section; or

(c) Beginning November 1, 2024, the child is not eligible under RCW 43.216.505 and is a member of an assistance unit that is eligible for or is receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program.

(2) Children enrolled in the early childhood education and assistance program pursuant to subsection (1)(b) of this section must be prioritized for available funded slots according to a prioritization system adopted in rule by the department that considers risk factors that have a disproportionate effect on kindergarten readiness and school performance, including:

(a) Family income as a percent of the federal poverty level;

(b) Homelessness;

(c) Child welfare system involvement;

(d) Developmental delay or disability that does not meet the eligibility criteria for special education described in RCW 28A.155.020;

(e) Domestic violence;

(f) English as a second language;

(g) Expulsion from an early learning setting;

(h) A parent who is incarcerated;

(i) A parent with a substance use disorder or mental health treatment need; and

(j) Other risk factors determined by the department to be linked by research to school performance.

(3) The department shall adopt rules that allow a child to enroll in the early childhood education and assistance program, as space is available, when the child is not eligible under RCW 43.216.505 and the child turns three years old at any time during the school year when the child:

(a) Has a family income at or below two hundred percent of the federal poverty level or meets at least one risk factor criterion adopted by the department in rule; and

(b) Has received services from or participated in:

(i) The early support for infants and toddlers program;

(ii) The early head start or a successor federal program providing comprehensive services for children from birth through two years of age; or

(iii) The birth to three early childhood education and assistance program, if such a program is established.

(4) Children enrolled in the early childhood education and assistance program under this section are not considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

Sec. 4. RCW 43.216.512 and 2021 c 199 s 205 are each amended to read as follows:

(1) The department shall adopt rules that allow the enrollment of children in the early childhood education and assistance program, as space is available, if the number of such children equals not more than 25 percent of total statewide enrollment, when the child is not eligible under RCW 43.216.505 and ~~((whose))~~:

(a) Has a family income level ((is)) above 36 percent of the state median income but at or below 50 percent of the state median income adjusted for family size and the child meets at least one of the risk factor criterion described in subsection (2) of this section; or

(b) Is a member of an assistance unit that is eligible for or is receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program.

(2) Children enrolled in the early childhood education and assistance program pursuant to this section must be prioritized for available funded slots according to a prioritization system adopted in rule by the department that considers risk factors that have a disproportionate effect on kindergarten readiness and school performance, including:

- (a) Family income as a percent of the state median income;
- (b) Child welfare system involvement;
- (c) Eligible for services under part C of the federal individuals with disabilities education act but not eligible for services under part B of the federal individuals with disabilities education act;
- (d) Domestic violence;
- (e) English as a second language;
- (f) Expulsion from an early learning setting;
- (g) A parent who is incarcerated;
- (h) A parent with a behavioral health treatment need; and
- (i) Other risk factors determined by the department to be linked by research to school performance.

(3) Children enrolled in the early childhood education and assistance program under this section are not considered eligible children as defined in RCW 43.216.505 and are not considered to be part of the state-funded entitlement required in RCW 43.216.556.

(4) This section expires August 1, 2030.

Sec. 5. RCW 43.216.578 and 2019 c 408 s 8 are each amended to read as follows:

(1) Within resources available under the federal preschool development grant birth to five grant award received in December 2018, the department shall develop a plan for phased implementation of a birth to three early childhood education and assistance program pilot project for eligible children under thirty-six months old. Funds to implement the pilot project may include a combination of federal, state, or private sources.

(2) The department may adopt rules to implement the pilot project and may waive or adapt early childhood education and assistance program requirements when necessary to allow for the operation of the birth to three early childhood education and assistance program. The department shall consider early head start rules and regulations when developing the provider and family eligibility requirements and program requirements. Any deviations from early head start standards, rules, or regulations must be identified and explained by the department in its annual report under subsection (6) of this section.

(3)(a) Upon securing adequate funds to begin implementation, the pilot project programs must be delivered through child care centers and family home providers who meet minimum licensing standards and are enrolled in the early achievers program.

(b) The department must determine minimum early achievers ratings scores for programs participating in the pilot project.

(4) When selecting pilot project locations for service delivery, the department may allow each pilot project location to have up to three classrooms per location. When selecting and approving pilot project locations, the department shall attempt to select a combination of rural, urban, and suburban locations. The department shall prioritize locations with programs currently operating early head start, head start, or the early childhood education and assistance program.

(5) ~~((To))~~ Until November 1, 2024, to be eligible for the birth to three early childhood education and assistance program, a child's family income must be at or below one hundred thirty percent of the federal poverty level and the child must be under thirty-six months old. Beginning November 1, 2024, to be eligible for the birth to three early childhood education and assistance program, a child must be under 36 months old and either:

(a) From a family with a household income at or below 130 percent of the federal poverty level; or

(b) A member of an assistance unit that is eligible for or is receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program.

(6) Beginning November 1, 2020, and each November 1st thereafter during pilot project activity, the department shall submit an annual report to the governor and legislature that includes a status update that describes the planning work completed, the status of funds secured, and any implementation activities of the pilot project. Implementation activity reports must include a description of the participating programs and number of children and families served.

Sec. 6. RCW 43.216.578 and 2021 c 199 s 403 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall administer a birth to three early childhood education and assistance program for eligible children under thirty-six months old. Funds to implement the program may include a combination of federal, state, or private sources.

(2) The department may adopt rules to implement the program and may waive or adapt early childhood education and assistance program requirements when necessary to allow for the operation of the birth to three early childhood education and assistance program. The department shall consider early head start rules and regulations when developing the provider and family eligibility requirements and program requirements.

(3)(a) The birth to three early childhood education and assistance program must be delivered through child care centers and family home providers who meet minimum licensing standards and are enrolled in the early achievers program.

(b) The department must determine minimum early achievers ratings scores for participating contractors.

(4) To be eligible for the birth to three early childhood education and assistance program, a ~~((child's family income must be at or below 50 percent of the state median income and the child must be under thirty-six months old))~~ child must be under 36 months old and either:

(a) From a family with a household income at or below 50 percent of the state median income; or

(b) A member of an assistance unit that is eligible for or is receiving basic food benefits under the federal supplemental nutrition assistance program or the state food assistance program.

NEW SECTION. Sec. 7. Section 2 of this act takes effect August 1, 2030. Sections 4 and 6 of this act take effect July 1, 2026.

NEW SECTION. Sec. 8. Sections 3 and 5 of this act expire July 1, 2026."

On page 1, line 2 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 43.216.1368, 43.216.512, 43.216.512, 43.216.578, and 43.216.578; reenacting and amending RCW 43.216.505; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1945 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1945, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1945, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Walsh
Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 1945, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1956, with the following amendment(s): 1956-S2.E AMS WM S5570.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that overdoses and overdose deaths, particularly from synthetic opioids, have increased in recent years. According to the federal centers for disease control and prevention, among persons aged 14 through 18, overdose deaths increased 94 percent from 2019 to 2020 and 20 percent from 2020 to 2021. In 2021, over 75 percent of all drug overdose deaths involved opioids, with synthetic opioids, including fentanyl, accounting for nearly 88 percent of those deaths. Between 2022 and 2023, Washington saw the largest increase in overdose deaths of any state at 40 percent.

(2) The legislature recognizes that fatal overdose risk among adolescents is increasing due to widespread availability of illicitly manufactured fentanyl, proliferation of counterfeit pills resembling prescription drugs but containing illicit drugs, and ease of purchasing pills through social media. The United States drug enforcement administration states that there is significant risk that illegal drugs have been intentionally contaminated with fentanyl. As a result, many young people may ingest a lethal dose without knowing that they are consuming fentanyl.

(3) The legislature acknowledges that the level of public health crisis created by use of fentanyl and other synthetic opioids requires an immediate, substantial, and coordinated effort by national, state, and local public health, social service, and educational agencies working together.

(4) The legislature also acknowledges that the popularity of drugs grows and wanes forming distinct drug epidemics, similar to disease epidemics. As the popularity and

availability of synthetic opioids wanes, it is likely that some other substance will pose the next acute public health crisis.

(5) Therefore, in order to combat the current public health crisis of abuse of fentanyl and other synthetic opioids, and to be prepared to address the next drug epidemic before it reaches crisis level, the legislature intends to direct the state department of health to deploy a statewide substance use prevention and awareness campaign that evolves to address the substance or substances with the greatest impact on the health of Washington youth and their families, diverse regions and communities, and the broader public. The legislature also intends for the public education system to actively incorporate campaign messages and materials in classrooms, as well as in family and community communications.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall develop, implement, and maintain a statewide drug overdose prevention and awareness campaign to address the drug overdose epidemic.

(2)(a) The campaign must educate the public about the dangers of methamphetamines and opioids, including fentanyl, and the harms caused by drug use. The campaign must include outreach to both youth and adults aimed at preventing substance use and overdose deaths.

(b) The department, in consultation with the health care authority, may also include messaging focused on substance use disorder and overdose death prevention, resources for addiction treatment and services, and information on immunity for people who seek medical assistance in a drug overdose situation pursuant to RCW 69.50.315.

(3) The 2024 and 2025 campaigns must focus on increasing the awareness of the dangers of fentanyl and other synthetic opioids, including the high possibility that other drugs are contaminated with synthetic opioids and that even trace amounts of synthetic opioids can be lethal.

(4) Beginning June 30, 2025, and each year thereafter, the department must submit a report to the appropriate committees of the legislature on the content and distribution of the statewide drug overdose prevention and awareness campaign. The report must include a summary of the messages distributed during the campaign, the mediums through which the campaign was operated, and data on how many individuals received information through the campaign. The department must identify measurable benchmarks to determine the effectiveness of the campaign and recommend whether the campaign should continue and if any changes should be made to the campaign. The report must be submitted in compliance with RCW 43.01.036.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall collaborate with

the department of health, the health care authority, other state agencies, and educational service districts to develop age-appropriate substance use prevention and awareness materials for school and classroom uses. These materials must be periodically updated to align with substance use prevention and awareness campaigns implemented by the department of health and the health care authority.

(2) The office of the superintendent of public instruction shall actively distribute the materials developed under subsection (1) of this section to school districts, public schools, educational service districts, and community-based organizations that provide extended learning opportunities, and strongly encourage the incorporation of age-appropriate materials in classrooms, as well as in family and community communications.

NEW SECTION. Sec. 4. (1) The office of the superintendent of public instruction shall collaborate with the department of health, the health care authority, other state agencies, and educational service districts to develop school and classroom materials on the lethality of fentanyl and other opioids in coordination with the public health campaign created in section 2 of this act. The office of the superintendent of public instruction must make these materials available to school districts and public schools.

(2) By December 1, 2025, the office of the superintendent of public instruction shall adjust the state health and physical education learning standards for middle and high school students to add opioids to the list of drugs included in drug-related education and update the school and classroom materials developed under subsection (1) of this section to reflect the adjusted standards required by this subsection (2). The office of the superintendent of public instruction must make these materials available to school districts and public schools.

(3) This section expires July 1, 2026.

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.

NEW SECTION. Sec. 6. 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. 7. This act may be known and cited as the Lucas Petty act."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "adding a new section to chapter 43.70 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

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

Representatives Leavitt and Rude spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1956, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goeher, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

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

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2007, with the following amendment(s): 2007-S AMS WM S5469.3

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.08A.010 and 2023 c 418 s 3 are each amended to read as follows:

(1) A family that includes an adult who has received temporary assistance for needy families for 60 months after July 27, 1997, shall be ineligible for further temporary assistance for needy families assistance.

(2) For the purposes of applying the rules of this section, the department shall count any month in which an adult family member received a temporary assistance for needy families cash assistance grant unless the assistance was provided when the adult family member was a minor child and not the

head of the household or married to the head of the household.

(3) The department shall refer recipients who require specialized assistance to appropriate department programs, crime victims' programs through the department of commerce, or the crime victims' compensation program of the department of labor and industries.

(4) The department shall add to adopted rules related to temporary assistance for needy families time limit extensions, the following criteria by which the department shall exempt a recipient and the recipient's family from the application of subsection (1) of this section:

(a) By reason of hardship, including when:

(i) The recipient's family includes a child or youth who is without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (Title 42 U.S.C., chapter 119, subchapter VI, part B) as it existed on January 1, 2020;

(ii) The recipient received temporary assistance for needy families during a month on or after March 1, 2020, when Washington state's unemployment rate as published by the Washington employment security department was equal to or greater than seven percent, and the recipient is otherwise eligible for temporary assistance for needy families except that they have exceeded 60 months. The extension provided for under this subsection (4)(a)(ii) is equal to the number of months that the recipient received temporary assistance for needy families during a month on or after March 1, 2020, when the unemployment rate was equal to or greater than seven percent, and is applied sequentially to any other hardship extensions that may apply under this subsection (4) or in rule; or

(iii) Beginning July 1, 2022, the Washington state unemployment rate most recently published by the Washington employment security department is equal to or greater than seven percent; (~~or~~)

(b) If the family includes an individual who meets the family violence options of section 402(A)(7) of Title IVA of the federal social security act as amended by P.L. 104-193; or

(c) If the recipient or applicant is a parent or legal guardian to a child under the age of two who lives in the same household and qualifies for an infant, toddler, or postpartum exemption from WorkFirst activities.

(5) The department shall not exempt a recipient and his or her family from the application of subsection (1) of this section until after the recipient has received 52 months of assistance under this chapter.

(6) The department shall provide transitional food assistance for a period of five months to a household that ceases to receive temporary assistance for needy families assistance and is not in full-family sanction status. If a member of a household has been sanctioned but the household is still receiving benefits, the remaining eligible household members may receive transitional food assistance. If

necessary, the department shall extend the household's basic food certification until the end of the transition period.

(7) The department may adopt rules specifying which published employment security department unemployment rates to use for the purposes of subsection (4)(a)(ii) and (iii) of this section.

NEW SECTION. **Sec. 2.** This act takes effect July 1, 2024.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 74.08A.010; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2007 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2007, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2007, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 79; Nays, 17; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cheney, Chopp, Corry, Cortes, Couture, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Barnard, Caldier, Christian, Connors, Dent, Dye, Graham, Jacobsen, Klicker, McClintock, Mosbrucker, Rude, Sandlin, Schmick, Schmidt, Volz and Walsh

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2007, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, February 23, 2024

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2022, with the following amendment(s): 2022-S2 AMS ENGR S5418.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that there is significant opportunity to improve worker and public safety in tower crane assembly, disassembly, and reconfiguration. The Seattle tower crane incident on April 27, 2019, killing two members of the public, Sarah Pantip Wong and Alan Jay Justad, and two iron workers, Travis Daniel Corbet and Andrew W. Yoder, exposed weaknesses in construction safety efforts. Requirements for permitting, street closures, and penalties are created to ensure that assembly, disassembly, and reconfiguration of tower cranes proceed safely.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW to read as follows:

Sections 3 through 10 of this act apply to construction crane safety.

Sec. 3. RCW 49.17.400 and 2007 c 27 s 2 are each amended to read as follows:

The definitions in this section apply throughout ((RCW 49.17.400 through 49.17.430)) this section and sections 4 through 7 of this act unless the context clearly requires otherwise.

(1) "Apprentice operator or trainee" means a crane operator who has not met requirements established by the department under RCW 49.17.430.

(2) "Attachments" includes, but is not limited to, crane-attached or suspended hooks, magnets, grapples, clamshell buckets, orange peel buckets, concrete buckets, drag lines, personnel platforms, augers, or drills and pile-driving equipment.

(3) "Certified crane inspector" means a crane inspector who has been certified by the department.

(4) "Construction" means all or any part of excavation, construction, erection, alteration, repair, demolition, and dismantling of buildings and other structures and all related operations; the excavation, construction, alteration, and repair of sewers, trenches, caissons, conduits, pipelines, roads, and all related operations; the moving of buildings and other structures, and the construction, alteration, repair, or removal of wharfs, docks, bridges, culverts, trestles, piers, abutments, or any other related construction, alteration, repair, or removal work. "Construction" does not include manufacturing facilities or powerhouses.

(5) "Crane" means power-operated equipment used in construction that can hoist, lower, and horizontally move a suspended load. "Crane" includes, but is not limited to: Articulating cranes, such as knuckle-boom cranes; crawler cranes;

floating cranes; cranes on barges; locomotive cranes; mobile cranes, such as wheel-mounted, rough-terrain, all-terrain, commercial truck mounted, and boom truck cranes; multipurpose machines when ~~((configured))~~ used to ~~((hoist))~~ lift and lower ~~((by means of a winch or hook and))~~ a suspended load, or horizontally move a suspended load; industrial cranes, such as carry-deck cranes; dedicated pile drivers; service/mechanic trucks with a hoisting device; a crane on a monorail; tower cranes, such as fixed jib, hammerhead boom, luffing boom, and self-erecting; pedestal cranes; portal cranes; overhead and gantry cranes; straddle cranes; side-boom tractors; derricks; and variations of such equipment.

(6) "Crane operator" means an individual engaged in the operation of a crane.

(7) "Professional engineer" means a professional engineer as defined in RCW 18.43.020.

(8) "Qualified crane operator" means a crane operator who meets the requirements established by the department under RCW 49.17.430.

(9) "Safety or health standard" means a standard adopted under this chapter.

(10) "Assembly, disassembly, and reconfiguration" means the assembly, disassembly, or reconfiguration of cranes covered under this section and sections 4 through 7 of this act.

(11) "Assembly/disassembly work zone" is applicable to tower cranes and means the total area that the crane and/or components or attachments could reach if the crane were to collapse. Height of the crane, length of boom, attachments, and loads, shall all be considered to calculate the area, which can shrink or grow as the work progresses.

(12) "Crane owner" means the company or entity that has custodial control of a crane by virtue of lease or ownership.

(13) "Prime contractor" means the person or entity that has overall responsibility for the construction of the project, its planning, quality, and completion and serves as the site supervisor.

(14) "Reconfiguration" means adding or subtracting components that alter the height, length, or capacity of a crane. The set-up of a crane is not considered reconfiguration.

NEW SECTION. Sec. 4. A new section is added to chapter 49.17 RCW to read as follows:

(1) The department shall establish, by rule, a permit for the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane, subject to the requirements of subsection (2) of this section.

(2) The tower crane permit established by rule under subsection (1) of this section must include the following provisions, at a minimum:

(a) Require a complete application, subject to the requirements of subsection (5) of this section;

(b) Require a safety conference prior to issuing the permit, subject to the requirements of subsection (6) of this section;

(c) Require the department to issue or deny a permit, subject to the requirements of subsections (7) and (8) of this section;

(d) Allow the department to suspend or revoke a permit, subject to the requirements of subsection (9) of this section;

(e) Require the department to provide written notice of denials, suspensions, or revocation of a permit specifying the reasons for the denial, suspension, or revocation;

(f) Allow appeals of a denial, suspension, or revocation of a permit, subject to the requirements of subsection (10) of this section;

(g) Require advance notification to the department of any assembly, disassembly, or reconfiguration of a tower crane and require confirmation from the department to proceed;

(h) Allow the department to require additional information or updated safety conferences before issuing a confirmation to proceed under (g) of this subsection;

(i) Require the department to inspect permitted activities for the tower crane once assembled, following any reconfiguration, or any other permitted activities; and

(j) Require that if the department identifies deficiencies that directly affect the structural integrity or safe operation of a tower crane, the deficiencies be addressed immediately, and the tower crane not be operated until the deficiencies are corrected.

(3) Beginning January 1, 2026, a prime contractor must obtain a permit from the department, as established under this section, prior to performing or allowing the performance of any work involving the operation, assembly, disassembly, or reconfiguration of a tower crane. An exemption from the permit requirement may be allowed by the department for exceptions as determined by the department.

(4)(a) The prime contractor must possess a permit, as required under subsection (3) of this section, at all times a tower crane is present on a construction worksite.

(b) If the prime contractor's permit is suspended or revoked, the tower crane may not be used in operations, nor can assembly, disassembly, or reconfiguration take place until all deficiencies have been addressed and the permit is reinstated by the department.

(5) The prime contractor must apply for a permit required under subsection (3) of this section in a manner and form prescribed by the department that must include, but is not limited to, the following:

(a) Name of the assembly/disassembly director;

(b) Beginning the later of January 1, 2027, or 12 months after the date an assembly/disassembly director program is approved by a nationally accredited organization recognized by the department, the application must include a copy of the assembly/disassembly director's national assembly/disassembly director certification; and

(c) Certification from the prime contractor that all assembly, disassembly, and reconfigurations will be performed with a technical representative of the

distributor or manufacturer present to assure that such processes and operations are performed in accordance with manufacturer operation instructions and guidelines. The technical representative must be knowledgeable of assembly, disassembly, and reconfiguration procedures.

(6)(a) Prior to issuing a permit as required under subsection (3) of this section, the department must complete a safety permit conference, which may be conducted using remote videoconference technology, to ensure all parties involved with the assembly, disassembly, and reconfiguration of the tower crane are aware of the requirements and responsibilities under the permit, including manufacturer operation instructions and guidelines, and recommended best practices. The department must establish the information and materials required to be submitted prior to the safety conference, the information and material required to be reviewed at the safety conference, and the required attendees at the safety conference.

(b) During the safety conference, at a minimum the following items must be evaluated:

(i) The potential risks of the procedures, including those addressed in the crane operating manual, as well as specific measures to be taken by the permit applicant and all entities required in the operation, assembly, disassembly, and reconfiguration of the tower crane to minimize these risks;

(ii) The written accident prevention programs of the permit applicant and all entities involved in the operation, assembly, disassembly, and reconfiguration of the tower crane;

(iii) The permit applicant's written job plan as required under RCW 49.17.440; and

(iv) For each employee directly involved with the permitted work, a review of their experience and qualifications, including a copy of the crane operator's license.

(7) The department shall issue a permit under this section within five working days of the initial project permit safety conference under subsection (6) of this section, if the application materials are complete and the materials presented by the prime contractor at the safety conference are complete. If the application or safety conference materials are not complete, the prime contractor must be given a written list, before leaving the safety conference, of the materials or information outstanding. The department shall then either issue the permit within five working days of receiving the outstanding materials or deny the permit in writing pursuant to the requirements under this chapter and rules established by the department. The department may issue conditional permits, including when specific information is not yet available.

(8) The department must deny a permit if the permit applicant has a record of safety and health violations which indicates that the permit applicant may not be maintaining a safe worksite or operation.

(9) The department must suspend or revoke a permit if the permit holder:

(a) Has failed to comply with applicable occupational health and safety standards or regulations involving tower cranes;

(b) Fails to notify the department in advance of the assembly, disassembly, or reconfiguration of a fixed tower crane as required under this section;

(c) Fails to ensure that a technical representative of the distributor or manufacturer of the tower crane who is knowledgeable of assembly, disassembly, and reconfiguration procedures was present during assembly, disassembly, or reconfiguration;

(d) Fails to immediately correct deficiencies directly affecting the structural integrity of a tower crane;

(e) Fails to correct deficiencies directly affecting the safe operation of a tower crane; or

(f) Has refused the department entry to a worksite that contains activity for which a permit is required.

(10)(a) A denial, suspension, or revocation of a permit may be appealed to department within 15 working days after the denial, suspension, or revocation order is communicated.

(b) The department shall hold a hearing at such place designated by the director or authorized representative for the convenience of the attending parties within 2 working days of the applicant's or suspended or revoked permit holder's appeal.

(c) The applicant or suspended or revoked permit holder has the burden of establishing that it qualifies for a permit.

(d) The director or authorized representative shall preside at the hearing, which must be open to employees or employees' representatives.

(e) The applicant or permit holder shall notify the employees or employees' representatives of such hearing a reasonable time prior to the hearing, but in no case later than 24 hours prior to the hearing. Proof of such notification by the applicant or permit holder must be made at the hearing.

(f) The director or authorized representative shall issue a decision within 10 business days of the hearing. The director's or authorized representative's decision may affirm the order, reverse the order, or reverse the order with conditions to mitigate any deficiencies.

(g) The director's or authorized representative's decision is subject to appeal to the board of industrial insurance appeal under RCW 49.17.140.

Sec. 5. RCW 49.17.420 and 2007 c 27 s 4 are each amended to read as follows:

(1) The department shall establish, by rule, a crane certification program for cranes used in construction. In establishing rules, the department shall consult nationally recognized crane standards.

(2) The crane certification program must include, at a minimum, the following:

(a) The department shall establish certification requirements for crane inspectors, including an experience requirement, an education requirement, a training requirement, and other necessary requirements determined by the director;

(b) The department shall establish a process for certified crane inspectors to

issue temporary certificates of operation for a crane and the department to issue a final certificate of operation for a crane after a certified crane inspector determines that the crane meets safety or health standards, including meeting or exceeding national periodic inspection requirements recognized by the department;

(c) Crane owners must ensure that cranes are inspected and load proof tested by a certified crane inspector at least annually and after any significant modification or significant repairs of structural parts. If the use of weights for a unit proof load test is not possible or reasonable, other recording test equipment may be used. In adopting rules implementing this requirement, the department may consider similar standards and practices used by the federal government;

(d) Tower cranes and tower crane assembly parts must be inspected by a certified crane inspector ~~((both))~~ prior to and following every assembly ~~((and following erection))~~, disassembly, and reconfiguration of a tower crane. Any issues identified throughout the procedure must be tracked and corrected according to this chapter and applicable department rule;

(e) Before installation of a nonstandard tower crane base, the engineering design of the nonstandard base shall be reviewed and acknowledged as acceptable by an independent professional engineer;

(f) A certified crane inspector must notify the department and the crane owner if, after inspection, the certified crane inspector finds that the crane does not meet safety or health standards. A certified crane inspector shall not attest that a crane meets safety or health standards until any deficiencies are corrected and the correction is verified by the certified crane inspector; and

(g) Inspection reports including all information and documentation obtained from a crane inspection shall be made available or provided to the department by a certified crane inspector upon request.

(3) Except as provided in RCW 49.17.410(2), any crane operated in the state must have a valid temporary or final certificate of operation issued by the certified crane inspector or department posted in the operator's cab or station.

(4) Certificates of operation issued by the department under the crane certification program established in this section are valid for one year from the effective date of the temporary operating certificate issued by the certified crane inspector.

(5) This section does not apply to maritime cranes regulated by the department.

Sec. 6. RCW 49.17.440 and 2007 c 27 s 6 are each amended to read as follows:

(1) The department of labor and industries shall adopt rules necessary to implement ~~((RCW 49.17.400 through 49.17.430))~~ sections 3 through 7 of this act.

(2) The department shall adopt rules for tower crane assembly, disassembly, and reconfiguration including, but not limited to:

(a) A process for determining when the department will be present for the assembly, disassembly, and reconfiguration of a tower crane;

(b) Requirements that the prime contractors of construction projects acknowledge all applicable safety orders, crane manufacturer operation instructions and guidelines, written procedures from a registered professional structural engineer, and recommended practices prior to the assembly, disassembly, and reconfiguration of a tower crane;

(c) Requirements that the prime contractor of the construction project ensure that a qualified technical representative of the distributor or manufacturer who is knowledgeable of assembly, disassembly, and reconfiguration procedures will be present during assembly, disassembly, and reconfiguration of a tower crane to assure that such procedures are performed in accordance with manufacturer operation instructions and guidelines;

(d) Requiring prime contractors of construction projects to follow crane manufacturer operation instructions and guidelines or alternate plans/instructions approved by a registered professional engineer when assembling, disassembling, and reconfiguring a tower crane;

(e) Requiring the presence of an assembly/disassembly director at every tower crane assembly, disassembly, and reconfiguration to directly oversee all work performed. The assembly/disassembly director may not serve in any other capacity while directly supervising a tower crane assembly, disassembly, or reconfiguration procedure;

(f) Conducting programmed inspections of workplaces that contain tower cranes;

(g) Establishing requirements for the maximum allowable wind speed for tower crane assembly, disassembly, and reconfiguration;

(h) Establishing requirements for a written job plan that addresses the requirements of the manufacturer's manual tailored to the site conditions where the tower crane will be installed, as appropriate for assembly, disassembly, and reconfiguration of a tower crane;

(i) Establishing requirements that must be met to be considered a competent and qualified assembly/disassembly director including, beginning January 1, 2027, or 12 months after the date an applicable certification program is approved by a nationally accredited organization recognized by the department, certification from a national organization recognized by the department;

(j) Establishing effective stop work procedures that ensure the authority of any employee, including employees of contractors, to refuse or delay the performance of a task related to a tower crane that the employee believes could reasonably result in serious physical harm or death. The rules must ensure that employees who exercise stop work authority are protected from intimidation, retaliation, or discrimination; and

(k) Other rules necessary to implement sections 3 through 7 of this act.

(3) The department may set fees in rule to be charged for permits issued under

section 4 of this act in an amount sufficient to cover the costs of administering section 4 of this act. Fees shall be deposited in the industrial insurance trust funds.

NEW SECTION. Sec. 7. A new section is added to chapter 49.17 RCW to read as follows:

A tower crane manufacturer and distributor shall, without exception, provide all relevant manufacturer operation instructions and guidelines, including assembly, disassembly, and reconfiguration instructions, for the safe use and maintenance of all of the manufacturer's or distributor's tower cranes located in the state to any person who requests access to such materials. The prescribed information, format, and distribution channel must be determined by the department. These materials must be written in the English language with customary grammar and punctuation. Information must be provided within a reasonable time frame, as determined by the department.

NEW SECTION. Sec. 8. A new section is added to chapter 36.70B RCW to read as follows:

(1) When a worksite contains a tower crane, the local government in which the tower crane is located must, at a minimum, do the following before any assembly, disassembly, or reconfiguration of the tower crane:

(a) Align permit issuance for street closures with the definition of assembly/disassembly work zone when a tower crane is being assembled, disassembled, reconfigured, or otherwise not fully stabilized and secure;

(b) Issue street closure permits with consideration for sufficient time, as defined by the permit applicant, to safely conduct assembly, disassembly, or reconfiguration; and

(c) Develop permitting procedures that provide notice to residents and occupants in buildings within the assembly/disassembly work zone in advance of any assembly, disassembly, or reconfiguration.

(2) For purposes of this section, "assembly, disassembly, or reconfiguration" and "assembly/disassembly work zone" have the same meanings as those terms are defined in RCW 49.17.400.

NEW SECTION. Sec. 9. A new section is added to chapter 49.17 RCW to read as follows:

The provisions of this act do not apply to cranes used on marine vessels and at ports, terminals, and marine facilities for maritime activities regulated by the department.

Sec. 10. RCW 49.17.190 and 2011 c 96 s 40 are each amended to read as follows:

(1) Any person who gives advance notice of any inspection to be conducted under the authority of this chapter, without the consent of the director or his or her authorized representative, shall, upon

conviction be guilty of a gross misdemeanor and be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both.

(2) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months or by both.

(3) Any employer who willfully and knowingly violates the requirements of RCW 49.17.060, any safety or health standard promulgated under this chapter, any existing rule or regulation governing the safety or health conditions of employment and adopted by the director, or any order issued granting a variance under RCW 49.17.080 or 49.17.090 and that violation caused death to any employee shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ~~((one hundred thousand dollars))~~ \$100,000 or by imprisonment for not more than six months or by both; except, that if the conviction is for a violation committed after a first conviction of such person, punishment shall be a fine of not more than ~~((two hundred thousand dollars))~~ \$200,000 or by imprisonment for not more than ~~((three hundred sixty-four))~~ 364 days, or by both.

(4) Any employer who has been issued an order immediately restraining a condition, practice, method, process, or means in the workplace, pursuant to RCW 49.17.130 or 49.17.170, and who nevertheless continues such condition, practice, method, process, or means, or who continues to use a machine or equipment or part thereof to which a notice prohibiting such use has been attached, shall be guilty of a gross misdemeanor, and upon conviction shall be punished by a fine of not more than ~~((ten thousand dollars))~~ \$10,000 or by imprisonment for not more than six months, or by both.

(5) Any employer who shall knowingly remove, displace, damage, or destroy, or cause to be removed, displaced, damaged, or destroyed any safety device or safeguard required to be present and maintained by any safety or health standard, rule, or order promulgated pursuant to this chapter, or pursuant to the authority vested in the director under RCW 43.22.050 shall, upon conviction, be guilty of a misdemeanor and be punished by a fine of not more than ~~((one thousand dollars))~~ \$1,000 or by imprisonment for not more than ~~((ninety))~~ 90 days, or by both.

(6) An employer is guilty of a misdemeanor if the employer: (a) Allows any person to engage in the assembly, disassembly, or reconfiguration of a tower crane without direct supervision by a competent and qualified assembly/disassembly director as required under this chapter and defined by the department; or (b) allows a tower crane to be assembled, disassembled, or reconfigured not in accordance with manufacturer operation instructions, manufacturer guidelines, or written

procedures from a registered professional structural engineer.

(7) Whenever the director has reasonable cause to believe that any provision of this section defining a crime has been violated by an employer, the director shall cause a record of such alleged violation to be prepared, a copy of which shall be referred to the prosecuting attorney of the county wherein such alleged violation occurred, and the prosecuting attorney of such county shall in writing advise the director of the disposition he or she shall make of the alleged violation.

NEW SECTION. **Sec. 11.** This act takes effect January 1, 2025."

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 49.17.400, 49.17.420, 49.17.440, and 49.17.190; adding new sections to chapter 49.17 RCW; adding a new section to chapter 36.70B RCW; creating a new section; providing an effective date; and prescribing penalties."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2022 and advanced the bill, as amended by the Senate, to final passage.

Representatives Reed and Schmidt spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2022, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2022, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SECOND SUBSTITUTE HOUSE BILL NO. 2022, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, February 27, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2039, with the following amendment(s): 2039-S.E AMS ENGR S5242.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 34.05.518 and 2021 c 305 s 2 are each amended to read as follows:

(1)(a) The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals ~~((upon))~~ either: (i) Upon certification by the superior court pursuant to this ~~((section))~~ subsection and subsections (2) and (3) of this section; or (ii) if the final decision is from an environmental board as identified in RCW 43.21B.005 and the final decision relates to a clean energy project as defined in RCW 43.158.010, pursuant to subsection (4) of this section.

~~((Transfer of cases pursuant to this section does not require the filing of a motion for discretionary review with the court of appeals.))~~ (b) The superior court may certify cases for transfer to the court of appeals upon finding that:

~~((+a+))~~ (i) All parties have consented to the transfer to the court of appeals and agreed that the judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

~~((+b+))~~ (ii) One or more of the parties have not consented to the transfer, but the superior court finds that transfer would serve the interest of justice, would not cause substantial prejudice to any party, including any unrepresented party, and further finds that:

~~((+i+))~~ (A) The judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

~~((+ii+))~~ (B) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562, such that only issues of law remain for determination.

(2) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.

(3) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals.

(4)(a) For the appeal of a permit related to a clean energy project, as defined in RCW 43.158.010, that is the subject of a final adjudicative decision of an environmental board, as identified in RCW 43.21B.005, upon a motion filed by any party to the appeal, the superior court shall certify a case for transfer to the court of appeals upon a finding that:

(i) The judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

(ii) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562.

(b) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.

(c) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals. Where a contesting party demonstrates that substantial prejudice would result from direct review by the court of appeals, the court of appeals may remand to the superior court.

(5) Transfer of cases pursuant to this section does not require the filing of a motion for discretionary review with the court of appeals.

Sec. 2. RCW 34.05.518 and 2021 c 305 s 5 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to subsection (2) of this section ~~((or))~~; (b) if the final decision is from an environmental board as ~~((defined in))~~ identified in RCW 43.21B.005 and the final decision relates to a clean energy project as defined in RCW 43.158.010, pursuant to subsection (3) of this section ~~((, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision))~~; or (c) if the final decision is from an environmental board identified in RCW 43.21B.005 and the final decision does not relate to a clean energy project as defined in RCW 43.158.010, pursuant to subsection (4) of this section. Transfer of a case pursuant to subsections (3) or (4) of this section does not require the filing of a motion for discretionary review with the court of appeals.

(2)(a) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

~~((a))~~(i) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

~~((b))~~(ii) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

~~((c))~~(iii) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

~~((d))~~(iv) The appellate court's determination in the proceeding would have significant precedential value.

(b) Procedures for certification shall be established by court rule.

(3)(a) For the ~~((purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and the growth management hearings board as identified in RCW 36.70A.250.~~

~~(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:~~

~~(i) Fundamental and urgent statewide or regional issues are raised; or~~

~~(ii) The proceeding is likely to have significant precedential value.~~

~~(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.~~

~~(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section.~~

~~(6) The procedures for direct review of final decisions of environmental boards include:~~

~~(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.~~

~~(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.~~

~~(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.~~

~~(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.~~

~~(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.~~

~~(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.)~~ appeal of a permit related to a clean energy project, as defined in RCW 43.158.010, that is the subject of a final adjudicative decision of an environmental board, as identified in RCW 43.21B.005, upon a motion filed by any party to the appeal, the superior court shall certify a case for transfer to the court of appeals upon a finding that:

(i) The judicial review can occur based upon the agency record developed before the

administrative body without supplementing the record pursuant to RCW 34.05.562; or

(ii) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562.

(b) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.

(c) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals. Where a contesting party demonstrates that substantial prejudice would result from direct review by the court of appeals, the court of appeals may remand to superior court.

(4)(a) The final adjudicative decision of an environmental board, as identified in RCW 43.21B.005, that does not relate to a clean energy project as defined in RCW 43.158.010, may be directly reviewed by the court of appeals upon certification by the superior court pursuant to this subsection. The superior court shall certify cases for transfer to the court of appeals upon finding that:

(i) All parties have consented to the transfer to the court of appeals and agreed that the judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

(ii) One or more of the parties have not consented to the transfer, but the superior court finds that transfer would serve the interest of justice, would not cause substantial prejudice to any party, including any unrepresented party, and further finds that:

(A) The judicial review can occur based upon the agency record developed before the administrative body without supplementing the record pursuant to RCW 34.05.562; or

(B) The superior court has completed any necessary supplementation of the record pursuant to RCW 34.05.562, such that only issues of law remain for determination.

(b) If the superior court certifies a final decision of an administrative agency in an adjudicative proceeding, the superior court shall transfer the matter to the court of appeals as a direct appeal.

(c) A party contesting a superior court decision granting or denying certification for direct review may file a motion for discretionary review with the court of appeals. Where a contesting party demonstrates that substantial prejudice would result from direct review by the court of appeals, the court of appeals may remand to the superior court.

NEW SECTION. Sec. 3. A new section is added to chapter 43.21B RCW to read as follows:

(1) Where multiple permits for the same underlying clean energy project, as defined in RCW 43.158.010, are appealed to one or more of the environmental boards, as identified in RCW 43.21B.005, the presiding officer shall consolidate the appeals for

hearing when one or more of the following criteria are met:

(a) When appeals for the permits related to the same underlying project are either:

(i) Filed within 60 days of each other; or

(ii) If the permits are not filed within 60 days of each other and the environmental board issues a stay of the appeal of the permit following the applicant's request. Such a stay must include a stay of the construction of the project pending appeal pursuant to RCW 43.21B.320, to allow other anticipated appeals of permits for the same underlying project to be filed with the environmental boards to accommodate consolidation pursuant to this section, but the environmental board may set a deadline after which an appeal may proceed in the absence of other permit appeals in order to ensure efficient resolution of appeals; or

(b) The presiding officer determines that the following three criteria have been met:

(i) Consolidation will expedite disposition of the appeals;

(ii) Consolidation will avoid duplication of testimony; and

(iii) Consolidation will not prejudice the rights of the parties.

(2) When all appeals of individual permits consolidated pursuant to this section are within the jurisdiction of the pollution control hearings board, the pollution control hearings board shall retain jurisdiction over the consolidated matter. When all appeals of individual permits consolidated pursuant to this section are within the jurisdiction of the shorelines hearings board, the shorelines hearings board shall retain jurisdiction over the consolidated matter. When appeals to the pollution control hearings board and appeals to the shorelines hearings board are consolidated pursuant to this section, the following applies:

(a) The consolidated appeals must be heard by the pollution control hearings board;

(b) The pollution control hearings board must issue its decision on the consolidated appeal within 240 days, which must be measured from the date that the last of the consolidated appeals was filed; and

(c) The time period in (b) of this subsection may be extended 60 days on a motion from a party or by the pollution control hearings board upon a finding of good cause. The time period in (b) of this subsection may also be waived if agreed to by all parties.

Sec. 4. RCW 90.58.180 and 2011 c 277 s 4 are each amended to read as follows:

(1)(a) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may seek review from the shorelines hearings board by filing a petition for review within ~~((twenty-one))~~ 21 days of the date of filing of the decision as defined in RCW 90.58.140(6).

(b) Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the

petitioner shall serve copies of the petition on the department, the office of the attorney general, and the local government. The department and the attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with at any time within ~~((fifteen))~~ 15 days from the date of the receipt by the department or the attorney general of a copy of the petition for review filed pursuant to this section. The shorelines hearings board shall schedule review proceedings on the petition for review without regard as to whether the period for the department or the attorney general to intervene has or has not expired.

(2) The department or the attorney general may obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition with the shorelines hearings board and the appropriate local government within ~~((twenty-one))~~ 21 days from the date the final decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within ~~((one hundred eighty))~~ 180 days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of ~~((thirty))~~ 30 days upon a showing of good cause or may be waived by the parties.

(4) Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within ~~((thirty))~~ 30 days of the date of the adoption or approval. The board shall make a final decision within ~~((sixty))~~ 60 days following the hearing held thereon.

(5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department during public review and comment; or

(e) Was not adopted in accordance with required procedures.

(6) If the board makes a determination under subsection (5)(a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department

to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision.

(7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within ~~((thirty))~~ 30 days after the date of final decision by the shorelines hearings board.

(8) Where multiple permits for the same underlying clean energy project, as defined in RCW 43.158.010, have been appealed to one or more of the environmental boards, as identified in RCW 43.21B.005, the presiding officer shall consolidate the appeals, including appeals to the shorelines hearings board, pursuant to section 3 of this act.

Sec. 5. RCW 43.21B.110 and 2023 c 455 s 5, 2023 c 434 s 20, 2023 c 344 s 5, and 2023 c 135 s 6 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to chapter 70A.230 RCW and RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530, 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 70A.555.110, 70A.560.020, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250, 90.48.120, ~~((and))~~ 90.48.240, 90.56.330, and 90.64.040.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, ~~((or))~~ a decision to approve or deny a solid waste management plan under RCW 70A.205.055, approval or denial of an

application for a ~~((solid waste permit exemption))~~ beneficial use determination under RCW 70A.205.260, an application for a change under RCW 90.03.383, or a permit to distribute reclaimed water under RCW 90.46.220.

(d) Decisions of local health departments regarding the ~~((grant))~~ granting or denial of solid waste permits pursuant to chapter 70A.205 RCW, including appeals by the department as provided in RCW 70A.205.130.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820 ~~((, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145))~~.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026 as provided in RCW 90.64.028.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW, except where appeals to the pollution control hearings

board and appeals to the shorelines hearings board have been consolidated pursuant to section 3 of this act.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 6. RCW 43.21B.300 and 2023 c 455 s 6, 2023 c 434 s 21, and 2023 c 135 s 7 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.230.080, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.430.070, 70A.455.090, 70A.500.260, 70A.505.110, 70A.555.110, 70A.560.020, 86.16.081, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within 30 days after the notice is received, the person incurring the penalty may apply in writing to the authority for the remission or mitigation of the penalty. Upon receipt of the application, the authority may remit or mitigate the penalty upon whatever terms the authority in its discretion deems proper. The authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority 30 days after the date of receipt by the person penalized of the notice imposing the penalty or 30 days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) 30 days after receipt of the notice imposing the penalty;

(b) 30 days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or

(c) 30 days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within 30 days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within 30 days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except ~~((those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70A.15.3160, the disposition of which shall be governed by that provision, RCW 70A.245.040 and 70A.245.050, which shall be credited to the recycling enhancement account created in RCW 70A.245.100, RCW 70A.300.090, 70A.555.110, and 70A.560.020, which shall be credited to the model toxics control operating account created in RCW 70A.305.180, RCW 70A.65.200, which shall be credited to the climate investment account created in RCW 70A.65.250, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 70A.355.070, which shall be credited to the underground storage tank account created by RCW 70A.355.090))~~ the following:

(a) Penalties imposed pursuant to RCW 18.104.155 must be credited to the reclamation account as provided in RCW 18.104.155(7);

(b) Penalties imposed pursuant to RCW 70A.15.3160 must be disposed of pursuant to RCW 70A.15.3160;

(c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090, 70A.430.070, 70A.555.110, and 70A.560.020 must be credited to the model toxics control operating account created in RCW 70A.305.180;

(d) Penalties imposed pursuant to RCW 70A.245.040 and 70A.245.050 must be credited to the recycling enhancement account created in RCW 70A.245.100;

(e) Penalties imposed pursuant to RCW 70A.500.260 must be deposited into the electronic products recycling account created in RCW 70A.500.130;

(f) Penalties imposed pursuant to RCW 70A.65.200 must be credited to the climate investment account created in RCW 70A.65.250;

(g) Penalties imposed pursuant to RCW 90.56.330 must be credited to the coastal protection fund established in RCW 90.48.390; and

(h) Penalties imposed pursuant to RCW 70A.355.070 must be credited to the underground storage tank account created in RCW 70A.355.090.

Sec. 7. RCW 70A.230.080 and 2020 c 20 s 1245 are each amended to read as follows:

A violation of this chapter is punishable by a civil penalty not to exceed ~~((one thousand dollars))~~ \$1,000 for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed ~~((five thousand dollars))~~ \$5,000 for each repeat violation. Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180. The penalties provided in this section must be imposed pursuant to RCW 43.21B.300 and may be appealed to the pollution control hearings board.

Sec. 8. RCW 70A.300.120 and 2012 c 117 s 417 are each amended to read as follows:

(1) Whenever on the basis on any information the department determines that a person has violated or is about to violate any provision of this chapter, the department may issue an order requiring compliance either immediately or within a specified period of time. The order shall be delivered by registered mail or personally to the person against whom the order is directed.

(2) Any person who fails to take corrective action as specified in a compliance order shall be liable for a civil penalty of not more than ~~((ten thousand dollars))~~ \$10,000 for each day of continued noncompliance. In addition, the department may suspend or revoke any permits and/or certificates issued under the provisions of this chapter to a person who fails to comply with an order directed against him or her.

(3) Any order or penalty may be appealed pursuant to RCW ~~((43.21B.310))~~ 43.21B.300.

Sec. 9. RCW 70A.430.070 and 2020 c 20 s 1409 are each amended to read as follows:

(1) A manufacturer of products that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ~~((ninety))~~ 90 days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter must recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of products in violation of this chapter is subject to a civil penalty not to exceed ~~((five thousand dollars))~~ \$5,000 for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ~~((ten thousand dollars))~~ \$10,000 for each repeat offense. Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180. The penalties provided in this section must be imposed pursuant to RCW 43.21B.300 and may be appealed to the pollution control hearings board.

(4) Retailers who unknowingly sell products that are restricted from sale under

this chapter are not liable under this chapter.

(5) The sale or purchase of any previously owned products containing a chemical restricted under this chapter made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter.

Sec. 10. RCW 86.16.081 and 1995 c 403 s 634 are each amended to read as follows:

(1) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed ~~((one thousand dollars))~~ \$1,000 for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section ~~((shall))~~ must be imposed by a notice in writing ~~((, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering))~~ and must be imposed consistent with the procedures of RCW 43.21B.300. The notice in writing must also order the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, ~~((requiring))~~ must require necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board under chapter 43.21B RCW. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board under chapter 43.21B RCW.

Sec. 11. RCW 70A.500.260 and 2020 c 20 s 1259 are each amended to read as follows:

(1) No manufacturer may sell or offer for sale a covered electronic product in or into the state unless the manufacturer of the covered electronic product is participating in an approved plan. The department shall send a written warning to a manufacturer that does not have an approved plan or is not participating in an approved plan as required under RCW 70A.500.050. The written warning must inform the manufacturer that it must participate in an approved plan within ~~((thirty))~~ 30 days of the notice. Any violation after the initial written warning shall be assessed a penalty of up to ~~((ten thousand dollars))~~ \$10,000 for each violation.

(2) If the authority or any authorized party fails to implement their approved plan, the department must assess a penalty of up to ~~((five thousand dollars))~~ \$5,000 for the first violation along with notification that the authority or authorized party must

implement its plan within ~~((thirty))~~ 30 days of the violation. After ~~((thirty))~~ 30 days, the authority or any authorized party failing to implement their approved plan must be assessed a penalty of up to ~~((ten thousand dollars))~~ \$10,000 for the second and each subsequent violation.

(3) Any person that does not comply with manufacturer registration requirements under RCW 70A.500.040, education and outreach requirements under RCW 70A.500.120, reporting requirements under RCW 70A.500.140, labeling requirements under RCW 70A.500.160, retailer responsibility requirements under RCW 70A.500.170, collector or transporter registration requirements under RCW 70A.500.240, or requirements under RCW 70A.500.250, must first receive a written warning consistent with the procedures of RCW 43.21B.300, including a copy of the requirements under this chapter and ~~((thirty))~~ 30 days to correct the violation. After ~~((thirty))~~ 30 days, a person must be assessed a penalty of up to ~~((one thousand dollars))~~ \$1,000 for the first violation and up to ~~((two thousand dollars))~~ \$2,000 for the second and each subsequent violation. The penalties provided in this section must be imposed pursuant to RCW 43.21B.300 and may be appealed to the pollution control hearings board.

(4) All penalties levied under this section must be deposited into the electronic products recycling account created under RCW 70A.500.130.

(5) The department shall enforce this section.

Sec. 12. RCW 36.70C.040 and 1995 c 347 s 705 are each amended to read as follows:

(1) Proceedings for review under this chapter shall be commenced by filing a land use petition in superior court.

(2) A land use petition is barred, and the court may not grant review, unless the petition is timely filed with the court and timely served on the following persons who shall be parties to the review of the land use petition:

(a) The local jurisdiction, which for purposes of the petition shall be the jurisdiction's corporate entity and not an individual decision maker or department;

(b) Each of the following persons if the person is not the petitioner:

(i) Each person identified by name and address in the local jurisdiction's written decision as an applicant for the permit or approval at issue; and

(ii) Each person identified by name and address in the local jurisdiction's written decision as an owner of the property at issue;

(c) If no person is identified in a written decision as provided in (b) of this subsection, each person identified by name and address as a taxpayer for the property at issue in the records of the county assessor, based upon the description of the property in the application; and

(d) Each person named in the written decision who filed an appeal to a local jurisdiction quasi-judicial decision maker regarding the land use decision at issue, unless the person has abandoned the appeal

or the person's claims were dismissed before the quasi-judicial decision was rendered. Persons who later intervened or joined in the appeal are not required to be made parties under this subsection.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within ~~((twenty-one))~~ 21 days of the issuance of the land use decision.

(4) For the purposes of this section, the date on which a land use decision is issued is:

(a) Three days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available;

(b) If the land use decision is made by ordinance or resolution by a legislative body sitting in a quasi-judicial capacity, the date the body passes the ordinance or resolution; or

(c) If neither (a) nor (b) of this subsection applies, the date the decision is entered into the public record.

(5) Service on the local jurisdiction must be by delivery of a copy of the petition to the ~~((persons))~~ office of a person identified by or pursuant to RCW 4.28.080 to receive service of process, or as otherwise designated by the local jurisdiction. Service on the local jurisdiction is effective upon delivery. Service on other parties must be in accordance with the superior court civil rules or by first-class mail to:

(a) The address stated in the written decision of the local jurisdiction for each person made a party under subsection (2)(b) of this section;

(b) The address stated in the records of the county assessor for each person made a party under subsection (2)(c) of this section; and

(c) The address stated in the appeal to the quasi-judicial decision maker for each person made a party under subsection (2)(d) of this section.

(6) Service by mail is effective on the date of mailing and proof of service shall be by affidavit or declaration under penalty of perjury.

NEW SECTION. Sec. 13. Section 1 of this act expires July 1, 2026.

NEW SECTION. Sec. 14. Section 2 of this act takes effect July 1, 2026.

NEW SECTION. Sec. 15. RCW 70A.205.145 (Exemption from solid waste permit requirements—Waste-derived soil amendments—Application—Revocation of exemption—Appeal) and 2020 c 20 s 1175, 2016 c 119 s 7, & 1998 c 36 s 18 are each repealed."

On page 1, line 2 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 34.05.518, 34.05.518, 90.58.180, 70A.230.080, 70A.300.120, 70A.430.070, 86.16.081, 70A.500.260, and 36.70C.040; reenacting and amending RCW 43.21B.110 and 43.21B.300; adding a new section to chapter 43.21B RCW;

repealing RCW 70A.205.145; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2039 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Dye spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2039, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2039, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 72; Nays, 24; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chapman, Cheney, Chopp, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Hackney, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Macri, Maycumber, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Chambers, Christian, Connors, Couture, Dent, Dye, Eslick, Graham, Griffey, Jacobsen, Klicker, Low, McClintock, Mosbrucker, Orcutt, Rude, Sandlin, Schmick, Schmidt, Volz, Walsh and Ybarra

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2039, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, February 28, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2045, with the following amendment(s): 2045-S AMS AWP S5117.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that fish barriers are a serious impediment to salmon and steelhead recovery. The legislature further finds that the state has limited financial resources to address its many challenges and that community members and businesses may want to offer their help in partnership with the state for the removal of fish barriers that are on

lands owned by state or local governments. The legislature also finds that it is desirable to coordinate any such private donations with existing fish barrier removal projects on lands owned by state or local governments.

Therefore, the legislature intends to facilitate the removal of fish barriers on lands owned by state or local governments by creating the adopt a fish passage program through which state or local governments may receive such donations and to acknowledge project donors through appropriate public signage.

NEW SECTION. Sec. 2. A new section is added to chapter 77.95 RCW to read as follows:

(1) The Washington state department of transportation and every county, city, and town may accept any money or property donated, devised, or bequeathed to it that is donated for the purpose of fish barrier removal. The Washington state department of transportation and local governments may determine the value of any property donated, devised, or bequeathed for the purpose of recognizing fish barrier removal donations in this section.

(2) Subject to subsection (3) of this section, and upon completion of the related project, the Washington state department of transportation, counties, cities, and towns receiving donations for removing a fish barrier must install a clearly marked sign that acknowledges the individual donors and that is consistent with the requirements of RCW 47.40.105.

(3) Signs installed under subsection (2) of this section must be of a uniform design approved by the recreation and conservation office and may only include the words "adopt-a-fish passage," the names of project donors, and the species of fish affected by the project. Signage is also subject to the following limitations:

(a) The donor's name may not be displayed more predominantly than the remainder of the sign message.

(b) Trademarks or business logos may be displayed.

(c) To the extent that the Washington state department of transportation and local governments determine that the number of donors for individual projects would interfere with the signage requirements of subsection (2) of this section or the requirements of RCW 47.40.105, the Washington state department of transportation and local governments may determine the number of donors listed on signs but must endeavor to recognize the donors that provide the largest donations.

(d) The Washington state department of transportation and local governments receiving private donations under this section must only install signage pursuant to this section for individual donations that are equal in value to at least \$10,000.

(e) Notwithstanding other provisions of this subsection, a donor is not eligible to have their name displayed on the sign if the applicant's name: (i) Endorses or opposes a particular candidate for public office; (ii) advocates a position on a specific political

issue, initiative, referendum, or piece of legislation; (iii) includes a reference to a political party; or (iv) includes a reference to anything that may be considered or construed to be obscene or offensive to the general public.

(4) To the extent feasible and with the goal of expediting fish barrier removals, the Washington state department of transportation, counties, cities, and towns receiving donations under this section must coordinate donations with any grant applications made for state grant funding for fish barrier removal pursuant to RCW 77.95.170. The recreation and conservation office must publish and maintain a list of fish barrier removal projects that are suited to receiving private donations pursuant to this section. Donations received under this section are eligible for use as match for other funding sources, including state and federal grants.

(5) Upon completion of a project funded with private donations pursuant to this section, the Washington state department of transportation or local government that owns the completed project must notify the recreation and conservation office. Upon receiving such a notification, the recreation and conservation office must gather information regarding the project sponsors, location, fish species affected, and the amounts of individual donations that supported the project. The recreation and conservation office must publish and maintain this information with the project list under subsection (4) of this section.

(6) For each individual donation equal to at least \$100,000 in value pursuant to this section, the recreation and conservation office must provide to the donor a recognition plaque that meets the following criteria: (a) The plaque must be signed by the governor; and (b) the plaque must include the name of the donor, the words "adopt-a-fish passage program," the location and name of the project funded, the amount and year of the donation, and the fish species affected.

Sec. 3. RCW 47.40.105 and 1990 c 258 s 3 are each amended to read as follows:

Local government legislative authorities may enact local "adopt-a-highway sign" and "adopt-a-fish passage" programs which are not inconsistent with state or federal law.

NEW SECTION. Sec. 4. A new section is added to chapter 47.40 RCW to read as follows:

The department may participate in an "adopt-a-fish passage" program under section 2 of this act."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 47.40.105; adding a new section to chapter 77.95 RCW; adding a new section to chapter 47.40 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2045 and advanced the bill, as amended by the Senate, to final passage.

Representatives Waters and Chapman spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2045, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2045, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Ramos

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2045, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2056, with the following amendment(s): 2056-S AMS LAW S5316.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 2.04 RCW to read as follows:

(1) Bailiffs of the supreme court are authorized to conduct threat assessments on behalf of supreme court justices. The supreme court shall ensure that supreme court bailiffs are qualified by training and experience.

(2) Bailiffs of the supreme court are authorized to receive criminal history record information that includes nonconviction data for purposes exclusively related to the investigation of any person making a threat as defined in RCW 9A.04.110 against a supreme court justice. Dissemination or use of criminal history records or nonconviction data for purposes other than authorized in this section is prohibited.

(3) Founded threats investigated under this section must be referred to local law enforcement for further action. Local law enforcement is authorized to report the outcome and any anticipated action to bailiffs of the supreme court.

Sec. 2. RCW 10.97.050 and 2023 c 26 s 1 are each amended to read as follows:

(1) Conviction records may be disseminated without restriction.

(2) Any criminal history record information which pertains to an incident that occurred within the last twelve months for which a person is currently being processed by the criminal justice system, including the entire period of correctional supervision extending through final discharge from parole, when applicable, may be disseminated without restriction.

(3) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to another criminal justice agency for any purpose associated with the administration of criminal justice, or in connection with the employment of the subject of the record by a criminal justice or juvenile justice agency, except as provided under RCW 13.50.260. A criminal justice agency may respond to any inquiry from another criminal justice agency without any obligation to ascertain the purpose for which the information is to be used by the agency making the inquiry.

(4) Criminal history record information which includes nonconviction data may be disseminated by a criminal justice agency to implement a statute, ordinance, executive order, or a court rule, decision, or order which expressly refers to records of arrest, charges, or allegations of criminal conduct or other nonconviction data and authorizes or directs that it be available or accessible for a specific purpose.

(5) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies pursuant to a contract with a criminal justice agency to provide services related to the administration of criminal justice. Such contract must specifically authorize access to criminal history record information, but need not specifically state that access to nonconviction data is included. The agreement must limit the use of the criminal history record information to stated purposes and insure the confidentiality and security of the information consistent with state law and any applicable federal statutes and regulations.

(6) Criminal history record information which includes nonconviction data may be disseminated to individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency. Such agreement must authorize the access to nonconviction data, limit the use of that information which identifies specific individuals to research, evaluative, or statistical purposes, and contain provisions giving notice to the person or organization to which the records are disseminated that

the use of information obtained therefrom and further dissemination of such information are subject to the provisions of this chapter and applicable federal statutes and regulations, which shall be cited with express reference to the penalties provided for a violation thereof.

(7) Criminal history record information that includes nonconviction data may be disseminated to the state auditor solely for the express purpose of conducting a process compliance audit procedure and review of any deadly force investigation pursuant to RCW 43.101.460. Dissemination or use of nonconviction data for purposes other than authorized in this subsection is prohibited.

(8) Criminal history record information that includes nonconviction data may be disseminated to bailiffs of the supreme court solely for the express purpose of investigations under section 1 of this act. Dissemination or use of nonconviction data for purposes other than authorized in this subsection is prohibited.

(9) Every criminal justice agency that maintains and disseminates criminal history record information must maintain information pertaining to every dissemination of criminal history record information except a dissemination to the effect that the agency has no record concerning an individual. Information pertaining to disseminations shall include:

(a) An indication of to whom (agency or person) criminal history record information was disseminated;

(b) The date on which the information was disseminated;

(c) The individual to whom the information relates; and

(d) A brief description of the information disseminated.

The information pertaining to dissemination required to be maintained shall be retained for a period of not less than one year.

~~((9))~~ (10) In addition to the other provisions in this section allowing dissemination of criminal history record information, RCW 4.24.550 governs dissemination of information concerning offenders who commit sex offenses as defined by RCW 9.94A.030. Criminal justice agencies, their employees, and officials shall be immune from civil liability for dissemination on criminal history record information concerning sex offenders as provided in RCW 4.24.550."

On page 1, line 2 of the title, after "bailiffs;" strike the remainder of the title and insert "amending RCW 10.97.050; and adding a new section to chapter 2.04 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2056 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2056, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2056, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2056, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, February 27, 2024

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2071, with the following amendment(s): 2071-S2 AMS LGLT S5111.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 19.27 RCW to read as follows:

(1) The legislature finds that lowering the cost of middle and multiplex housing construction will increase the housing supply and help address the state's shortage of affordable housing. It further finds that home builders and residentially focused architects are more familiar with the provisions of the international residential code. Allowing middle and multiplex housing to be built according to the standards of the international residential code will result in housing being easier to build and more affordable without sacrificing quality and safety. Therefore, the legislature intends to simplify the production of middle and multiplex housing by allowing more types of housing to use provisions of the international residential code.

(2) The state building code council shall convene a technical advisory group for the purpose of recommending the additions or amendments to rules or codes that are necessary for the council to apply the Washington state residential code to multiplex housing. The technical advisory

group shall determine the most efficient mechanism to implement these changes in the Washington state residential code. These recommendations must include those code changes necessary to ensure public health and safety in multifamily housing under the international residential code and must consider the life safety systems and accessibility requirements for multiplex housing from the Washington state building code.

(3) The advisory group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024 international building code. The council shall take action to adopt additions and amendments to rules or codes as necessary to apply the international residential code to multiplex housing by November 1, 2026.

(4) For the purposes of this section, "multiplex housing" means a building with up to six dwelling units consolidated into a single structure with common walls and floors and a functional primary street entrance, or a building of up to three stories containing up to six dwelling units consolidated into a single structure.

NEW SECTION. **Sec. 2.** A new section is added to chapter 19.27 RCW to read as follows:

(1) The state building code council shall convene a technical advisory group for the purpose of recommending amendments to the international building code that would allow for a minimum dwelling unit size that is less than the requirements for an efficiency dwelling unit in the international building code. The technical advisory group shall consider aligning the state building code sections related to interior environment with the relevant sections of the national healthy housing standard published by the national center for healthy housing. When developing the recommendations, the technical advisory group must review the differences between the state building code and the national healthy housing standard and allow experts in public health and fire safety to comment during the process.

(2) The technical advisory group shall provide its recommendations to the council in time for the council to adopt or amend rules or codes as necessary for implementation in the 2024 international building code. The council shall take action to adopt additions and amendments to rules or codes as necessary by November 1, 2026.

NEW SECTION. **Sec. 3.** The office of regulatory innovation and assistance shall contract with a qualified external consultant or entity to develop a standard energy code plan set demonstrating a prescriptive compliance pathway that will meet or exceed all energy code regulations for residential housing in the state subject to the international residential code. The standard energy code plan set may be used, but is not required, by local governments and building industries. In developing the standard energy code plan set, the consultant shall, at a minimum, seek feedback from cities, counties, building

industries, and building officials. The standard energy code plan set must be completed by June 30, 2025."

On page 1, line 1 of the title, after "regulations;" strike the remainder of the title and insert "adding new sections to chapter 19.27 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2071 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Klicker spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2071, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2071, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Connors, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Hutchins, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Santos, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Barnard, Caldier, Chambers, Cheney, Christian, Corry, Couture, Dent, Dye, Goehner, Graham, Griffey, Harris, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Sandlin, Schmick, Steele, Stokesbary, Volz, Walsh and Waters

Excused: Representative Chandler

SECOND SUBSTITUTE HOUSE BILL NO. 2071, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, February 27, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2118, with the following amendment(s): 2118-S.E AMS MULL S5575.2

On page 5, beginning on line 1, after "of" strike "two years" and insert "90 days"

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2118 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Walsh spoke against the passage of the bill.

MOTION

On motion of Representative Ramel, Representative Lekanoff was excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2118, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2118, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

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

Excused: Representatives Chandler and Lekanoff

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2118, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2153, with the following amendment(s): 2153-S.E AMS TRAN S5484.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that rates of catalytic converter theft have rapidly increased statewide and nationwide, due in part to existing challenges with accurately identifying stolen catalytic converters and tracking them through the stream of commerce after they have been removed from their originating vehicles. The legislature also finds that recent evidence suggests most purchases of stolen catalytic converters are conducted by unlicensed, unregulated purchasers.

Therefore, the legislature intends to require all purchasers to be licensed and subject to regulation and inspection. To facilitate the ability to track catalytic converters, the legislature further intends to require permanent marking of catalytic converters for the purpose of identifying the originating vehicle. The legislature also intends to create a related structure for enforcing these provisions and imposing penalties commensurate with the enforcement and penalty structures found in comparable areas of law.

NEW SECTION. Sec. 2. A new section is added to chapter 19.290 RCW to read as follows:

Nothing in this chapter shall be construed to authorize licensed scrap metal businesses to purchase or sell junk vehicles or major component parts as defined in RCW 46.79.010.

Sec. 3. RCW 19.290.010 and 2023 c 125 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) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under RCW 19.290.030.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, commercial mobile radio services, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, 42 inches high with four-inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; components of electric vehicle supply equipment made available for commercial or public use; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Engage in business" means conducting more than 12 transactions in a 12-month period.

(5) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys. "Nonferrous metal property" does not include precious metals.

(6) "Person" means an individual, domestic or foreign corporation, limited

liability corporation, partnership, trust, unincorporated association, or other entity; an affiliate or associate of any such person; or any two or more persons acting as a partnership, syndicate, or other group for the purpose of acquiring, holding, or dispersing of securities of a domestic or foreign corporation.

(7) "Precious metals" means gold, silver, and platinum.

(8) ~~("Private metal property" means catalytic converters, either singly or in bundles, bales, or bulk, that have been removed from vehicles for sale as a specific commodity.~~

~~(9))~~ "Record" means a paper, electronic, or other method of storing information.

~~((10))~~ (9) "Scrap metal business" means a scrap metal supplier, scrap metal recycler, and scrap metal processor.

~~((11))~~ (10) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving ~~((private metal property,))~~ nonferrous metal property~~((r))~~ and commercial metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

~~((12))~~ (11) "Scrap metal recycler" means a person with a current business license that is engaged in the business of purchasing or receiving ~~((private metal property,))~~ nonferrous metal property~~((r))~~ and commercial metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

~~((13))~~ (12) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving ~~((private metal property or))~~ nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycler or scrap metal processor and that does not maintain a fixed business location in the state.

~~((14))~~ (13) "Transaction" means a pledge, or the purchase of, or the trade of any item of ~~((private metal property or))~~ nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of ~~((private metal property or))~~ nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

Sec. 4. RCW 19.290.020 and 2022 c 221 s 3 are each amended to read as follows:

(1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving ~~((private metal property or))~~ nonferrous metal property. This record must be written in the English language, documented on a

standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the ~~((private metal property or))~~ nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the ~~((private metal property or))~~ nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and

(h) A description of the predominant types of ~~((private metal property or))~~ nonferrous metal property subject to the transaction, utilizing the institute of scrap recycling industries' generally accepted terminology, and including weight, quantity, or volume~~((r and~~

~~((i) For every transaction specifically involving a catalytic converter that has been removed from a vehicle, documentation indicating that the private metal property in the seller's possession is the result of the seller replacing private metal property from a vehicle registered in the seller's name)).~~

(2) For every transaction that involves ~~((private metal property or))~~ nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for five years following the date of the transaction.

Sec. 5. RCW 19.290.030 and 2022 c 221 s 4 are each amended to read as follows:

(1) No scrap metal business may enter into a transaction to purchase or receive ~~((private metal property or))~~ nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive ~~((private metal property or))~~ commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4)(a) No transaction involving ~~((private metal property or))~~ nonferrous metal property may be made in cash or with any person who does not provide a street address and photographic identification and sign a declaration under the requirements of RCW 19.290.020 ~~((+1) (d) and (g))~~ except as described in (b) ~~((and (e)))~~ of this subsection. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under RCW 19.290.020, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under RCW 19.290.020.

(b) A scrap metal business that is in compliance with this chapter may pay up to a maximum of \$30 in cash, stored value device, or electronic funds transfer for nonferrous metal property. The balance of the value of the transaction may be made by nontransferable check, stored value device, or electronic funds transfer at the time the transaction is made if the scrap metal business digitally captures:

(i) A copy of one piece of current government-issued picture identification, including a current driver's license or identification card issued by any state; and

(ii) Either a picture or video of either the material subject to the transaction in the form received or the material subject to the transaction within the vehicle which the material was transported to the scrap metal business.

~~((c) Payment to individual sellers of private metal property as defined in this chapter may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made. Records of payment for private metal property as defined in this chapter must be kept in the same file or record as all records collected under this subsection and retained and be available for review for two years from the date of the transaction.))~~

(5)(a) A scrap metal business's usage of video surveillance shall be sufficient to comply with subsection (4)(b)(ii) of this section so long as the video captures the material subject to the transaction.

(b) A digital image or picture taken under this section must be available for two years from the date of transaction, while a video recording must be available for 30 days.

(6) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

Sec. 6. RCW 19.290.040 and 2013 c 322 s 7 are each amended to read as follows:

(1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account; and

(c) The full name of the person employed by the commercial enterprise who is authorized to deliver ~~((private metal property,))~~ nonferrous metal property ~~((r))~~ and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of ~~((private metal property,))~~ nonferrous metal property ~~((r))~~ and commercial metal property from the commercial enterprise. The record must be maintained for three years following the date of the transfer or receipt. The documentation must include, at a minimum, the following information:

(a) The time, date, and value of the property being purchased or received;

(b) A description of the predominant types of property being purchased or received; and

(c) The signature of the person delivering the property to the scrap metal business.

Sec. 7. RCW 19.290.050 and 2013 c 322 s 8 are each amended to read as follows:

(1) ~~((Upon))~~ In addition to all other requirements of this chapter, upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full, true, and correct transcript of the records from the purchase or receipt of ~~((private metal property,))~~ nonferrous metal property ~~((r))~~ and commercial metal property involving only a specified individual, vehicle, or item of ~~((private metal property,))~~ nonferrous metal property ~~((r))~~ or commercial metal property. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to

the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) Any records created or produced under this section are exempt from disclosure under chapter 42.56 RCW.

(3) If the scrap metal business has good cause to believe that any ~~((private metal property,))~~ nonferrous metal property ~~((7))~~ or commercial metal property in ~~((his or her))~~ their possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

(4) Compliance with this section shall not give rise to or form the basis of private civil liability on the part of a scrap metal business or scrap metal recycler.

Sec. 8. RCW 19.290.060 and 2013 c 322 s 9 are each amended to read as follows:

(1) Following notification in writing from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of ~~((private metal property,))~~ nonferrous metal property ~~((7))~~ or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of ~~((private metal property,))~~ nonferrous metal property ~~((7))~~ or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

Sec. 9. RCW 19.290.080 and 2007 c 377 s 8 are each amended to read as follows:

(1) Each violation of the requirements of this chapter that are not subject to ~~((the))~~ criminal penalties ~~((under RCW 19.290.070))~~ shall be a civil penalty punishable ~~((7 upon conviction,))~~ by a fine of not more than ~~((one thousand dollars))~~ \$1,000.

(2) Within two years ~~((of being convicted))~~ of a violation of any of the requirements of this chapter that ~~((are not subject to the criminal penalties under RCW 19.290.070))~~ results in a civil penalty under this section, each subsequent violation shall be punishable ~~((7 upon conviction,))~~ by a fine of not more than ~~((two thousand dollars))~~ \$2,000.

Sec. 10. RCW 19.290.220 and 2013 c 322 s 25 are each amended to read as follows:

(1) Law enforcement agencies may register with the scrap theft alert system that is maintained and provided at no charge to users by the institute of scrap recycling industries, incorporated, or its successor organization, to receive alerts regarding thefts of ~~((private,))~~ nonferrous ~~((7))~~ or commercial metal property in the relevant geographic area.

(2) Any business licensed under this chapter shall:

(a) Sign up with the scrap theft alert system that is maintained and provided at no charge to users by the institute of scrap recycling industries, incorporated, or its successor organization, to receive alerts regarding thefts of ~~((private,))~~ nonferrous ~~((7))~~ or commercial metal property in the relevant geographic area;

(b) Download the scrap metal theft alerts generated by the scrap theft alert system on a daily basis;

(c) Use the alerts to identify potentially stolen commercial metal property ~~((7))~~ and nonferrous metal property ~~((7 and private metal property))~~; and

(d) Maintain for ~~((ninety))~~ 90 days copies of any theft alerts received and downloaded pursuant to this section.

Sec. 11. RCW 19.290.240 and 2013 c 322 s 28 are each amended to read as follows:

The provisions of this chapter shall be liberally construed to the end that traffic in stolen ~~((private))~~ commercial metal property ~~((or))~~ and nonferrous metal property may be prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of processing, recycling, or supplying scrap metal in this state and reliable persons may be encouraged to engage in businesses of processing, recycling, or supplying scrap metal in this state.

NEW SECTION. Sec. 12. A new section is added to chapter 46.70 RCW to read as follows:

(1) A vehicle dealer shall, prior to the sale and transfer of a vehicle, offer the purchaser the option to have the dealer clearly and permanently mark the last eight digits of the originating vehicle's vehicle identification number on the vehicle's catalytic converter unless such marking already exists on the catalytic converter, the catalytic converter is not in a location where it is clearly visible and readily accessible to mark without the need to remove parts from the vehicle, or the vehicle is sold at wholesale. A clear and permanent mark applied by permanent marker is sufficient. The vehicle dealer may add a fee to the sale price for the marking if separately delineated and clearly marked.

(2) If a consumer elects not to have the vehicle dealer mark the vehicle's catalytic converter as provided in subsection (1) of this section, the vehicle dealer must provide the consumer a disclosure written in a typeface that is at least as large as the typeface used in the standard text of the

document that contains the disclosure and that is boldfaced, capitalized, underlined, or otherwise set out from the surrounding material so as to be conspicuous that (a) the purchaser is knowingly purchasing the vehicle without clearly and permanently marking the catalytic converter prior to the sale and transfer of the vehicle; and (b) the purchaser acknowledges and understands that catalytic converters must be marked as provided in section 23 of this act.

Sec. 13. RCW 46.79.010 and 2001 c 64 s 10 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context indicates otherwise.

(1) "Junk vehicle" means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:

- (a) Is three years old or older;
- (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;
- (c) Is apparently inoperable;
- (d) Is without a valid, current registration plate;
- (e) Has a fair market value equal only to the value of the scrap in it.

(2) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

(3) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

(4) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed vehicle wrecker or scrap processor in substantially the same form in which they are obtained. A hulk hauler may not sell secondhand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, which may be sold to a licensed vehicle wrecker or disposed of at a public facility for waste disposal.

(5) "Director" means the director of licensing.

(6) "Major component parts" include engines and short blocks, frames, transmissions or transfer cases, cabs, doors, front or rear differentials, front or rear clips, quarter panels or fenders, bumpers, truck beds or boxes, seats, ~~((and))~~ hoods, and catalytic converters.

NEW SECTION. Sec. 14. A new section is added to chapter 46.79 RCW to read as follows:

(1) No person may engage in the business of disassembling or de-canning a catalytic converter for removal or processing of the internal core to extract platinum, palladium, rhodium, or other metals, unless the person is a licensed scrap processor under this chapter.

(2) Any licensed scrap processor engaged in disassembling or de-canning catalytic converters as described in this section

shall maintain the records of every catalytic converter the scrap processor disassembles or de-cans in accordance with the recordkeeping requirements of this chapter and other provisions of the law.

(3) Any licensed scrap processor engaged in disassembling or de-canning catalytic converters as described in this section shall implement a 30-day waiting period between the purchase and disassembly or de-canning of a catalytic converter, unless the scrap processor is also the registered owner of the originating vehicle.

NEW SECTION. Sec. 15. A new section is added to chapter 46.79 RCW to read as follows:

(1) Payment to individual sellers of catalytic converters that have been removed from a vehicle may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made.

(2) No transaction involving catalytic converters that have been removed from a vehicle may be made in cash or with any person who does not provide a street address and photographic identification. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the licensed scrap processor to the street address recorded according to this section, no earlier than three days after the transaction was made. A transaction occurs on the date provided in the record required under this section.

(3) A record of each purchase of catalytic converters that have been removed from a vehicle must be kept for three years following the date of the transaction and be open to inspection by any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept. The record shall include, at a minimum, the following elements:

- (a) The time, date, location, and value of the transaction;
- (b) The name of the employee representing the scrap processor in the transaction;
- (c) The name, street address, and telephone number of the person with whom the transaction is made;
- (d) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the catalytic converter or converters subject to the transaction;

(e) A description of the motor vehicle used to deliver the catalytic converter or converters subject to the transaction;

(f) A copy of the seller's current driver's license or other government-issued picture identification card;

(g) The vehicle identification number of the vehicle from which the catalytic converter was removed;

(h) A declaration signed by the seller that states substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property and the

information provided by me is accurate."; and

(i) A photo of the catalytic converter that includes the vehicle identification number marking required under section 23 of this act.

(4) This section does not apply to the purchase of material from a licensed business that manufactures catalytic converters in the ordinary course of its legal business.

NEW SECTION. Sec. 16. A new section is added to chapter 46.79 RCW to read as follows:

The license fees required under RCW 46.79.040 and 46.79.050 for a scrap processor's license must also include a \$500 catalytic converter inspection fee, to be deposited in the state patrol highway account, in order to support the activities of the Washington state patrol under section 21 of this act.

Sec. 17. RCW 46.80.010 and 2010 c 161 s 1138 and 2010 c 8 s 9097 are each reenacted and amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Core" means a major component part received by a vehicle wrecker in exchange for a like part sold by the vehicle wrecker, is not resold as a major component part except for scrap metal value or for remanufacture, and the vehicle wrecker maintains records for three years from the date of acquisition to identify the name of the person from whom the core was received.

(2) "Established place of business" means a building or enclosure which the vehicle wrecker occupies either continuously or at regular periods and where his or her books and records are kept and business is transacted and which must conform with zoning regulations.

(3) "Interim owner" means the owner of a vehicle who has the original certificate of title for the vehicle, which certificate has been released by the person named on the certificate and assigned to the person offering to sell the vehicle to the wrecker.

(4) "Major component part" includes at least each of the following vehicle parts: (a) Engines and short blocks; (b) frame; (c) transmission and/or transfer case; (d) cab; (e) door; (f) front or rear differential; (g) front or rear clip; (h) quarter panel; (i) truck bed or box; (j) seat; (k) hood; (l) bumper; (m) fender; ~~((and))~~ (n) airbag; and (o) catalytic converter. The director may supplement this list by rule.

(5) "Vehicle wrecker" means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of a vehicle, or who buys or sells integral secondhand parts of component material thereof, in whole or in part, or who deals in secondhand vehicle parts.

(6) "Wrecked vehicle" means a vehicle which is disassembled or dismantled or a

vehicle which is acquired with the intent to dismantle or disassemble and never again to operate as a vehicle, or a vehicle which has sustained such damage that its cost to repair exceeds the fair market value of a like vehicle which has not sustained such damage, or a damaged vehicle whose salvage value plus cost to repair equals or exceeds its fair market value, if repaired, or a vehicle which has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state for which the salvage value plus cost to repair exceeds its fair market value, if repaired; further, it is presumed that a vehicle is a wreck if it has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state.

Sec. 18. RCW 46.80.080 and 2022 c 221 s 7 are each amended to read as follows:

(1) Every vehicle wrecker shall maintain books or files in which the wrecker shall keep a record and a description of:

(a) Every vehicle wrecked, dismantled, disassembled, or substantially altered by the wrecker; and

(b) Every major component part, including catalytic converters, acquired by the wrecker; together with a bill of sale signed by a seller whose identity has been verified and the name and address of the person, firm, or corporation from whom the wrecker purchased the vehicle or part. Major component parts other than cores shall be further identified by the vehicle identification number of the vehicle from which the part came.

(2) The record shall also contain the following data regarding the wrecked or acquired vehicle or vehicle that is the source of a major component part, including catalytic converters, other than a core:

(a) The certificate of title number (if previously titled in this or any other state);

(b) Name of state where last registered;

(c) Number of the last license number plate issued;

(d) Name of vehicle;

(e) Motor or identification number and serial number of the vehicle;

(f) Date purchased;

(g) Disposition of the motor and chassis;

(h) Yard number assigned by the licensee to the vehicle or major component part, which shall also appear on the identified vehicle or part; and

(i) Such other information as the department may require.

(3) The records shall also contain a bill of sale signed by the seller for other minor component parts, including catalytic converters, acquired by the licensee, identifying the seller by name, address, and date of sale.

(4) In addition to all other requirements of this chapter, the records of each transaction involving the purchase of catalytic converters that have been removed from a vehicle shall also include, at a minimum, the following elements:

(a) The time, date, location, and value of the transaction;

(b) The name of the employee representing the vehicle wrecker in the transaction;

(c) The name, street address, and telephone number of the person with whom the transaction is made;

(d) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the catalytic converter or converters subject to the transaction;

(e) A description of the motor vehicle used to deliver the catalytic converter or converters subject to the transaction;

(f) A copy of the seller's current driver's license or other government-issued picture identification card;

(g) The vehicle identification number of the vehicle from which the catalytic converter was removed;

(h) A declaration signed by the seller that states substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property and the information provided by me is accurate."; and

(i) A photo of the catalytic converter that includes the vehicle identification number marking required under section 23 of this act.

(5) The records shall be maintained by the licensee at his or her established place of business for a period of three years from the date of acquisition.

~~((5))~~ (6) The record is subject to inspection at all times during regular business hours by members of the police department, sheriff's office, members of the Washington state patrol, or officers or employees of the department.

~~((6))~~ (7) A vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his or her representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

~~((7))~~ (8) Failure to comply with this section is a gross misdemeanor.

Sec. 19. RCW 46.80.210 and 2022 c 221 s 6 are each amended to read as follows:

(1) Payment to individual sellers of ~~((private metal property as defined in RCW 19.290.010))~~ catalytic converters that have been removed from a vehicle may not be made at the time of the transaction and shall not be paid earlier than three business days after the transaction was made.

(2) No transaction involving catalytic converters that have been removed from a vehicle may be made in cash or with any person who does not provide a street address and photographic identification. The person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the licensed auto wrecker to a street address recorded according to RCW 46.80.080, no earlier than three days after the transaction was made. A transaction

occurs on the date provided in the record required under RCW 46.80.080.

(3) This section does not apply to the purchase of material from a licensed business that manufactures catalytic converters in the ordinary course of its legal business.

NEW SECTION. Sec. 20. A new section is added to chapter 46.80 RCW to read as follows:

The license fees required under RCW 46.80.040 and 46.80.050 must also include a \$500 catalytic converter inspection fee, to be deposited in the state patrol highway account, in order to support the activities of the Washington state patrol under section 21 of this act.

NEW SECTION. Sec. 21. A new section is added to chapter 43.43 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the Washington state patrol shall:

(1) Conduct periodic inspections at least once a year of all licensed purchasers of catalytic converters that have been removed from vehicles that are licensed under chapter 46.79 or 46.80 RCW;

(2) Develop a standardized inspection form and train local law enforcement agencies, civilian employees, and limited authority law enforcement personnel on inspection procedures of licensed purchasers;

(3) Specify which specific law enforcement agencies have a duty to inspect the different business types that are licensed to purchase catalytic converters; and

(4) Authorize inspections to be conducted by civilian employees or limited authority law enforcement agencies if necessary to increase the availability of potential inspectors, provided that the Washington state patrol shall retain oversight of such inspections.

Sec. 22. RCW 46.12.560 and 2011 c 114 s 7 are each amended to read as follows:

(1)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector if the vehicle:

(i) Was declared a total loss or salvage vehicle under the laws of this state;

(ii) Has been rebuilt after the certificate of title was returned to the department under RCW 46.12.600 and the vehicle was not kept by the registered owner at the time of the vehicle's destruction or declaration as a total loss; or

(iii) Is presented with documents from another state showing that the vehicle was a total loss or salvage vehicle and has not been reissued a valid registration certificate from that state after the declaration of total loss or salvage.

(b) A vehicle presented for inspection must have all damaged major component parts replaced or repaired to meet all requirements in law and rule before the Washington state patrol will inspect the vehicle. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

(c) A Washington state patrol vehicle identification number specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuilt vehicle were obtained legally, and must securely attach a marking at the driver's door latch pillar indicating the vehicle was previously destroyed or declared a total loss. It is a class C felony for a person to remove the marking indicating that the vehicle was previously destroyed or declared a total loss.

(2) A person presenting a vehicle for inspection under subsection (1) of this section must provide original invoices for new and used parts from:

(a) A vendor that is registered with the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased for the collection of retail sales or use taxes. The invoices must include:

- (i) The name and address of the business;
- (ii) A description of the part or parts sold;
- (iii) The date of sale; and
- (iv) The amount of sale to include all taxes paid unless exempted by the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased;

(b) A vehicle wrecker licensed under chapter 46.80 RCW or a comparable business in the jurisdiction outside Washington state where the major component part was purchased; and

(c) Private individuals. The private individual must have the certificate of title to the vehicle where the parts were taken from unless the parts were obtained from a parts car owned by a collector. Bills of sale for parts must be notarized and include:

- (i) The names and addresses of the sellers and purchasers;
- (ii) A description of the vehicle and the part or parts being sold, including the make, model, year, and identification or serial number;
- (iii) The date of sale; and
- (iv) The purchase price of the vehicle part or parts.

(3) A person presenting a vehicle for inspection under this section who is unable to provide an acceptable release of interest or proof of ownership for a vehicle or major component part as described in this section shall apply for an ownership in doubt application described in RCW 46.12.680.

(4)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized

inspector when the application is for a vehicle being titled for the first time as:

- (i) Assembled;
- (ii) Glider kit;
- (iii) Homemade;
- (iv) Kit vehicle;
- (v) Street rod vehicle;
- (vi) Custom vehicle; or
- (vii) Subject to ownership in doubt under RCW 46.12.680.

(b) The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

(5)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol when the application is for a vehicle with a vehicle identification number that has been:

- (i) Altered;
 - (ii) Defaced;
 - (iii) Obliterated;
 - (iv) Omitted;
 - (v) Removed; or
 - (vi) Otherwise absent.
- (b) The application must include payment of the fee required in RCW 46.17.135.

(c) The Washington state patrol shall assign a new vehicle identification number to the vehicle and place or stamp the new number in a conspicuous position on the vehicle.

(d) The department shall use the new vehicle identification number assigned by the Washington state patrol as the official vehicle identification number assigned to the vehicle.

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

(7) Nothing in this section creates a requirement for the Washington state patrol to inspect attached catalytic converters as major component parts.

NEW SECTION. Sec. 23. A new section is added to chapter 9A.82 RCW to read as follows:

(1) Any person who removes a catalytic converter from a vehicle for a purpose other than maintenance, repair, or demolition, or who knowingly possesses an unmarked detached catalytic converter, must permanently mark the detached catalytic converter with the last eight digits of the originating vehicle's vehicle identification number such that at least a portion of the marking is visible from any side. The marking must be completed in a reasonable time after removal, but no later than 24 hours after removal, and before off-site transport of the detached catalytic converter.

(2) Detached catalytic converters that are not marked as required by this section are subject to immediate seizure and forfeiture by law enforcement.

(3)(a) Except as provided in (b) of this subsection, it is a gross misdemeanor for any person to intentionally remove, alter or obliterate from a detached catalytic converter the last eight digits of the

originating vehicle identification number, as required by subsection (1) of this section.

(b) A person who intentionally removes, alters, or obliterates from a detached catalytic converter the last eight digits of the original vehicle identification number is guilty of a class C felony punishable according to chapter 9A.20 RCW if the person has previously been convicted under this subsection.

(4) It is a gross misdemeanor for any person who is not a scrap processor licensed under chapter 46.79 RCW or vehicle wrecker licensed under chapter 46.80 RCW to knowingly possess, sell, or offer for sale six or fewer detached catalytic converters that do not comply with the marking requirements under subsection (1) of this section.

(5) It is a class C felony for any person who is not a scrap processor licensed under chapter 46.79 RCW or vehicle wrecker licensed under chapter 46.80 RCW to knowingly possess, sell, or offer for sale seven or more detached catalytic converters that do not comply with the marking requirements under subsection (1) of this section.

(6) Where a case is legally sufficient to charge an alleged juvenile offender with a violation under this section, and that violation would be the alleged offender's first violation involving detached catalytic converters, the prosecutor is encouraged to divert the case pursuant to RCW 13.40.070.

(7) It is an affirmative defense to this section that the possessor removed the detached catalytic converter with the permission of the registered owner of the vehicle or vehicles.

NEW SECTION. Sec. 24. A new section is added to chapter 9A.82 RCW to read as follows:

(1) A person is guilty of trafficking in catalytic converters in the first degree if the person knowingly:

(a) Traffics seven or more catalytic converters that have been removed from a motor vehicle, without fulfilling the requirements under chapter 46.79 or 46.80 RCW for lawful transfer; or

(b) Purchases a catalytic converter that has been removed from a motor vehicle, without possessing a valid scrap processor license under chapter 46.79 RCW or vehicle wrecker license under chapter 46.80 RCW.

(2) Trafficking in catalytic converters in the first degree is a class C felony.

NEW SECTION. Sec. 25. A new section is added to chapter 9.94A RCW to read as follows:

The court shall make a finding of fact of the special allegation or, if a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to the special allegation, in a criminal case where:

(1) The defendant has been convicted of trafficking in catalytic converters in the first degree; and

(2) There has been a special allegation pleaded and proven beyond a reasonable doubt

that the defendant knowingly (a) trafficked seven or more catalytic converters that were removed from a motor vehicle without fulfilling the requirements under chapter 46.79 or 46.80 RCW for lawful transfer; or (b) purchased a catalytic converter that has been removed from a motor vehicle without possessing a valid scrap processor license under chapter 46.79 RCW or vehicle wrecker license under chapter 46.80 RCW, for the purpose of selling, transferring, or exchanging them online.

NEW SECTION. Sec. 26. A new section is added to chapter 9A.82 RCW to read as follows:

(1) A person is guilty of trafficking in catalytic converters in the second degree if the person knowingly traffics six or fewer catalytic converters that have been removed from a motor vehicle, without fulfilling the requirements under chapter 46.79 or 46.80 RCW for lawful transfer.

(2) Trafficking in catalytic converters in the second degree is a class C felony.

Sec. 27. RCW 9A.82.010 and 2013 c 302 s 10 are each amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest is considered to be located where the real property owned by the trustee is located.

(2) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(3) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(4) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, 9A.56.080, and 9A.56.083;

(f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;

(g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

(h) Child selling or child buying, as defined in RCW 9A.64.030;

(i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(l) Unlawful production of payment instruments, unlawful possession of payment instruments, unlawful possession of a personal identification device, unlawful possession of fictitious identification, or unlawful possession of instruments of financial fraud, as defined in RCW 9A.56.320;

(m) Extortionate extension of credit, as defined in RCW 9A.82.020;

(n) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

(o) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

(p) Collection of an unlawful debt, as defined in RCW 9A.82.045;

(q) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(r) Trafficking in stolen property, as defined in RCW 9A.82.050;

(s) Leading organized crime, as defined in RCW 9A.82.060;

(t) Money laundering, as defined in RCW 9A.83.020;

(u) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

(v) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

(w) Promoting pornography, as defined in RCW 9.68.140;

(x) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

(y) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

(z) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

(aa) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

(bb) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

(cc) A pattern of equity skimming, as defined in RCW 61.34.020;

(dd) Commercial telephone solicitation in violation of RCW 19.158.040(1);

(ee) Trafficking in insurance claims, as defined in RCW 48.30A.015;

(ff) Unlawful practice of law, as defined in RCW 2.48.180;

(gg) Commercial bribery, as defined in RCW 9A.68.060;

(hh) Health care false claims, as defined in RCW 48.80.030;

(ii) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7);

(jj) Improperly obtaining financial information, as defined in RCW 9.35.010;

(kk) Identity theft, as defined in RCW 9.35.020;

(ll) Unlawful shipment of cigarettes in violation of RCW 70.155.105(6) (a) or (b);

(mm) Unlawful shipment of cigarettes in violation of RCW 82.24.110(2);

(nn) Unauthorized sale or procurement of telephone records in violation of RCW 9.26A.140;

(oo) Theft with the intent to resell, as defined in RCW 9A.56.340;

(pp) Organized retail theft, as defined in RCW 9A.56.350;

(qq) Mortgage fraud, as defined in RCW 19.144.080;

(rr) Commercial sexual abuse of a minor, as defined in RCW 9.68A.100;

(ss) Promoting commercial sexual abuse of a minor, as defined in RCW 9.68A.101; ~~((or))~~

(tt) Trafficking, as defined in RCW 9A.40.100, promoting travel for commercial sexual abuse of a minor, as defined in RCW 9.68A.102, and permitting commercial sexual abuse of a minor, as defined in RCW 9.68A.103; or

(uu) Trafficking in catalytic converters, as defined in sections 24 and 26 of this act.

(5) "Dealer in property" means a person who buys and sells property as a business.

(6) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(7) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(8) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(9) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other

criminal means to cause harm to the person, reputation, or property of any person.

(10) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(11) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(12) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(13) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(14) "Records" means any book, paper, writing, record, computer program, or other material.

(15) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(16) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(17) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(18) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(19) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of

stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(20) (a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under (a)(i) or (ii) of this subsection.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

(21) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

Sec. 28. RCW 9.94A.533 and 2020 c 330 s 1 and 2020 c 141 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an

anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed

in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun or bump-fire stock, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun or bump-fire stock in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive

sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1) (c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the

offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(1) (c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the

victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to

all other sentencing provisions, including other minor child enhancements, for all offenses sentenced under this chapter. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

(15) An additional 12 months may, at the discretion of the court, be added to the standard sentence range for an offense that is also a violation of section 25 of this act.

(16) Regardless of any provisions in this section, if a person is being sentenced in adult court for a crime committed under age eighteen, the court has full discretion to depart from mandatory sentencing enhancements and to take the particular circumstances surrounding the defendant's youth into account.

Sec. 29. RCW 9.94A.515 and 2023 c 196 s 3 and 2023 c 7 s 3 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

| | |
|-------|--|
| XVI | Aggravated Murder 1 (RCW 10.95.020) |
| XV | Homicide by abuse (RCW 9A.32.055) |
| | Malicious explosion 1 (RCW 70.74.280(1)) |
| | Murder 1 (RCW 9A.32.030) |
| XIV | Murder 2 (RCW 9A.32.050) |
| | Trafficking 1 (RCW 9A.40.100(1)) |
| XII I | Malicious explosion 2 (RCW 70.74.280(2)) |
| | Malicious placement of an explosive 1 (RCW 70.74.270(1)) |
| XII | Assault 1 (RCW 9A.36.011) |
| | Assault of a Child 1 (RCW 9A.36.120) |
| | Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a)) |
| | Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101) |
| | Rape 1 (RCW 9A.44.040) |
| | Rape of a Child 1 (RCW 9A.44.073) |

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|-----|---|---|-----------------------|--|-------------------------------|
| | Trafficking | 2 | (RCW 9A.40.100(3)) | Commercial Sexual Abuse of a Minor | (RCW 9.68A.100) |
| XI | Manslaughter | 1 | (RCW 9A.32.060) | Homicide by Watercraft, by the operation of any vessel in a reckless manner | (RCW 79A.60.050) |
| | Rape 2 | | (RCW 9A.44.050) | | |
| | Rape of a Child | 2 | (RCW 9A.44.076) | Manslaughter | 2 (RCW 9A.32.070) |
| | Vehicular Homicide, by being under the influence of intoxicating liquor or any drug | | (RCW 46.61.520) | Promoting Prostitution | 1 (RCW 9A.88.070) |
| | Vehicular Homicide, by the operation of any vehicle in a reckless manner | | (RCW 46.61.520) | Theft of Ammonia | (RCW 69.55.010) |
| X | Child Molestation | 1 | (RCW 9A.44.083) | VII Air bag diagnostic systems (causing bodily injury or death) | (RCW 46.37.660(2)(b)) |
| | Criminal Mistreatment | 1 | (RCW 9A.42.020) | Air bag replacement requirements (causing bodily injury or death) | (RCW 46.37.660(1)(b)) |
| | Indecent Liberties (with forcible compulsion) | | (RCW 9A.44.100(1)(a)) | Burglary | 1 (RCW 9A.52.020) |
| | Kidnapping | 1 | (RCW 9A.40.020) | Child Molestation | 2 (RCW 9A.44.086) |
| | Leading Organized Crime | | (RCW 9A.82.060(1)(a)) | Civil Disorder Training | (RCW 9A.48.120) |
| | Malicious explosion | 3 | (RCW 70.74.280(3)) | Custodial Sexual Misconduct | 1 (RCW 9A.44.160) |
| | Sexually Violent Predator Escape | | (RCW 9A.76.115) | Dealing in depictions of minor engaged in sexually explicit conduct | 1 (RCW 9.68A.050(1)) |
| IX | Abandonment of Dependent Person | 1 | (RCW 9A.42.060) | Drive-by Shooting | (RCW 9A.36.045) |
| | Assault of a Child | 2 | (RCW 9A.36.130) | False Reporting | 1 (RCW 9A.84.040(2)(a)) |
| | Explosive devices prohibited | | (RCW 70.74.180) | Homicide by Watercraft, by disregard for the safety of others | (RCW 79A.60.050) |
| | Hit and Run—Death | | (RCW 46.52.020(4)(a)) | Indecent Liberties (without forcible compulsion) | (RCW 9A.44.100(1)(b) and (c)) |
| | Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug | | (RCW 79A.60.050) | Introducing Contraband | 1 (RCW 9A.76.140) |
| | Inciting Criminal Profiteering | | (RCW 9A.82.060(1)(b)) | Malicious placement of an explosive | 3 (RCW 70.74.270(3)) |
| | Malicious placement of an explosive | 2 | (RCW 70.74.270(2)) | Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) | (RCW 46.37.650(1)(b)) |
| | Robbery | 1 | (RCW 9A.56.200) | Negligently Causing Death By Use of a Signal Preemption Device | (RCW 46.37.675) |
| | Sexual Exploitation | | (RCW 9.68A.040) | | |
| VII | Arson | 1 | (RCW 9A.48.020) | | |
| I | | | | | |

- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun or Bump-fire Stock in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 2 (RCW 9A.44.170)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070)
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

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| | Sexually Violating Human Remains (RCW 9A.44.105) | Robbery 2 (RCW 9A.56.210) |
| | Stalking (RCW 9A.46.110) | Theft of Livestock 1 (RCW 9A.56.080) |
| | Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070) | Threats to Bomb (RCW 9.61.160) |
| IV | Arson 2 (RCW 9A.48.030) | <u>Trafficking in Catalytic Converters 1 (section 24 of this act)</u> |
| | Assault 2 (RCW 9A.36.021) | Trafficking in Stolen Property 1 (RCW 9A.82.050) |
| | Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h)) | Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b)) |
| | Assault 4 (third domestic violence offense) (RCW 9A.36.041(3)) | Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3)) |
| | Assault by Watercraft (RCW 79A.60.060) | Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3)) |
| | Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100) | Unlawful transaction of insurance business (RCW 48.15.023(3)) |
| | Cheating 1 (RCW 9.46.1961) | Unlicensed practice as an insurance professional (RCW 48.17.063(2)) |
| | Commercial Bribery (RCW 9A.68.060) | Use of Proceeds of Criminal Profiteering (RCW 9A.82.080(1) and (2)) |
| | Counterfeiting (RCW 9.16.035(4)) | Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3)) |
| | Driving While Under the Influence (RCW 46.61.502(6)) | Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522) |
| | Endangerment with a Controlled Substance (RCW 9A.42.100) | Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1)) |
| | Escape 1 (RCW 9A.76.110) | III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3)) |
| | Hate Crime (RCW 9A.36.080) | Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h)) |
| | Hit and Run—Injury (RCW 46.52.020(4)(b)) | Assault of a Child 3 (RCW 9A.36.140) |
| | Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3)) | |
| | Identity Theft 1 (RCW 9.35.020(2)) | |
| | Indecent Exposure to Person Under Age 14 (subsequent sex offense) (RCW 9A.88.010) | |
| | Influencing Outcome of Sporting Event (RCW 9A.82.070) | |
| | Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6)) | |
| | Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2)) | |
| | Residential Burglary (RCW 9A.52.025) | |

Bail Jumping with class B
or C Felony (RCW
9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor
for Immoral Purposes
(RCW 9.68A.090)

Criminal Gang Intimidation
(RCW 9A.46.120)

Custodial Assault (RCW
9A.36.100)

Cyber Harassment (RCW
9A.90.120(2)(b))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

False Reporting 2 (RCW
9A.84.040(2)(b))

Harassment (RCW 9A.46.020)

Hazing (RCW 28B.10.901(2)
(b))

Intimidating a Public
Servant (RCW 9A.76.180)

Introducing Contraband 2
(RCW 9A.76.150)

Malicious Injury to
Railroad Property (RCW
81.60.070)

Manufacture of Untraceable
Firearm with Intent to
Sell (RCW 9.41.190)

Manufacture or Assembly of
an Undetectable Firearm
or Untraceable Firearm
(RCW 9.41.325)

Mortgage Fraud (RCW
19.144.080)

Negligently Causing
Substantial Bodily Harm
By Use of a Signal
Preemption Device (RCW
46.37.674)

Organized Retail Theft 1
(RCW 9A.56.350(2))

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary
Device (RCW 9.40.120)

Possession of Machine Gun,
Bump-Fire Stock,
Undetectable Firearm, or
Short-Barreled Shotgun
or Rifle (RCW 9.41.190)

Promoting Prostitution 2
(RCW 9A.88.080)

Retail Theft with Special
Circumstances 1 (RCW
9A.56.360(2))

Securities Act violation
(RCW 21.20.400)

Tampering with a Witness
(RCW 9A.72.120)

Telephone Harassment
(subsequent conviction
or threat of death) (RCW
9.61.230(2))

Theft of Livestock 2 (RCW
9A.56.083)

Theft with the Intent to
Resell 1 (RCW
9A.56.340(2))

Trafficking in Catalytic
Converters 2 (section 26
of this act)

Trafficking in Stolen
Property 2 (RCW
9A.82.055)

Unlawful Hunting of Big
Game 1 (RCW 77.15.410(3)
(b))

Unlawful Imprisonment (RCW
9A.40.040)

Unlawful Misbranding of
Fish or Shellfish 1 (RCW
77.140.060(3))

Unlawful possession of
firearm in the second
degree (RCW 9.41.040(2))

Unlawful Taking of
Endangered Fish or
Wildlife 1 (RCW
77.15.120(3)(b))

Unlawful Trafficking in
Fish, Shellfish, or
Wildlife 1 (RCW
77.15.260(3)(b))

Unlawful Use of a
Nondesignated Vessel
(RCW 77.15.530(4))

Vehicular Assault, by the
operation or driving of
a vehicle with disregard
for the safety of others
(RCW 46.61.522)

II Commercial Fishing Without
a License 1 (RCW
77.15.500(3)(b))

Computer Trespass 1 (RCW
9A.90.040)

Counterfeiting (RCW
9.16.035(3))

Electronic Data Service
Interference (RCW
9A.90.060)

Electronic Data Tampering 1
(RCW 9A.90.080)

Electronic Data Theft (RCW
9A.90.100)

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| Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3)) | Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2)) |
| Escape from Community Custody (RCW 72.09.310) | Unlawful Practice of Law (RCW 2.48.180) |
| Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132) | Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b)) |
| Health Care False Claims (RCW 48.80.030) | Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a)) |
| Identity Theft 2 (RCW 9.35.020(3)) | Unlicensed Practice of a Profession or Business (RCW 18.130.190(7)) |
| Improperly Obtaining Financial Information (RCW 9.35.010) | Voyeurism 1 (RCW 9A.44.115) |
| Malicious Mischief 1 (RCW 9A.48.070) | I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024) |
| Organized Retail Theft 2 (RCW 9A.56.350(3)) | False Verification for Welfare (RCW 74.08.055) |
| Possession of Stolen Property 1 (RCW 9A.56.150) | Forgery (RCW 9A.60.020) |
| Possession of a Stolen Vehicle (RCW 9A.56.068) | Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060) |
| <u>Possession, sale, or offering for sale of seven or more unmarked catalytic converters (section 23(5) of this act)</u> | Malicious Mischief 2 (RCW 9A.48.080) |
| Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3)) | Mineral Trespass (RCW 78.44.330) |
| Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100) | Possession of Stolen Property 2 (RCW 9A.56.160) |
| Theft 1 (RCW 9A.56.030) | Reckless Burning 1 (RCW 9A.48.040) |
| Theft of a Motor Vehicle (RCW 9A.56.065) | Spotlighting Big Game 1 (RCW 77.15.450(3)(b)) |
| Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$5,000 or more) (RCW 9A.56.096(5)(a)) | Suspension of Department Privileges 1 (RCW 77.15.670(3)(b)) |
| Theft with the Intent to Resell 2 (RCW 9A.56.340(3)) | Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075) |
| Trafficking in Insurance Claims (RCW 48.30A.015) | Theft 2 (RCW 9A.56.040) |
| Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a)) | Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2)) |
| | Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$750 or more but less than \$5,000) (RCW 9A.56.096(5)(b)) |
| | Transaction of insurance business beyond the scope of licensure (RCW 48.17.063) |

Unlawful Fish and Shellfish
Catch Accounting (RCW
77.15.630 (3) (b))

Unlawful Issuance of Checks
or Drafts (RCW
9A.56.060)

Unlawful Possession of
Fictitious
Identification (RCW
9A.56.320)

Unlawful Possession of
Instruments of Financial
Fraud (RCW 9A.56.320)

Unlawful Possession of
Payment Instruments (RCW
9A.56.320)

Unlawful Possession of a
Personal Identification
Device (RCW 9A.56.320)

Unlawful Production of
Payment Instruments (RCW
9A.56.320)

Unlawful Releasing,
Planting, Possessing, or
Placing Deleterious
Exotic Wildlife (RCW
77.15.250 (2) (b))

Unlawful Trafficking in
Food Stamps (RCW
9.91.142)

Unlawful Use of Food Stamps
(RCW 9.91.144)

Unlawful Use of Net to Take
Fish 1 (RCW 77.15.580 (3)
(b))

Vehicle Prowl 1 (RCW
9A.52.095)

Violating Commercial
Fishing Area or Time 1
(RCW 77.15.550 (3) (b))

NEW SECTION. Sec. 30. This act takes
effect April 1, 2025."

On page 1, line 1 of the title, after
"converters;" strike the remainder of the
title and insert "amending RCW 19.290.010,
19.290.020, 19.290.030, 19.290.040,
19.290.050, 19.290.060, 19.290.080,
19.290.220, 19.290.240, 46.79.010,
46.80.080, 46.80.210, 46.12.560, and
9A.82.010; reenacting and amending RCW
46.80.010, 9.94A.533, and 9.94A.515; adding
a new section to chapter 19.290 RCW; adding
a new section to chapter 46.70 RCW; adding
new sections to chapter 46.79 RCW; adding a
new section to chapter 46.80 RCW; adding a
new section to chapter 43.43 RCW; adding new
sections to chapter 9A.82 RCW; adding a new
section to chapter 9.94A RCW; creating a new
section; prescribing penalties; and
providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate
amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO.
2153 and advanced the bill, as amended by the Senate, to final
passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the
question before the House to be the final passage of Engrossed
Substitute House Bill No. 2153, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed
Substitute House Bill No. 2153, as amended by the Senate, and the
bill passed the House by the following vote: Yeas, 95; Nays, 0;
Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis,
Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,
Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors,
Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye,
Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner,
Goodman, Graham, Gregerson, Griffey, Hackney, Harris,
Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Low, Macri,
Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance,
Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel,
Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu,
Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons,
Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street,
Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters,
Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Lekanoff

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2153, as
amended by the Senate, having received the necessary
constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2195,
with the following amendment(s): 2195-S AMS WM S5696.1

Strike everything after the enacting
clause and insert the following:

"Sec. 1. RCW 43.31.577 and 2023 c 474
s 8031 are each amended to read as follows:

(1) Activities eligible for funding
through the early learning facilities grant
and loan program for eligible organizations
include:

(a) Facility predesign grants or loans
(~~of no more than \$20,000~~) to allow
eligible organizations to secure
professional services or consult with
organizations certified by the community
development financial institutions fund to
plan for and assess the feasibility of early
learning facilities projects or receive
other technical assistance to design and
develop projects for construction funding;

(b) Grants or loans (~~of no more than
\$200,000 for minor renovations or repairs of
existing early learning facilities or~~) for

predevelopment activities to advance a proposal from planning to major construction or renovation;

(c) Grants or loans for renovations or repairs of existing early learning facilities;

(d) Major construction and renovation grants or loans and grants or loans for facility purchases ~~((of no more than \$1,000,000))~~ to create or expand early learning facilities ~~((, except that during the 2023-2025 fiscal biennium these grants or loans may not exceed \$2,500,000)); and~~

~~((+d))~~ (e) Administration costs associated with conducting application processes, managing contracts, translation services, and providing technical assistance.

(2) For grants or loans awarded under subsection (1)(c) and (d) of this section, the department must prioritize applications for facilities that are ready for construction.

(3) Activities eligible for funding through the early learning facilities grant and loan program for school districts include major construction, purchase, and renovation grants or loans ~~((of no more than \$1,000,000))~~ to create or expand early learning facilities that received priority and ranking as described in RCW 43.31.581.

~~((3) Amounts in this section must be increased annually by the United States implicit price deflator for state and local government construction provided by the office of financial management.))~~

NEW SECTION. Sec. 2. A new section is added to chapter 43.31 RCW to read as follows:

For early learning facilities collocated with affordable or supportive housing developments, the department may remit state funding on a reimbursement basis for 90 percent of eligible project costs, regardless of the project's match amount, once the nonstate share of project costs have been either expended or firmly committed in an amount sufficient to complete the entire project or a distinct phase of the project that is useable to the public as an early learning facility. Eligible housing developments are projects that have received public funding and have secured enough funding to complete construction of the project that will result in a certificate of occupancy to open the affordable housing development, including the early learning facility.

Sec. 3. RCW 43.31.575 and 2021 c 130 s 2 are each amended to read as follows:

(1) Organizations eligible to receive funding from the early learning facilities grant and loan program include:

(a) Early childhood education and assistance program providers;

(b) Working connections child care providers who are eligible to receive state subsidies;

(c) Licensed early learning centers not currently participating in the early childhood education and assistance program, but intending to do so;

(d) Developers of housing and community facilities;

(e) Community and technical colleges;

(f) Educational service districts;

(g) Local governments;

(h) Federally recognized tribes in the state; and

(i) Religiously affiliated entities.

(2) To be eligible to receive funding from the early learning facilities grant and loan program for activities described in RCW 43.31.577 (1) (b), (c), and ~~((+e))~~ (d) and (2), eligible organizations and school districts must:

(a) Commit to being an active participant in good standing with the early achievers program as defined by chapter 43.216 RCW; and

(b) Demonstrate that projects receiving construction, purchase, or renovation grants or loans must also:

(i) Demonstrate that the project site is under the applicant's control for a minimum of ten years, either through ownership or a long-term lease; and

(ii) Commit to using the facility funded by the grant or loan for the purposes of providing preschool or child care for a minimum of ten years.

(3) To be eligible to receive funding from the early learning facilities grant and loan program for activities described in RCW 43.31.577 (1) (b), (c), and ~~((+e))~~ (d) and (2), religiously affiliated entities must use the facility to provide child care and education services consistent with subsection (4)(a) of this section.

(4)(a) Upon receiving a grant or loan, the recipient must continue to be an active participant and in good standing with the early achievers program.

(b) If the recipient does not meet the conditions specified in (a) of this subsection, the grants shall be repaid to the early learning facilities revolving account or the early learning facilities development account, as directed by the department. So long as an eligible organization continues to provide an early learning program in the facility, the facility is used as authorized, and the eligible organization continues to be an active participant and in good standing with the early achievers program, the grant repayment is waived.

(c) The department, in consultation with the department of children, youth, and families, ~~((must))~~ may adopt rules to implement this section.

NEW SECTION. Sec. 4. 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. 5. Section 1 of this act takes effect July 1, 2025."

On page 1, line 4 of the title, after "account;" strike the remainder of the title and insert "amending RCW 43.31.577 and 43.31.575; adding a new section to chapter 43.31 RCW; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2195 and advanced the bill, as amended by the Senate, to final passage.

Representatives Callan and Abbarno spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2195, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2195, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Lekanoff

SUBSTITUTE HOUSE BILL NO. 2195, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, February 27, 2024

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 2213, with the following amendment(s): 2213 AMS PADD S5302.1

Beginning on page 1, line 10, strike all of section 1

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 5 of the title, after "29A.80.061;" strike "reenacting and amending RCW 10.95.030;"

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2213 and advanced the bill, as amended by the Senate, to final passage.

Representatives Cheney and Goodman spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 2213, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2213, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Lekanoff

HOUSE BILL NO. 2213, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, February 28, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2226, with the following amendment(s): 2226-S AMS ENGR S5079.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 50.75 RCW to read as follows:

(1) Whenever the department conducts a field check or field visit of an employer, the department must collect the following information:

(a) The number of H-2A workers the employer has at each work site; and

(b) The actual geographic location of where the H-2A workers are living during their employment with the employer.

(2) The department must compile the information and compare the number of workers sought by an employer on the employer's H-2A application with the number of H-2A workers actually working for the employer.

(3) The department must make the information available to the advisory committee appointed under RCW 50.75.040 on a quarterly basis.

NEW SECTION. **Sec. 2.** A new section is added to chapter 50.38 RCW to read as follows:

(1) The department must conduct, or cause to be conducted, a comprehensive annual wage survey of non-H-2A workers hand harvesting apples, cherries, pears, and blueberries.

(2) At a minimum, the surveys must:

(a) Gather information on wage rates received for harvesting activities;

(b) Include a question concerning whether the survey respondent made an unemployment insurance claim in the same period of time used to compile any list of unemployment claimants used as a basis for the phone survey described in this section;

(c) Gather information on the respondent's age, gender, and whether the respondent was born in the United States or the number of years the respondent has lived in the United States; and

(d) Gather information on whether the respondent earned the reported wages while working on a farm that employed H-2A workers to do the same kind of work.

(3) The survey must:

(a) Be designed to receive responses from a minimum of 2,800 workers;

(b) Include field surveys designed to receive responses from a minimum of:

(i) 1,200 apple harvesters;

(ii) 200 pear harvesters;

(iii) 200 blueberry harvesters; and

(iv) 350 cherry harvesters; and

(c) Use best practices for administering a field survey of unknown populations.

(4) The survey may use a phone survey to gather the additional responses.

(5) The department must provide \$25 incentive payments for survey respondents who are eligible to respond to the survey.

(6) The department must submit a report to the appropriate committees of the legislature annually by May 1st on surveys conducted under this section. The report must include:

(a) Information about the number of responses; and

(b) Individual responses, without names, including each respondent's answers to the inquiries described in subsection (2) of this section, except that unemployment claim data may be aggregated to the extent necessary to comply with federal law.

NEW SECTION. Sec. 3. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 2 of the title, after "harvesters;" strike the remainder of the title and insert "adding a new section to chapter 50.75 RCW; adding a new section to chapter 50.38 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2226 and advanced the bill, as amended by the Senate, to final passage.

Representative Ortiz-Self spoke in favor of the passage of the bill.

Representative Ybarra spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2226, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2226, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 39; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Wylie and Mme. Speaker

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

Excused: Representatives Chandler and Lekanoff

SUBSTITUTE HOUSE BILL NO. 2226, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2347, with the following amendment(s): 2347-S AMS HLTC S5248.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.128.280 and 2013 c 300 s 3 are each amended to read as follows:

(1) In order to enhance the selection of an appropriate adult family home, all adult family homes licensed under this chapter shall disclose the scope of, and charges for, the care, services, and activities provided by the home or customarily arranged for by the home. The disclosure must be provided to the home's residents and the residents' representatives, if any, prior to admission, and to interested prospective residents and their representatives upon request, using standardized disclosure forms developed by the department with

stakeholders' input. The home may also disclose supplemental information to prospective residents and other interested persons.

(2)(a) The disclosure forms that the department develops must be standardized, reasonable in length, and easy to read. The form setting forth the scope of an adult family home's care, services, and activities must be available from the adult family home through a link to the department's website developed pursuant to this section. This form must indicate, among other categories, the scope of personal care and medication service provided, the scope of skilled nursing services or nursing delegation provided or available, any specialty care designations held by the adult family home, the customary number of caregivers present during the day and whether the home has awake staff at night, any particular cultural or language access available, and clearly state whether the home admits medicaid clients or retains residents who later become eligible for medicaid. The adult family home shall provide or arrange for the care, services, and activities disclosed in its form.

(b) The department must also develop a second standardized disclosure form with stakeholders' input for use by adult family homes to set forth an adult family home's charges for its care, services, items, and activities, including the charges not covered by the home's daily or monthly rate, or by medicaid, medicare, or other programs. This form must be available from the home and disclosed to residents and their representatives, if any, prior to admission, and to interested prospective residents and their representatives upon request.

(3)(a) If the adult family home decreases the scope of care, services, or activities it provides, due to circumstances beyond the home's control, the home shall provide a minimum of thirty days' written notice to the residents, and the residents' representative if any, before the effective date of the decrease in the scope of care, services, or activities provided.

(b) If the adult family home voluntarily decreases the scope of care, services, or activities it provides, and any such decrease will result in the discharge of one or more residents, then ninety days' written notice must be provided prior to the effective date of the decrease. Notice must be given to the residents and the residents' representative, if any.

(c) If the adult family home increases the scope of care, services, or activities it provides, the home shall promptly provide written notice to the residents, and the residents' representative if any, and shall indicate the date on which the increase is effective.

(4) When the care needs of a resident exceed the disclosed scope of care or services that the adult family home provides, the home may exceed the care or services previously disclosed, provided that the additional care or services are permitted by the adult family home's license, and the home can safely and appropriately serve the resident with available staff or through the provision of

reasonable accommodations required by state or federal law. The provision of care or services to a resident that exceed those previously disclosed by the home does not mean that the home is capable of or required to provide the same care or services to other residents, unless required as a reasonable accommodation under state or federal law.

(5) An adult family home may deny admission to a prospective resident if the home determines that the needs of the prospective resident cannot be met, so long as the adult family home operates in compliance with state and federal law, including RCW 70.129.030(3) and the reasonable accommodation requirements of state and federal antidiscrimination laws.

(6) The department shall work with consumers, advocates, and other stakeholders to combine and improve existing web resources to create a more robust, comprehensive, and user-friendly website for family members, residents, and prospective residents of adult family homes in Washington. The department may contract with outside vendors and experts to assist in the development of the website. The website should be easy to navigate and have links to information important for residents, prospective residents, and their family members or representatives including, but not limited to: (a) Explanations of the types of licensed long-term care facilities, levels of care, and specialty designations; (b) lists of suggested questions when looking for a care facility; (c) warning signs of abuse, neglect, or financial exploitation; and (d) contact information for the department and the long-term care (~~ombudsman~~ ~~[ombuds]~~) ombuds. In addition, the consumer oriented website should include a searchable list of all adult family homes in Washington, with links to ~~((inspection and investigation reports and any enforcement actions by the department for the previous three years))~~ the following documents and information for the previous three years: (i) Deficiency-free inspection letters; (ii) statements of deficiency related to inspection visits; (iii) statements of deficiency related to complaint investigations requiring an attestation of correction; (iv) notices of return to compliance related to (ii) and (iii) of this subsection; and (v) enforcement action notices issued by the department. If a violation or enforcement remedy is deleted, rescinded, or modified under RCW 70.128.167 or chapter 34.05 RCW, the department shall make the appropriate changes to the information on the website as soon as reasonably feasible, but no later than thirty days after the violation or enforcement remedy has been deleted, rescinded, or modified. To facilitate the comparison of adult family homes, the website should also include a link to each licensed adult family home's disclosure form required by subsection (2)(a) of this section. The department's website should also include periodically updated information about whether an adult family home has a current vacancy, if the home provides such information to the department, or may include links to other consumer-

oriented websites with the vacancy information."

On page 1, line 3 of the title, after "homes;" strike the remainder of the title and insert "and amending RCW 70.128.280."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2347 and advanced the bill, as amended by the Senate, to final passage.

Representatives Reeves and Hutchins spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2347, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2347, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Lekanoff

SUBSTITUTE HOUSE BILL NO. 2347, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2348, with the following amendment(s): 2348-S AMS ENGR S5457.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.62.010 and 1984 c 26 s 1 are each amended to read as follows:

The legislative authority of any county may establish, provide, and maintain hospitals for the care and treatment of the indigent, sick, injured, or infirm, and for this purpose the county legislative authority may:

(1) Purchase or lease real property or use lands already owned by the county;

(2) Erect all necessary buildings, make all necessary improvements and repairs and alter any existing building for the use of said hospitals;

(3) Use county moneys, levy taxes, and issue bonds as authorized by law, to raise a sufficient amount of money to ~~((cover))~~ pay, finance, or refinance the cost of procuring the site, constructing and operating hospitals, and for the maintenance and capital expenses thereof and all other necessary and proper expenses; and

(4) Accept and hold in trust for the county any grant of land, gift or bequest of money, or any donation for the benefit of the purposes of this chapter, and apply the same in accordance with the terms of the gift.

Sec. 2. RCW 36.62.090 and 1984 c 26 s 6 are each amended to read as follows:

(1) If the hospital is established, the county legislative authority, at the time of levying general taxes, may levy an additional regular property tax, not to exceed ~~((fifty))~~ 20 cents per thousand dollars of assessed value in any one year, for the operation, maintenance, and capital expenses of the hospital, and any outpatient clinics operated by the hospital, and for the payment of principal and interest on bonds issued for such purposes. The limitations in RCW 84.52.043 do not apply to the tax levy authorized in this section and the limitation in RCW 84.55.010 does not apply to the first year that the tax levy is imposed under this section.

(2) Only a county with a population exceeding 2,000,000 may impose the additional regular property tax authorized under this section.

Sec. 3. RCW 84.52.043 and 2023 c 28 s 5 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named are as follows:

(1) Levies of the senior taxing districts are as follows: (a) The levies by the state may not exceed the applicable aggregate rate limit specified in RCW 84.52.065 (2) or (4) adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county may not exceed \$1.80 per \$1,000 of assessed value; (c) the levy by any road district may not exceed \$2.25 per \$1,000 of assessed value; and (d) the levy by any city or town may not exceed \$3.375 per \$1,000 of assessed value. However, any county is hereby authorized to increase its levy from \$1.80 to a rate not to exceed \$2.475 per \$1,000 of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed \$4.05 per \$1,000 of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other

than the state, may not exceed \$5.90 per \$1,000 of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts and regional fire protection service authorities that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the portion of the levy by flood control zone districts that are protected under RCW 84.52.816; (l) levies imposed by a regional transit authority under RCW 81.104.175; (m) levies imposed by any park and recreation district described under RCW 84.52.010(3)(a)(viii); ~~((and))~~ (n) the portion of any levy resulting from the correction of a levy error under RCW 84.52.085(3); and (o) levies for county hospital purposes under RCW 36.62.090.

Sec. 4. RCW 84.52.043 and 2023 c 28 s 6 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named are as follows:

(1) Levies of the senior taxing districts are as follows: (a) The levies by the state may not exceed the applicable aggregate rate limit specified in RCW 84.52.065 (2) or (4) adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county may not exceed \$1.80 per \$1,000 of assessed value; (c) the levy by any road district may not exceed \$2.25 per \$1,000 of assessed value; and (d) the levy by any city or town may not exceed \$3.375 per \$1,000 of assessed value. However any county is hereby authorized to increase its levy from \$1.80 to a rate not to exceed \$2.475 per \$1,000 of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed \$4.05 per \$1,000 of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, may not exceed \$5.90 per

\$1,000 of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts and regional fire protection service authorities that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the portion of the levy by flood control zone districts that are protected under RCW 84.52.816; (l) levies imposed by a regional transit authority under RCW 81.104.175; ~~((and))~~ (m) the portion of any levy resulting from the correction of a levy error under RCW 84.52.085(3); and (n) levies for county hospital purposes under RCW 36.62.090.

Sec. 5. RCW 84.52.010 and 2023 c 28 s 3 are each amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated, and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor must recompute and establish a consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, regional transit authority, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however, any state levy takes precedence over all other levies and

may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 36.69.145 by a park and recreation district described under (a) (viii) of this subsection (3), 84.34.230, 84.52.069, 84.52.105, 36.62.090, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, the portion of the levy by a flood control zone district that was protected under RCW 84.52.816, and any portion of a levy resulting from the correction of a levy error under RCW 84.52.085(3), the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

(i) The portion of any levy resulting from the correction of a levy error under RCW 84.52.085(3) must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a flood control zone district that was protected under RCW 84.52.816 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district or regional fire protection service authority that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vii) If the combined rate of regular property tax levies that are subject to the

one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 36.69.145 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated. This subsection (3)(a)(viii) only applies to a park and recreation district located on an island and within a county with a population exceeding 2,000,000;

(ix) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, 36.62.090, and any portion of the levy imposed under RCW 84.52.069 that is in excess of 30 cents per \$1,000 of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and

(x) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the 30 cents per \$1,000 of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(i) First, the certified property tax levy authorized under RCW 84.52.821 must be reduced on a pro rata basis or eliminated;

(ii) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145 except a park and recreation district described under (a) (viii) of this subsection, 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;

(iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts other than the portion of a levy protected under RCW 84.52.816 must be reduced on a pro rata basis or eliminated;

(iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library

districts, the first 50 cents per \$1,000 of assessed valuation levies for metropolitan park districts, and the first 50 cents per \$1,000 of assessed valuation levies for public hospital districts, must be reduced on a pro rata basis or eliminated;

(v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the first 50 cents per \$1,000 of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, must be reduced on a pro rata basis or eliminated;

(vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) must be reduced on a pro rata basis or eliminated; and

(vii) Seventh, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1) (a), library districts, metropolitan park districts created before January 1, 2002, under their first 50 cents per \$1,000 of assessed valuation levy, and public hospital districts under their first 50 cents per \$1,000 of assessed valuation levy, must be reduced on a pro rata basis or eliminated.

Sec. 6. RCW 84.52.010 and 2023 c 28 s 4 are each amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor must recompute and establish a consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, regional transit authority, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy takes precedence over all other levies and may not be reduced for any purpose other than that required by RCW 84.55.010. If, as

a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, 36.62.090, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, the portion of the levy by a flood control zone district that was protected under RCW 84.52.816, and the portion of any levy resulting from the correction of a levy error under RCW 84.52.085(3), the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

(i) The portion of any levy resulting from the correction of a levy error under RCW 84.52.085(3) must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a flood control zone district that was protected under RCW 84.52.816 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district or regional fire protection service authority that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected

under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, 36.62.090, and any portion of the levy imposed under RCW 84.52.069 that is in excess of 30 cents per \$1,000 of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and

(ix) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the 30 cents per \$1,000 of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(i) First, the certified property tax levy authorized under RCW 84.52.821 must be reduced on a pro rata basis or eliminated;

(ii) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;

(iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts other than the portion of a levy protected under RCW 84.52.816 must be reduced on a pro rata basis or eliminated;

(iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first 50 cents per \$1,000 of assessed valuation levies for metropolitan park districts, and the first 50 cents per \$1,000 of assessed valuation levies for public hospital districts, must be reduced on a pro rata basis or eliminated;

(v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the first 50 cents per \$1,000 of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, must be reduced on a pro rata basis or eliminated;

(vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW

52.26.140(1) (b) and (c) must be reduced on a pro rata basis or eliminated; and

(vii) Seventh, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first 50 cents per \$1,000 of assessed valuation levy, and public hospital districts under their first 50 cents per \$1,000 of assessed valuation levy, must be reduced on a pro rata basis or eliminated.

NEW SECTION. Sec. 7. Sections 3 and 5 of this act expire January 1, 2027.

NEW SECTION. Sec. 8. Sections 4 and 6 of this act take effect January 1, 2027."

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 36.62.010, 36.62.090, 84.52.043, 84.52.043, 84.52.010, and 84.52.010; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2348 and advanced the bill, as amended by the Senate, to final passage.

Representatives Street and Gochner spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2348, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2348, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 36; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Graham, Gregerson, Hackney, Hutchins, Kloba, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Ryu, Sandlin, Santos, Senn, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Calder, Chambers, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Griffey, Harris, Jacobsen, Klicker, Kretz, Leavitt, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Paul, Robertson, Rule, Schmick, Schmidt, Shavers, Stokesbary, Timmons, Volz, Walsh, Waters, Wilcox and Ybarra

Excused: Representatives Chandler and Lekanoff

SUBSTITUTE HOUSE BILL NO. 2348, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 2348.
Representative Graham, 6th District

THIRD READING

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2381, with the following amendment(s): 2381-S AMS EDU S5366.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.222 and 2019 c 274 s 1 are each amended to read as follows:

(1) In addition to waivers authorized under RCW 28A.300.750, the superintendent of public instruction, in accordance with the criteria in subsection (2) of this section and criteria adopted by the state board of education under subsection (3) of this section, may grant waivers of the requirement for a ~~((one hundred eighty-day))~~ 180-day school year under RCW 28A.150.222 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.222 that school districts offer minimum instructional hours may not be waived.

(2) A school district seeking a waiver under this section must submit an application to the superintendent of public instruction that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than ~~((one hundred eighty))~~ 180 days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on employees in education support positions, including expected position and work hour reductions, reductions in force, and the loss of work benefits or eligibility for work benefits, and the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the superintendent of public instruction may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt rules establishing the criteria to evaluate waiver requests under this section. A waiver may be effective for up to three years and may be renewed for subsequent periods of three or fewer years. After each school year in which a waiver has been granted under this section, the superintendent of public instruction must analyze empirical evidence to determine whether the reduction is affecting student learning. If the superintendent of public instruction determines that student learning is adversely affected, the school district must discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the superintendent of public instruction's determination.

(4) The superintendent of public instruction may grant waivers authorized under this section to ~~((ten))~~ 30 or fewer school districts with student populations of less than ~~((five hundred))~~ 1,000 students. ~~((Of the ten waivers that may be granted, two must be reserved for districts with student populations of less than one hundred fifty students.))"~~

On page 1, line 2 of the title, after "waivers;" strike the remainder of the title and insert "and amending RCW 28A.150.222."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2381 and advanced the bill, as amended by the Senate, to final passage.

Representatives Rude and Santos spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2381, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2381, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu,

Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler and Lekanoff

SUBSTITUTE HOUSE BILL NO. 2381, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2482, with the following amendment(s): 2482-S.E AMS CLEV S5595.1

On page 2, line 32, after "(2024))" strike "2035" and insert "2034"

On page 6, line 37, after "(d)" strike "No application is necessary for the tax exemption." and insert "~~(No application is necessary for the tax exemption.)~~ Applications for the exemption under this section must be made at least 90 days before initiation of the construction of the significant semiconductor microchip manufacturing facility in a form and manner prescribed by the department."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2482 and advanced the bill, as amended by the Senate, to final passage.

Representatives Harris and Berg spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2482, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2482, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 2

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Pollet

Excused: Representatives Chandler and Lekanoff

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2482, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 2482.

Representative Pollet, 46th District

THIRD READING

MESSAGE FROM THE SENATE

Thursday, February 22, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331, with the following amendment(s): 2331-S.E AMS ENGR S5271.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320 RCW to read as follows:

(1)(a) Except as provided otherwise by this section, a school district board of directors may not refuse to approve, or prohibit the use of, any textbook, instructional material, supplemental instructional material, or other curriculum for student instruction on the basis that it relates to or includes the study of the role and contributions of any individual or group who is part of a protected class as established in RCW 28A.642.010 and 28A.640.010.

(b) Subsection (1)(a) of this section does not apply if the content of the material relating to the role and contributions of an individual or group violates the provisions of chapter 28A.642 or 28A.640 RCW, including materials containing bias against any individual or group who is part of a protected class as established in RCW 28A.642.010 and 28A.640.010.

(2) Anyone alleging a violation of subsection (1) of this section may bring a complaint under the provisions of chapter 28A.642 or 28A.640 RCW. Any school district board of directors found to be in violation of subsection (1) of this section shall be considered to have violated chapter 28A.642 or 28A.640 RCW and is subject to the provisions of that chapter.

(3) For the purposes of this section, "supplemental instructional materials" has the same meaning as in section 2 of this act.

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

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

(1) By the beginning of the 2025-26 school year, each school district board of directors shall adopt or revise as necessary policies and procedures governing requested reviews and removals of supplemental instructional materials. The policies and procedures must:

(a) Include a summary of, and citation to, the requirements governing supplemental instructional materials established in section 1 of this act;

(b) Require that requests for the review and potential removal of supplemental instructional materials be in writing from a parent and submitted to the applicable certificated teacher or teacher-librarian and school principal;

(c) Seek to resolve requests for reviews and potential removals of supplemental instructional materials at the school building level through, if requested by the parent, a meeting with the parent, the applicable certificated teacher or teacher-librarian, and school principal;

(d) Require, if a resolution cannot be agreed upon with the parent and the school principal, and following a review of the supplemental instructional materials by the principal, in consultation with a teacher-librarian of the school district if one is available, the principal to provide a written decision on whether to remove the materials within: (i) 30 days of the meeting with the parent; or (ii) 60 days of receiving the request under (b) of this subsection if the parent does not request to meet with school personnel as provided in (c) of this subsection; and

(e) Provide a process for appealing decisions of principals, either by the parent or the applicable certificated teacher or teacher-librarian, to the superintendent of the school district or a designee of the superintendent. Appeal requests must be made in writing and decisions by the superintendent or designee under this subsection are not subject to appeal. Final decisions at any point in the process made in accordance with this subsection (1) may not be reconsidered for a minimum of three years unless there is a substantive change of circumstances as determined by the superintendent.

(2) Decisions made in accordance with subsection (1)(d) and (e) of this section must be in conformity with section 1 of this act and may be limited in application to only the student or students of the parent who submitted the complaint.

(3) For the purposes of this section, the following definitions apply:

(a) "Parent" means a parent or legal guardian of a student who is enrolled in the school or school district;

(b) "Supplemental instructional materials" or "materials" means: (i) Materials in school libraries; and (ii) educational materials that are not expressly required by the school or school district and are instead selected at the discretion of a certificated teacher or teacher-librarian for materials in school libraries; and

(c) "Teacher-librarian" has the same meaning as in RCW 28A.320.240.

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

Sec. 3. RCW 28A.320.230 and 1989 c 371 s 1 are each amended to read as follows:

(1) Every board of directors, unless otherwise specifically provided by law, shall:

~~((1))~~ (a) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection or deletion of instructional materials. Such policy shall:

~~((a))~~ (i) State the school district's goals and principles relative to instructional materials;

~~((b))~~ (ii) 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))~~ (iii) 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))~~: Representative members of the district's professional staff, including representation from the district's curriculum development committees~~((and, in the case of districts which))~~; one or more parents of enrolled students, with the parent members equaling less than one-half of the total membership of the committee; and in the case of districts that 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))~~ School districts shall develop and implement comprehensive outreach programs to parents of enrolled students in the district for the purpose of recruiting a diverse pool of parent members for instructional materials committees that reflects the demographics and learning needs in the district to the greatest extent possible;

~~((d))~~ (iv) Instructional materials committees that are unable to recruit at least one parent of an enrolled student to serve on the committee must, while they are without a parent member, report quarterly to the school district board of directors and the public on their efforts to recruit one or more parents to serve on the committee;

~~((e))~~ (v) 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;

~~((f))~~ (vi) Provide a system for receiving, considering and acting upon

written complaints regarding instructional materials used by the school district. The system required by this subsection (1)(a)(vi) must:

(A) Require that complaints be in writing from a parent or legal guardian of a student who is enrolled in the district and submitted to a principal from a school where the materials that are the subject of the complaint are used;

(B) Seek to resolve complaints through, if requested by the parent or guardian, a meeting with the parent or guardian, a certificated teacher who uses the materials that are the subject of the complaint, and the principal to whom the complaint was submitted;

(C) Require, if a resolution cannot be agreed upon with the parent or guardian and the school principal, the instructional materials committee to provide a written decision on the matter within: (I) 60 days of a meeting held under (a)(vi)(B) of this subsection; or (II) 90 days after the complaint was received by the principal, whichever date is later. Decisions made in accordance with this subsection (1)(a)(vi) must be in conformity with section 1 of this act and may be limited in application to only the student or students of the parent or guardian who submitted the complaint; and

(D) Provide a process for appealing decisions of the instructional materials committee, by the parent or guardian, a certificated teacher who uses the materials that are the subject of the complaint, or a principal from a school where the materials that are the subject of the complaint are used, to the superintendent of the school district or a designee of the superintendent. Appeal requests must be made in writing and decisions by the superintendent or designee under this subsection are not subject to appeal. Final decisions at any point in the process made in accordance with this subsection (1)(a)(vi) may not be reconsidered for a minimum of three years unless there is a substantive change of circumstances as determined by the superintendent; and

((f))(vii) 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 books, supplies and other instructional materials from unnecessary damage; and

(b) Establish a depreciation scale for determining the value of texts which students wish to purchase.

(2) Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. ((Approval))Recommendations made in accordance with this section must include recommendations for culturally and experientially representative instructional materials including materials on the study of the role and contributions of individuals or groups that are part of a protected class under RCW 28A.642.010 and 28A.640.010, but approval or disapproval shall be by the local school district's board of directors.

(3) 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.

(4) Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

(5) 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.150.230 and 2010 c 235 s 201 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of ((Title 28A RCW))this title, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of ((Title 28A RCW))this title, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its superintendent, classified staff, certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum. Each district shall report annually to the superintendent of public instruction the following for each employee group listed in this subsection (2): (i) Evaluation criteria and rubrics; (ii) a description of each rating; and (iii) the number of staff in each rating;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs and data, based upon a plan to ensure that the assignment policy: (i) Supports the learning needs of all the students in the district; and (ii) gives specific attention to high-need schools and classrooms;

(c) Provide information to the local community and its electorate describing the school district's policies concerning hiring, assigning, terminating, and evaluating staff, including the criteria for evaluating teachers and principals;

(d) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not

less than an amount otherwise required in RCW 28A.150.220, or rules of the state board of education;

(e) Determine the allocation of staff time, whether certificated or classified;

(f) Establish final curriculum standards consistent with law and rules of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(g) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, ~~((in a public hearing))~~ upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable in accordance with section 2 of this act and RCW 28A.320.230.

Sec. 5. RCW 28A.642.020 and 2010 c 240 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop rules and guidelines to eliminate discrimination prohibited in RCW 28A.642.010 and section 1 of this act as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks ~~((and))~~, instructional materials ~~((used by students))~~, and supplemental instructional materials, and student access to those materials.

(2) For the purposes of this section, "supplemental instructional materials" has the same meaning as in section 2 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.640 RCW to read as follows:

In accordance with section 1 of this act, decisions by school district boards of directors, charter school boards under chapter 28A.710 RCW, and state-tribal education compact schools subject to chapter 28A.715 RCW that pertain to textbooks, instructional materials, supplemental instructional materials, and other curriculum for student instruction may be subject to the provisions of this chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.642 RCW to read as follows:

In accordance with section 1 of this act, decisions by school district boards of directors, charter school boards under chapter 28A.710 RCW, and state-tribal education compact schools subject to chapter 28A.715 RCW that pertain to textbooks, instructional materials, supplemental instructional materials, and other curriculum for student instruction may be subject to the provisions of this chapter."

On page 1, line 5 of the title, after "materials;" strike the remainder of the title and insert "amending RCW 28A.320.230, 28A.150.230, and 28A.642.020; adding new sections to chapter 28A.320 RCW; adding a

new section to chapter 28A.640 RCW; and adding a new section to chapter 28A.642 RCW."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

MOTION

Representative Santos moved that the House concur with the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331.

Representative Santos spoke in favor of the motion.

Representatives Rude and Walsh spoke against the motion.

Division was demanded and the demand was sustained. The Speaker (Representative Bronoske presiding) divided the House. The result was 55 - YEAS; 39 - NAYS.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Rude spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2331, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2331, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

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

Excused: Representatives Chandler and Lekanoff

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Monday, March 4, 2024

Mme. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5950 and asks

the House for a Conference thereon. The President has appointed the following members as Conferees: Nguyen, Robinson, Wilson, L.

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5950. The Speaker (Representative Bronoske presiding) appointed the following members as Conferees: Representatives Corry, Gregerson and Ormsby.

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

MOTION

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 6038
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6175

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

HOUSE BILL NO. 1054
SUBSTITUTE HOUSE BILL NO. 1105
HOUSE BILL NO. 1226
SUBSTITUTE HOUSE BILL NO. 1241
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1862
SUBSTITUTE HOUSE BILL NO. 1903
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1998
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2115
SUBSTITUTE HOUSE BILL NO. 2295
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2321
SUBSTITUTE HOUSE BILL NO. 2382

The Speaker called upon Representative Orwall to preside.

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

MESSAGE FROM THE SENATE

Tuesday, March 5, 2024

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5481
SUBSTITUTE SENATE BILL NO. 5588
SECOND SUBSTITUTE SENATE BILL NO. 5784
SUBSTITUTE SENATE BILL NO. 5798
SUBSTITUTE SENATE BILL NO. 5802
SUBSTITUTE SENATE BILL NO. 5931
SUBSTITUTE SENATE BILL NO. 5934
SUBSTITUTE SENATE BILL NO. 5972
SUBSTITUTE SENATE BILL NO. 6025
ENGROSSED SUBSTITUTE SENATE BILL NO. 6039
ENGROSSED SUBSTITUTE SENATE BILL NO. 6040
SUBSTITUTE SENATE BILL NO. 6047
SUBSTITUTE SENATE BILL NO. 6053

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6058

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

MESSAGE FROM THE SENATE

Tuesday, March 5, 2024

Mme. Speaker:

The Senate has granted the request of the House for a Conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2134. The President has appointed the following members as Conferees: King, Liias, Shewmake

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6038, Wilson, C., Lovelett, Keiser, Kuderer, Liias, Nguyen, Nobles, Randall, Salomon, Valdez and Wellmanby Senate Committee on Ways & Means (originally sponsored by Wilson, C., Lovelett, Keiser, Kuderer, Liias, Nguyen, Nobles, Randall, Salomon, Valdez and Wellman)

Reducing the costs associated with providing child care.

The bill was read the second time.

Representative Senn moved the adoption of amendment (1259):

On page 2, beginning on line 25, strike all of sections 3 and 4

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

On page 4, on line 18, after "Sec. 5." strike "Sections 1 and 2 of this act take" and insert "This act takes"

Correct the title.

Representative Senn spoke in favor of the adoption of the amendment.

Representative Couture spoke against the adoption of the amendment.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1259) and the amendment was adopted by the following vote: Yeas, 54; Nays, 42; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

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

Excused: Representative Chandler

Amendment (1259) was adopted.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6038, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6038, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representative Walsh

Excused: Representative Chandler

ENGROSSED SUBSTITUTE SENATE BILL NO. 6038, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175, Trudeau, Billig, Frame, Kuderer, Mullet, Nguyen, Nobles, Randall, Saldaña, Valdez and Wilson, C.by Senate Committee on Ways & Means (originally sponsored by Trudeau, Billig, Frame, Kuderer, Mullet, Nguyen, Nobles, Randall, Saldaña, Valdez and Wilson, C.)

Providing a sales and use tax incentive for existing structures.

The bill was read the second time.

There being no objection, the committee striking amendment by the Committee on Housing was adopted. For Committee amendment, see Journal, Day 45, Wednesday, February 21, 2024.

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

Representatives Walen, Hutchins and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6175, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6175, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Chopp and Gregerson

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6175, as amended by the House, having received the necessary constitutional majority, was declared passed.

With the consent of the House, the bills previously acted upon were immediately transmitted to the Senate.

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

THIRD READING

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1185, with the following amendment(s): 1185-S2.E AMS HUNT S5658.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that in 2025 the state's stewardship program for the end-of-life management of mercury-containing lights is statutorily scheduled to undergo review and termination or possible extension under chapter 43.131 RCW, the sunset act. If the mercury-containing lights product stewardship program were allowed to sunset as scheduled, Washington residents would lose a consistent, convenient, and safe way to return unwanted mercury-containing lights, which will remain in use for years as existing inventory winds down, even as the lighting industry has moved away from most mercury-containing lights. Mercury-containing lights present such a significant health risk that other states have recently restricted their sale, which represents a solution to reduce the public health impacts of new lighting products, but does not address the end-of-life management issues associated with the existing light bulbs currently in use.

(2) The state's existing mercury-containing lights program, which was first

enacted over a decade ago, contains policy provisions, including the establishment of a per-bulb fee attached to the sale of mercury-containing lights, that are now recognized as not representing the best practices for the design of stewardship programs.

(3) Therefore, it is the intent of the legislature to:

(a) Restrict the sale of most mercury-containing lights;

(b) Extend the implementation of the stewardship program for mercury-containing lights; and

(c) Modernize key elements of the state's mercury-containing lights stewardship program.

Sec. 2. RCW 70A.230.020 and 2003 c 260 s 3 are each amended to read as follows:

(1) Effective January 1, 2004, a manufacturer, wholesaler, or retailer may not knowingly sell at retail a fluorescent lamp if the fluorescent lamp contains mercury and was manufactured after November 30, 2003, unless the fluorescent lamp is labeled in accordance with the guidelines listed under subsection (2) of this section. Primary responsibility for affixing labels required under this section is on the manufacturer, and not on the wholesaler or retailer.

(2) Except as provided in subsection (3) of this section, a lamp is considered labeled pursuant to subsection (1) of this section if the lamp has all of the following:

(a) A label affixed to the lamp that displays the internationally recognized symbol for the element mercury; and

(b) A label on the lamp's packaging that:

- (i) Clearly informs the purchaser that mercury is present in the item;
- (ii) Explains that the fluorescent lamp should be disposed of according to applicable federal, state, and local laws; and
- (iii) Provides a toll-free telephone number, and a uniform resource locator internet address to a website, that contains information on applicable disposal laws.

(3) The manufacturer of a mercury-added lamp is in compliance with the requirements of this section if the manufacturer is in compliance with the labeling requirements of another state.

(4) The provisions of this section do not apply to products containing mercury-added lamps.

(5)(a) Except as provided in (b) of this subsection, beginning January 1, 2029, a manufacturer, wholesaler, or retailer may not knowingly sell a compact fluorescent lamp or linear fluorescent lamp.

(b) In-state distributors, wholesalers, and retailers in possession of compact fluorescent lamps or linear fluorescent lamps on January 1, 2029, may exhaust their existing stock through sales to the public until July 1, 2029.

(6) The provisions of subsection (5) of this section do not apply to:

(a) A special purpose mercury-containing light;

(b) The products specified in RCW 70A.230.110; or

(c) The sale or purchase of compact fluorescent lamps or linear fluorescent lamps as a casual or isolated sale as defined in RCW 82.04.040.

(7) A violation of this section is punishable by a civil penalty not to exceed \$1,000 for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed \$5,000 for each repeat violation. Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180. Penalties imposed under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(8) The department may adopt rules to implement, administer, and enforce the requirements of this section.

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

(a) "Compact fluorescent lamp" means a compact low-pressure, mercury-containing, electric-discharge light source in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light, and includes all of the following characteristics:

(i) One base (end cap) of any type including, but not limited to, screw, bayonet, two pins, and four pins;

(ii) Integrally ballasted or nonintegrally ballasted;

(iii) Light emission between a correlated color temperature of 1700K and 24000K and a Duv of +0.024 and -0.024 in the international commission on illumination (CIE) uniform color space (CAM02-UCS);

(iv) All tube diameters and all tube lengths;

(v) All lamp sizes and shapes for directional and nondirectional installations including, but not limited to, PL, spiral, twin tube, triple twin, 2D, U-bend, and circular.

(b) "Linear fluorescent lamp" means a low-pressure, mercury-containing, electric-discharge light source in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light, and includes all of the following characteristics:

(i) Two bases (end caps) of any type including, but not limited to, single-pin, two-pin, and recessed double contact;

(ii) Light emission between a correlated color temperature of 1700K and 24000K and a Duv of +0.024 and -0.024 in the CIE CAM02-UCS;

(iii) All tube diameters including, but not limited to, T5, T8, T10, and T12;

(iv) All tube lengths from 0.5 to 8.0 feet, inclusive; and

(v) All lamp shapes including, but not limited to, linear, U-bend, and circular.

(c) "Special purpose mercury-containing light" includes any of the following lights that contain mercury:

(i) A lamp designed and marketed exclusively for image capture and projection, including photocopying, printing, either directly or in preprocessing, lithography, film and video projection, and holography; or

(ii) A lamp that has a high proportion of ultraviolet light emission and is one of the following:

(A) A lamp with high ultraviolet content that has ultraviolet power greater than two milliwatts per kilolumen (mW/klm);

(B) A lamp for germicidal use, such as the destruction of DNA, that emits a peak radiation of approximately 253.7 nanometers;

(C) A lamp designed and marketed exclusively for disinfection or fly trapping from which either the radiation power emitted between 250 and 315 nanometers represents at least five percent of, or the radiation power emitted between 315 and 400 nanometers represents at least 20 percent of, the total radiation power emitted between 250 and 800 nanometers;

(D) A lamp designed and marketed exclusively for the generation of ozone where the primary purpose is to emit radiation at approximately 185.1 nanometers;

(E) A lamp designed and marketed exclusively for coral zooxanthellae symbiosis from which the radiation power emitted between 400 and 480 nanometers represents at least 40 percent of the total radiation power emitted between 250 and 800 nanometers;

(F) Any lamp designed and marketed exclusively in a sunlamp product, defined as any electronic product designed to incorporate one or more ultraviolet lamps and intended for irradiation of any part of the living human body, by ultraviolet radiation;

(G) Any lamp designed and marketed exclusively for use in a sunlamp product, as defined in 21 C.F.R. Sec. 1040.20(b)(9), January 1, 2023;

(H) A lamp designed and marketed exclusively for use in medical or veterinary diagnosis or treatment, or in a medical device;

(I) A lamp designed and marketed exclusively for use in the manufacturing or quality control of pharmaceutical products;

(J) A lamp designed and marketed exclusively for spectroscopy and photometric applications, such as UV-visible spectroscopy, molecular spectroscopy, atomic absorption spectroscopy, nondispersive infrared (NDIR), Fourier transform infrared (FTIR), medical analysis, ellipsometry, layer thickness measurement, process monitoring, or environmental monitoring;

(K) A lamp used by academic and research institutions for conducting research projects and experiments; or

(L) A compact fluorescent lamp used to replace a lamp in a motor vehicle manufactured on or before January 1, 2020.

Sec. 3. RCW 70A.505.010 and 2010 c 130 s 1 are each amended to read as follows:

The legislature finds that:

(1) Mercury is an essential component of many energy efficient lights. Improper disposal methods will lead to mercury releases that threaten the environment and harm human health. Spent mercury lighting is a hard to collect waste product that is appropriate for product stewardship;

(2) Convenient and environmentally sound product stewardship programs for mercury-

containing lights that include collecting, transporting, and recycling mercury-containing lights will help protect Washington's environment and the health of state residents;

(3) ~~(a)~~ The purpose of this chapter ~~((130, Laws of 2010))~~ is to achieve a statewide goal of recycling all end-of-life mercury-containing lights ~~((by 2020))~~ through expanded public education, a uniform statewide requirement to recycle all mercury-containing lights, and the development of a comprehensive, safe, and convenient collection system that includes use of residential curbside collection programs, mail-back containers, increased support for household hazardous waste facilities, and a network of additional collection locations;

(b) The purpose of this act is to reduce exposure to mercury by prohibiting the sale of most mercury-containing lights beginning in 2029 and to provide continuing collection of mercury-containing lights that have already entered the marketplace;

(4) Product producers must play a significant role in financing no-cost collection and processing programs for mercury-containing lights; and

(5) Providers of premium collection services such as residential curbside and mail-back programs may charge a fee to cover the collection costs for these more convenient forms of collection.

Sec. 4. RCW 70A.505.020 and 2020 c 20 s 1414 are each amended to read as follows:

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

(1) "Brand" means a name, symbol, word, or mark that identifies a product, rather than its components, and attributes the product to the owner of the brand as the producer.

(2) "Collection" or "collect" means, except for persons involved in mail-back programs:

(a) The activity of accumulating any amount of mercury-containing lights at a location other than the location where the lights are used by covered entities, and includes curbside collection activities, household hazardous waste facilities, and other registered drop-off locations; and

(b) The activity of transporting mercury-containing lights in the state, where the transporter is not a generator of unwanted mercury-containing lights, to a location for purposes of accumulation.

(3) "Covered entities" means:

(a) A household generator or other person who purchases mercury-containing lights at retail and delivers no more than ~~((ten))~~ the following amounts of mercury-containing lights to registered collectors for a product stewardship program on any given day:

(i) An unlimited number of compact fluorescent lamps, as defined in RCW 70A.230.020, that are mercury-containing lights under this chapter and that feature a screw base;

(ii) 15 pin-based compact or linear fluorescent lamps, as defined in RCW

70A.230.020, that are mercury-containing lights under this chapter; and

(iii) Two high-intensity discharge lamps that are mercury-containing lights under this chapter; and

(b) A household generator or other person who purchases mercury-containing lights at retail and utilizes a registered residential curbside collection program or a mail-back program for collection of mercury-containing lights and discards no more than ~~((fifteen))~~ 15 mercury-containing lights into those programs on any given day.

(4) "Department" means the department of ecology.

(5) "Environmental handling charge" or "charge" means the charge approved by the department to be applied to each mercury-containing light to be sold at retail in or into Washington state until December 31, 2028. The environmental handling charge must cover ~~((all))~~ current administrative and operational costs associated with the product stewardship program, including the fee for the department's administration and enforcement.

(6) "Final disposition" means the point beyond which no further processing takes place and materials from mercury-containing lights have been transformed for direct use as a feedstock in producing new products, or disposed of or managed in permitted facilities.

(7) "Hazardous substances" or "hazardous materials" means those substances or materials identified by rules adopted under chapter 70A.300 RCW.

(8) "Mail-back program" means the use of a prepaid postage container, with mercury vapor barrier packaging that is used for the collection and recycling of mercury-containing lights from covered entities as part of a product stewardship program and is transported by the United States postal service or a common carrier.

(9) "Mercury-containing lights" means lamps, bulbs, tubes, or other devices that contain mercury and provide functional illumination in homes, businesses, and outdoor stationary fixtures.

(10) "Mercury vapor barrier packaging" means sealable containers that are specifically designed for the storage, handling, and transport of mercury-containing lights in order to prevent the escape of mercury into the environment by volatilization or any other means, and that meet the requirements for transporting by the United States postal service or a common carrier.

(11) "Orphan product" means a mercury-containing light that lacks a producer's brand, or for which the producer is no longer in business and has no successor in interest, or that bears a brand for which the department cannot identify an owner.

(12) "Person" means a sole proprietorship, partnership, corporation, nonprofit corporation or organization, limited liability company, firm, association, cooperative, or other legal entity located within or outside Washington state.

(13) "Processing" means recovering materials from unwanted products for use as

feedstock in new products. ~~((Processing must occur at permitted facilities.))~~

(14) "Producer" means a person that:

(a) Has or had legal ownership of the brand, brand name, or cobrand of a mercury-containing light sold in or into Washington state, unless the brand owner is a retailer whose mercury-containing light was supplied by another producer participating in a stewardship program under this chapter;

(b) Imports or has imported mercury-containing lights branded by a producer that meets the requirements of (a) of this subsection and where that producer has no physical presence in the United States;

(c) If (a) and (b) of this subsection do not apply, makes or made a mercury-containing light that is sold or has been sold in or into Washington state; or

(d) (i) Sells or sold at wholesale or retail a mercury-containing light; (ii) does not have legal ownership of the brand; and (iii) elects to fulfill the responsibilities of the producer for that product.

(15) "Product stewardship" means a requirement for a producer of mercury-containing lights to manage and reduce adverse safety, health, and environmental impacts of the product throughout its life cycle, including financing and providing for the collection, transporting, reusing, recycling, processing, and final disposition of their products.

(16) "Product stewardship plan" or "plan" means a detailed plan describing the manner in which a product stewardship program will be implemented.

(17) "Product stewardship program" or "program" means the methods, systems, and services financed in the manner provided for under RCW 70A.505.050 and provided by producers or legacy producers of mercury-containing lights generated by covered entities that addresses product stewardship and includes arranging for the collection, transportation, recycling, processing, and final disposition of unwanted mercury-containing lights, including orphan products.

(18) "Recovery" means the collection and transportation of unwanted mercury-containing lights under this chapter.

(19) (a) "Recycling" means transforming or remanufacturing unwanted products into usable or marketable materials for use other than landfill disposal or incineration.

(b) "Recycling" does not include energy recovery or energy generation by means of combusting unwanted products with or without other waste.

(20) "Reporting period" means the period commencing January 1st and ending December 31st in the same calendar year.

(21) "Residuals" means nonrecyclable materials left over from processing an unwanted product.

(22) "Retailer" means a person who offers mercury-containing lights for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(23) (a) "Reuse" means a change in ownership of a mercury-containing light or

its components, parts, packaging, or shipping materials for use in the same manner and purpose for which it was originally purchased, or for use again, as in shipping materials, by the generator of the shipping materials.

(b) "Reuse" does not include dismantling of products for the purpose of recycling.

(24) "Stakeholder" means a person who may have an interest in or be affected by a product stewardship program.

(25) "Stewardship organization" means an organization designated by a producer, legacy producer, or group of producers or legacy producers to act as an agent on behalf of each producer or legacy producer to operate a product stewardship program.

(26) "Unwanted product" means a mercury-containing light no longer wanted by its owner or that has been abandoned, discarded, or is intended to be discarded by its owner.

(27) "Legacy producer" means a producer that was required to participate in the product stewardship program established by this chapter at any point in time between January 1, 2015, and December 31, 2028.

(28) "Market share" means the percentage of mercury-containing lights that were products for which a producer had an obligation to participate in the program created in this chapter at any point in time between January 1, 2015, and December 31, 2028, by units sold during that period of time, as determined by the stewardship organization in RCW 70A.505.050.

Sec. 5. RCW 70A.505.030 and 2020 c 20 s 1415 are each amended to read as follows:

(1)(a) Every producer of mercury-containing lights sold, made available for sale, or distributed in or into Washington state for retail sale in Washington state, including legacy producers, must participate in a product stewardship program for those products, operated by a stewardship organization and financed in the manner provided by RCW 70A.505.050. Every such producer must inform the department of the producer's participation in a product stewardship program by including the producer's name in a plan submitted to the department by a stewardship organization as required by RCW 70A.505.040. Producers, including legacy producers, must satisfy these participation obligations individually or may do so jointly with other producers.

(b) Except as provided in (c) of this subsection, a stewardship organization implementing an approved program under this chapter must continue to implement an approved program until December 31, 2028, and may continue to do so in the form and manner described in the plan approved by the department as of January 1, 2024, until December 31, 2028. The provisions of this act apply to programs that a stewardship organization must implement beginning January 1, 2029, and to the rule adoption, fee payment to the department, plan submission, and plan approval processes that predate the implementation of the new program to begin January 1, 2029. Changes to the limits of mercury-containing lights accepted at collection sites must take effect January 1, 2025.

(c) A stewardship organization may only increase the amount of the environmental handling charge established under this chapter from the amount that was approved by the department as of January 1, 2024, in a manner consistent with RCW 70A.505.050. Additional stewardship organization costs that are not adequately covered by the environmental handling charge and that derive from activities occurring between the effective date of this section and December 31, 2028, must be funded by participant members of the stewardship organization.

(2) ((A))Until December 31, 2028, a stewardship organization operating a product stewardship program must pay ((all)) administrative and operational costs associated with its current program with revenues received from the environmental handling charge ((described in RCW 70A.505.050. The stewardship organization's administrative and operational costs are not required to include a collection location's cost of receiving, accumulating and storing, and packaging mercury-containing lights. However, a))imposed under the plan approved by the department prior to the effective date of this section. For program administrative and operational costs related to the implementation of program requirements in calendar year 2029, a stewardship organization may plan to use reserve funds in the possession of the stewardship organization from the environmental handling charges assessed until December 31, 2028. For program administrative and operational costs related to the planning and implementation of the program requirements that must be implemented beginning in calendar year 2030, a stewardship organization operating a product stewardship program must pay all administrative and operational costs associated with its program with revenues received from participating legacy producers. A stewardship organization may offer incentives or payments to collectors. The stewardship organization's administrative and operational costs do not include the collection costs associated with curbside and mail-back collection programs. The stewardship organization must arrange for collection service at locations described in subsection (4) of this section, which may include household hazardous waste facilities, charities, retailers, government recycling sites, or other suitable private locations. No such entity is required to provide collection services at their location. For curbside and mail-back programs, a stewardship organization must pay the costs of transporting mercury-containing lights from accumulation points and for processing mercury-containing lights collected by curbside and mail-back programs. For collection locations, including household hazardous waste facilities, charities, retailers, government recycling sites, or other suitable private locations, a stewardship organization must pay the costs of packaging and shipping materials as required under RCW 70A.505.070 or must compensate collectors for the costs of those materials, and must pay the costs of transportation and processing of mercury-

containing lights collected from the collection locations.

(3) Product stewardship programs shall collect unwanted mercury-containing lights delivered from covered entities for recycling, processing, or final disposition, and ~~((not charge))are prohibited from charging~~ a fee when lights are sold, dropped off, or delivered into the program.

(4)(a) Product stewardship programs shall provide, at a minimum, no cost services in all cities in the state with populations greater than ~~((ten thousand))10,000~~ and all counties of the state on an ongoing, year-round basis.

(b)(i) The department may amend the convenience standards established in this section to relieve a stewardship organization of its obligation to operate a collection site or to provide a collection opportunity when it is demonstrated by the stewardship organization to:

(A) Result in the annual collection of fewer than 500 mercury-containing lights; and

(B) Not remove collection opportunities for people living in a rural county or an overburdened community.

(ii) For the purposes of this subsection (4)(b), "rural county" has the same meaning provided in RCW 82.14.370 and "overburdened community" has the same meaning provided in RCW 70A.02.010.

(5) Product stewardship programs shall promote the safe handling and recycling of mercury-containing lights to the public, including producing and offering point-of-sale educational materials to retailers of mercury-containing lights and point-of-return educational materials to collection locations.

(6) All product stewardship programs operated under approved plans must recover their fair share of unwanted ~~((covered products))mercury-containing lights~~ as determined by the department.

(7) The department or its designee may inspect, audit, or review audits of processing and disposal facilities used to fulfill the requirements of a product stewardship program.

(8) No product stewardship program required under this chapter may use federal or state prison labor for processing unwanted products.

(9) Product stewardship programs for mercury-containing lights must be fully implemented by January 1, 2015. Product stewardship programs for mercury-containing lights meeting the new requirements of this act must be fully implemented by January 1, 2029.

Sec. 6. RCW 70A.505.040 and 2020 c 20 s 1416 are each amended to read as follows:

(1)(a) On ~~((June))January~~ 1st of the year prior to implementation, each producer must ensure that a stewardship organization submits a proposed product stewardship plan on the producer's behalf to the department for approval. Plans approved by the department must be implemented by January 1st of the following calendar year.

(b) A stewardship organization that plans to implement a stewardship plan in calendar

year 2029 must submit a new or updated plan by January 1, 2028. The new or updated plan under this subsection (1)(b) must address the changes required of program operations by this act.

(2) The department shall establish rules for plan content. Plans must include but are not limited to:

(a) All necessary information to inform the department about the plan operator and participating producers or legacy producers and their brands;

(b) The management and organization of the product stewardship program that will oversee the collection, transportation, and processing services;

(c) The identity of collection, transportation, and processing service providers, including a description of the consideration given to existing residential curbside collection infrastructure and mail-back systems as an appropriate collection mechanism and a list of all current and proposed collection sites to be used by the program, including the latitude and longitude of each collection site;

(d) How the product stewardship program will seek to use businesses within the state, including transportation services, retailers, collection sites and services, existing curbside collection services, existing mail-back services, and processing facilities;

(e) A description of how the public will be informed about the product stewardship program, including how consumers will be provided with information describing collection opportunities for unwanted mercury-containing lights from covered entities and safe handling of mercury-containing lights, waste prevention, and recycling. ~~((The))Until December 31, 2028,~~ the description must also include information to make consumers aware that an environmental handling charge has been added to the purchase price of mercury-containing lights sold at retail to fund the mercury-containing light stewardship programs in the state. The environmental handling charge may not be described as a department recycling fee or charge at the point of retail sale. Beginning January 1, 2029, these efforts must include the development:

(i) And maintenance of a website;

(ii) And distribution of periodic press releases and articles;

(iii) And placement of public service announcements and graphic advertisements for use on social media or other relevant media platforms;

(iv) Of promotional materials about the program and the restriction on the disposal of mercury-containing lights in section 19 of this act to be used by retailers, government agencies, and nonprofit organizations;

(v) And distribution of the collection site safety training procedures procedural manual approved by the department to collection sites to help ensure proper management of unwanted mercury-containing lights at collection locations;

(vi) And implementation of outreach and educational resources targeted to overburdened communities and vulnerable populations identified by the department

under chapter 70A.02 RCW that are conceptually, linguistically, and culturally accurate for the communities served and reach the state's diverse ethnic populations, including through meaningful consultation with communities that bear disproportionately higher levels of adverse environmental and social justice impacts;

(vii) And distribution of consumer-focused educational promotional materials to each collection location used by the program and accessible by customers of retailers that sell mercury-containing lights;

(viii) And distribution of safety information related to light collection activities to the operator of each collection site; and

(ix) And implementation of a periodic survey of public awareness regarding the requirements of the program established under this chapter, carried out at least every five years and the results of which must be shared with the department;

(f) A description of the financing system required under RCW 70A.505.050;

(g) How mercury and other hazardous substances will be handled for collection through final disposition, including:

(i) Mercury spill and release response plans for use by collection locations that describes the materials, equipment, and procedures that will be used to respond to any mercury release from an unwanted mercury-containing light; and

(ii) Worker safety plans for use by collection locations that describes the handling of the unwanted mercury-containing lights at the collection location and measures that will be taken to protect worker health and safety;

(h) A public review and comment process; and

(i) Any other information deemed necessary by the department to ensure an effective mercury light product stewardship program that is in compliance with all applicable laws and rules.

(3) All plans submitted to the department must be made available for public review on the department's website ~~((and at the department's headquarters))~~.

~~(4) ((At least two years from the start of the product stewardship program and once every four))~~ No less often than three years from the dates specified in subsection (1) of this section and once every five years thereafter, each stewardship organization operating a product stewardship program must update its product stewardship plan and submit the updated plan to the department for review and approval according to rules adopted by the department.

(5) By June 1, 2016, and each June 1st thereafter, each stewardship organization must submit an annual report to the department describing the results of implementing the stewardship organization's plan for the prior calendar year, including an independent financial audit once every two years. The department may adopt rules for reporting requirements. Financial information included in the annual report must include but is not limited to:

~~(a) ((The))~~ For programs operating until December 31, 2028, the amount of the environmental handling charge assessed on

mercury-containing lights and the revenue generated;

(b) Identification of confidential information pursuant to RCW 43.21A.160 submitted in the annual report; and

(c) The cost and revenue of the mercury-containing lights product stewardship program, including line item costs for:

(i) Program operations, including collection, transportation, and processing;

(ii) Communications, including media, printing and fulfillment, public relations, and other education and outreach projects;

(iii) Administration, including administrative personnel costs, travel, compliance and auditing, legal services, banking services, insurance, and other administrative services and supplies, and stewardship organization corporate expenses; and

(iv) Amount of unallocated reserve funds.

(6) Beginning in 2023 every stewardship organization must include in its annual report ~~((an analysis of the percent of total sales of lights sold at retail to covered entities in Washington that mercury-containing lights constitute, the estimated number of mercury-containing lights in use by covered entities in the state, and the projected number of unwanted mercury-containing lights to be recycled in future years))~~ a list of all collection sites, including address and latitude and longitude, anticipated to be used by the program in the upcoming year.

(7) As a component of all new or updated plans under this chapter submitted by a stewardship organization after January 1, 2025, the stewardship organization must submit:

(a) A contingency plan demonstrating how the activities in the plan will continue to be carried out by some other entity, such as an escrow company;

(i) Until such time as a new plan is submitted and approved by the department;

(ii) In the event that the stewardship organization has been notified by the department that they must transfer implementation responsibility for the program to a different stewardship organization;

(iii) In the event that the stewardship organization notifies the department that it will cease to implement an approved plan; or

(v) In any other event that the stewardship organization can no longer carry out plan implementation; and

(b) Performance goals that measure, on an annual basis, the achievements of the program. Performance goals must take into consideration technical feasibility and economic practicality in achieving continuous, meaningful progress in improving;

(i) The rate of mercury-containing light collection for recycling in Washington;

(ii) The level of convenience and access for all residents; and

(iii) Public awareness of the program.

(8) All plans and reports submitted to the department must be made available for public review, excluding sections determined to be confidential pursuant to RCW 43.21A.160, on the department's website ~~((and at the department's headquarters))~~.

Sec. 7. RCW 70A.505.050 and 2020 c 20 s 1417 are each amended to read as follows:

(1) Each stewardship organization must recommend to the department an environmental handling charge to be added to the price of each mercury-containing light sold in or into the state of Washington for sale at retail until December 31, 2028. The environmental handling charge must be designed to provide revenue necessary and sufficient to cover all administrative and operational costs associated with the stewardship program described in the department-approved product stewardship plan for that organization(~~(, including the department's annual fee required by subsection (5) of this section, and a prudent reserve))~~through calendar year 2029 of program expenses. The stewardship organization must consult with collectors, retailers, recyclers, and each of its participating producers in developing its recommended environmental handling charge. The environmental handling charge may, but is not required to, vary by the type of mercury-containing light. In developing its recommended environmental handling charge, the stewardship organization must take into consideration and report to the department:

(a) The anticipated number of mercury-containing lights that will be sold to covered entities in the state at retail during the relevant period;

(b) The number of unwanted mercury-containing lights delivered from covered entities expected to be recycled during the relevant period;

(c) The operational costs of the stewardship organization as described in RCW 70A.505.030(2);

(d) The administrative costs of the stewardship organization including the department's annual fee, described in subsection (5) of this section; and

(e) The cost of other stewardship program elements including public outreach.

(2) The department must review, adjust if necessary, and approve the stewardship organization's recommended environmental handling charge within ~~((sixty))~~ 60 days of submittal. In making its determination, the department shall review the product stewardship plan and may consult with the producers, the stewardship organization, retailers, collectors, recyclers, and other entities.

(3) No sooner than January 1, 2015, and through calendar year 2028 of program implementation:

(a) The mercury-containing light environmental handling charge must be added to the purchase price of all mercury-containing lights sold to Washington retailers for sale at retail, and each Washington retailer shall add the charge to the purchase price of all mercury-containing lights sold at retail in this state, and the producer shall remit the environmental handling charge to the stewardship organization in the manner provided for in the stewardship plan; or

(b) Each Washington retailer must add the mercury-containing light environmental handling charge to the purchase price of all mercury-containing lights sold at retail in this state, where the retailer, by voluntary

binding agreement with the producer, arranges to remit the environmental handling charge to the stewardship organization on behalf of the producer in the manner provided for in the stewardship plan. Producers may not require retailers to opt for this provision via contract, marketing practice, or any other means. The stewardship organization must allow retailers to retain a portion of the environmental handling charge as reimbursement for any costs associated with the collection and remittance of the charge.

(4) At any time, a stewardship organization may submit to the department a recommendation for an adjusted environmental handling charge for the department's review, adjustment, if necessary, and approval under subsection (2) of this section to ensure that there is sufficient revenue to fund the cost of the program, current deficits, or projected needed reserves for the next year. Until December 31, 2028, a stewardship organization may submit to the department a recommended adjustment to the environmental handling charge that is designed to provide revenue necessary and sufficient to cover all administrative and operational costs associated with the stewardship program described in the department-approved product stewardship plan for that organization. The stewardship organization may propose to use revenues from environmental handling charges to cover program expenses through calendar year 2029. The department must review the stewardship organization's recommended environmental handling charge and must adjust or approve the recommended charge within thirty days of submittal if the department determines that the charge is reasonably designed to meet the criteria described in subsection (1) of this section.

(5)(a) Beginning with calendar year 2029 of program implementation, each stewardship organization must develop and implement a system to collect charges from participating legacy producers to cover the costs of plan implementation based on the market share of participating producers using all reasonable means and based on the best available information. A stewardship organization must determine each producer's percentage of market share by:

(i) To the extent data necessary to make such a calculation are available, dividing each legacy producer's total units of mercury-containing lights for which the producer had an obligation under this chapter sold in Washington at any point in time between January 1, 2015, and December 31, 2028, by the sum total of all units of mercury-containing lights sold in or into Washington by all participating legacy producers at any point in time between January 1, 2015, and December 31, 2028; and

(ii) To the extent that data specified in (a)(i) of this subsection are not fully available, extrapolating a reasonable approximation of a manufacturer's market share similar to the calculation specified in (a)(i) of this section based on the data available to the stewardship organization.

(b) To determine the market share of legacy producers, a stewardship organization may:

(i) Require data from legacy producers. A stewardship organization may notify the department if a legacy producer has declined to respond within 90 days to a demand for data by a stewardship organization and the department may demand the information if it is determined to be necessary to calculate the market share of the legacy producer; and

(ii) Use any combination of the following types of data:

(A) Generally available market research data;

(B) Data historically provided by producers or retailers to a stewardship organization or the department under this chapter;

(C) Sales data supplied by producers; and

(D) Sales data provided by retailers.

(c) The amendments to the method of financing the program described in this act must be implemented by a stewardship organization by January 1, 2029.

(6) Beginning with calendar year 2029 of program implementation, each stewardship organization is responsible for all costs of participating mercury-containing light collection, transportation, processing, education, administration, agency reimbursement, recycling, and end-of-life management in accordance with environmentally sound management practices.

(7) Beginning March 1, 2015, ((and each year thereafter,)) until March 1, 2024, each stewardship organization shall pay to the department an annual fee equivalent to ((three thousand dollars)) \$3,000 for each participating producer to cover the department's administrative and enforcement costs. Beginning March 1, 2025, each stewardship organization shall pay to the department the annual fee to cover the department's administrative and enforcement costs. The department must apply any remaining annual payment funds from the current year to the annual payment for the coming fiscal year if the collected annual payment exceeds the department's costs for a given year and increase annual payments for the coming fiscal year to cover the department's fees if the collected annual payment was less than the department's costs for a given year. The amount paid under this section must be deposited into the mercury-containing light product stewardship programs account created in RCW 70A.505.120.

Sec. 8. RCW 70A.505.060 and 2010 c 130 s 6 are each amended to read as follows:

(1) All mercury-containing lights and materials recovered from mercury-containing lights collected in the state by product stewardship programs or other collection programs must be recycled and any process residuals must be managed in compliance with applicable laws.

(2) Mercury recovered from retorting and other hazardous materials must be recycled or placed in a properly permitted hazardous waste landfill, or placed in a properly permitted mercury repository.

Sec. 9. RCW 70A.505.070 and 2010 c 130 s 7 are each amended to read as follows:

(1) Except for persons involved in registered mail-back programs, a person who

collects unwanted mercury-containing lights in the state, receives funding through a product stewardship program for mercury-containing lights, and who is not a generator of unwanted mercury-containing lights must:

(a) Register with the department as a collector of unwanted mercury-containing lights. Until the department adopts rules for collectors, the collector must provide to the department the legal name of the person or entity owning and operating the collection location, the address and phone number of the collection location, and the name, address, and phone number of the individual responsible for operating the collection location and update any changes in this information within thirty days of the change;

(b) Maintain a spill and release response plan at the collection location that describes the materials, equipment, and procedures that will be used to respond to any mercury release from an unwanted mercury-containing light;

(c) Maintain a worker safety plan at the collection location that describes the handling of the unwanted mercury-containing lights at the collection location and measures that will be taken to protect worker health and safety; and

(d) Use packaging and shipping material that will minimize the release of mercury into the environment and minimize breakage and use mercury vapor barrier packaging if mercury-containing lights are transported by the United States postal service or a common carrier.

(2) A person who operates a curbside collection program or owns or operates a mail-back business participating in a product stewardship program for mercury-containing lights and uses the United States postal service or a common carrier for transport of mercury-containing lights must register with the department and use mercury vapor barrier packaging for curbside collection and mail-back containers.

Sec. 10. RCW 70A.505.100 and 2010 c 130 s 10 are each amended to read as follows:

(1)(a) The department ((shall send a written warning and a copy of this chapter and any rules adopted to implement this chapter to a producer who is not participating in a product stewardship program approved by the department and whose mercury-containing lights are being sold in or into the state.

(2) A producer not participating in a product stewardship program approved by the department whose mercury-containing lights continue to be sold in or into the state sixty days after receiving a written warning from the department shall be assessed a penalty of up to one thousand dollars for each violation. A violation is one day of sales.

(3) If any producer fails to implement its approved plan, the department shall assess a penalty of up to five thousand dollars for the first violation along with notification that the producer must implement its plan within thirty days of the

violation. After thirty days, any producer failing to implement their approved plan must be assessed a penalty of up to ten thousand dollars for the second and each subsequent violation. A subsequent violation occurs each thirty-day period that the producer fails to implement the approved plan.

(4) The department shall send a written warning to a producer that fails to submit a product stewardship plan, update or change the plan when required, or submit an annual report as required under this chapter. The written warning must include compliance requirements and notification that the requirements must be met within sixty days. If requirements are not met within sixty days, the producer will be assessed a ten thousand dollar penalty per day of noncompliance starting with the first day of notice of noncompliance.

(5) Penalties prescribed under this section must be reduced by fifty percent if the producer complies within thirty days of the second violation notice.

(6) A producer may appeal penalties prescribed under this section to the pollution control hearings board created under chapter 43.21B RCW) may administratively impose a civil penalty on a person who violates this chapter in an amount of up to \$1,000 per violation per day.

(b) The department may administratively impose a civil penalty of up to \$10,000 per violation per day on a person for repeated violations of this chapter or failure to comply with an order issued under (c) of this subsection.

(c) Whenever on the basis of any information the department determines that a person has violated or is in violation of this chapter, including the failure by a stewardship organization to achieve performance goals proposed in a plan or the failure by a legacy producer to respond to a requirement for information by a stewardship organization under RCW 70A.505.050, the department may issue an order requiring compliance. A person who fails to take corrective action as specified in a compliance order is liable for a civil penalty as provided in (b) of this subsection, without receiving a written warning prescribed in (e) of this subsection.

(d) A person who is issued an order or incurs a penalty under this section may appeal the order or penalty to the pollution control hearings board established by chapter 43.21B RCW.

(e) Prior to imposing penalties under this section, the department must provide a producer, legacy producer, retailer, or stewardship organization with a written warning for the first violation by the producer, legacy producer, retailer, or stewardship organization of the requirements of this chapter. The written warning must inform a producer, legacy producer, retailer, or stewardship organization that it must participate in an approved plan or otherwise come into compliance with the requirements of this chapter within 30 days of the notice. A producer, legacy producer, retailer, or stewardship organization that

violates a provision of this chapter after the initial written warning may be assessed a penalty as provided in this subsection.

(2)(a) Upon the department notifying a stewardship organization, producer, or legacy producer that it has not met a significant requirement of this chapter, the department may, in addition to assessing the penalties provided in this section, take any combination of the following actions:

(i) Issue corrective action orders to a producer or stewardship organization;

(ii) Issue orders to a stewardship organization to provide for the continued implementation of the program in the absence of an approved plan;

(iii) Revoke the stewardship organization's plan approval and require the stewardship organization to implement its contingency plan under RCW 70A.505.040;

(iv) Require a stewardship organization to revise or resubmit a plan within a specified time frame; or

(v) Require additional reporting related to compliance with the significant requirement of this chapter that was not met.

(b) Prior to taking the actions described in (a)(iii) of this subsection, the department must provide the stewardship organization, producer, or legacy producer an opportunity to respond to or rebut the written finding upon which the action is predicated.

Sec. 11. RCW 70A.505.110 and 2010 c 130 s 11 are each amended to read as follows:

(1) The department shall provide on its website a list of all producers participating in a product stewardship plan that the department has approved and a list of all producers the department has identified as noncompliant with this chapter and any rules adopted to implement this chapter.

(2) Product wholesalers, retailers, distributors, and electric utilities must check the department's website or producer-provided written verification to determine if producers of products they are selling in or into the state are in compliance with this chapter.

(3) No one may distribute or sell mercury-containing lights from producers, or any lights in or into the state from legacy producers, who are not participating in a product stewardship program or who are not in compliance with this chapter and rules adopted under this chapter.

(4)(a) The department shall serve, or send with delivery confirmation, a written warning explaining the violation to any person known to be distributing or selling mercury-containing lights from producers, or any lights in or into the state from legacy producers, who are not participating in a product stewardship program or who are not in compliance with this chapter and rules adopted under this chapter.

(b) The department must review new, updated, and revised plans submitted by stewardship organizations. The department must:

(i) Review new, updated, and revised stewardship organization plans within 120 days of receipt of a complete plan;

(ii) Make a determination as to whether or not to approve a plan, plan update, or plan revision and notify the stewardship organization of the:

(A) Determination of approval if a plan provides for a program that meets the requirements of this chapter; or

(B) Reasons for not approving a plan. The stewardship organization must submit a new or revised plan within 60 days after receipt of the letter of disapproval. In the event that a new or revised plan submitted by a stewardship organization does not sufficiently meet the requirements of this chapter, including any deficiencies identified in the initial letter of disapproval, the department may:

(I) Use the enforcement powers specified in this chapter; or

(II) Amend the contents of the insufficient new or revised plan in a manner that ensures that the plan meets the requirements of this chapter and the department may require the stewardship organization to implement the plan as amended by the department.

(c) The approval of a plan by the department does not relieve producers or legacy producers participating in the plan from responsibility for fulfilling the requirements of this chapter.

(5) ~~((Any person who continues to distribute or sell mercury-containing lights from a producer that is not participating in an approved product stewardship program sixty days after receiving a written warning from the department may be assessed a penalty two times the value of the products sold in violation of this chapter or five hundred dollars, whichever is greater. The penalty must be waived if the person verifies that the person has discontinued distribution or sales of mercury-containing lights within thirty days of the date the penalty is assessed. A retailer may appeal penalties to the pollution control hearings board.~~

~~((6))~~ The department shall adopt rules to implement this ~~((section))~~ chapter.

~~((7))~~ (6) A sale or purchase of mercury-containing lights as a casual or isolated sale as defined in RCW 82.04.040 is not subject to the provisions of this section.

~~((8))~~ (7) A person primarily engaged in the business of reuse and resale of ((a)) used mercury-containing lights is not subject to the provisions of this section when selling used working mercury-containing lights, for use in the same manner and purpose for which ~~((it was))~~ the lights were originally purchased.

~~((9))~~ In-state distributors, wholesalers, and retailers in possession of mercury-containing lights on the date that restrictions on the sale of the product become effective may exhaust their existing stock through sales to the public.

Sec. 12. RCW 70A.505.120 and 2017 c 254 s 3 are each amended to read as follows:

The mercury-containing light product stewardship programs account is created in

the custody of the state treasurer. All funds received from producers and stewardship organizations under this chapter and penalties collected under this chapter must be deposited in the account. Expenditures from the account may be used only for administering this chapter. ~~((The department may not retain fees in excess of the estimated amount necessary to cover the agency's administrative costs over the coming year related to the mercury light stewardship program under this chapter. Beginning with the state fiscal year 2018, by October 1st after the closing of each state fiscal year, the department shall refund any fees collected in excess of its estimated administrative costs to any approved stewardship organization under this chapter.))~~ Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 13. RCW 70A.505.130 and 2010 c 130 s 14 are each amended to read as follows:

(1) The department may adopt rules necessary to implement, administer, and enforce this chapter.

(2) ~~((The department may adopt rules to establish performance standards for product stewardship programs and may establish administrative penalties for failure to meet the standards.~~

~~((3))~~ By ~~((December 31, 2010, and annually thereafter until December 31, 2014))~~ November 1, 2033, the department shall report to the appropriate committees of the legislature concerning the status of the product stewardship program and recommendations for changes to the provisions of this chapter.

~~((4))~~ Beginning October 1, 2014, the (3) The department shall annually invite comments from local governments, communities, and ((citizens)) residents to report their satisfaction with services provided by product stewardship programs created under this chapter. This information ((must)) may be used by the department to determine if the plan operator is meeting convenience requirements and in reviewing proposed updates or changes to product stewardship plans.

~~((5))~~ Beginning October 1, 2014, the department shall annually invite comments from retailers, consumer groups, electric utilities, the Northwest power and conservation council, and other interested parties regarding the impacts of the requirements of this chapter on the availability or purchase of energy efficient lighting within the state. If the department determines that evidence shows the requirements of this chapter have resulted in negative impacts on the availability or purchase of energy efficient lighting in the state, the department shall report this information by December 31st of each year to the appropriate committees of the legislature with recommendations for changes to the provisions of this chapter.

~~(6) Beginning October 1, 2014, the department shall annually invite comments from retailers, consumer groups, electric utilities, the Northwest power and conservation council, and other interested parties regarding the availability of energy efficient nonmercury lighting to replace mercury-containing lighting within the state. If the department determines that evidence shows that energy efficient nonmercury-containing lighting is available and achieves similar energy savings as mercury lighting at similar cost, the department shall report this information by December 31st of each year to the appropriate committees of the legislature with recommendations for legislative changes to reduce mercury use in lighting.~~

~~(7)) (4) Beginning October 1, 2014, the department shall annually estimate the overall statewide recycling rate for mercury-containing lights and calculate that portion of the recycling rate attributable to the product stewardship program. The department may require a stewardship organization to submit data as needed for the department to make the estimations required by this subsection.~~

~~((4)) (5) The department may require submission of independent performance evaluations and report evaluations documenting the effectiveness of mercury vapor barrier packaging in preventing the escape of mercury into the environment. The department may restrict the use of packaging for which adequate documentation has not been provided. Restricted packaging may not be used in any product stewardship program required under this chapter.~~

Sec. 14. RCW 70A.505.160 and 2014 c 119 s 6 are each amended to read as follows:

(1) It is the intent of the legislature that a producer, legacy producer, group of producers or legacy producers, or stewardship organization preparing, submitting, and implementing a mercury-containing light product stewardship program pursuant to this chapter, as well as participating entities in the distribution chain, including retailers and distributors, are granted immunity, individually and jointly, from federal and state antitrust liability that might otherwise apply to the activities reasonably necessary for implementation and compliance with this chapter. It is further the intent of the legislature that the activities of the producer, legacy producer, group of producers or legacy producers, stewardship organization, and entities in the distribution chain, including retailers and distributors, in implementing and complying with the provisions of this chapter may not be considered to be in restraint of trade, a conspiracy, or combination thereof, or any other unlawful activity in violation of any provisions of federal or state antitrust laws.

(2) The department shall actively supervise the conduct of the stewardship organization, the producers and legacy producers of mercury-containing lights, and entities in the distribution chain ~~((the determination and implementation of the~~

~~environmental handling charge authorized by)) under this chapter.~~

Sec. 15. RCW 82.04.660 and 2020 c 20 s 1469 are each amended to read as follows:

(1) An exemption from the taxes imposed in this chapter is provided for:

(a) Producers, with respect to environmental handling charges added to the purchase price of mercury-containing lights either by the producer or a retailer pursuant to an agreement with the producer;

(b) Retailers, with respect to environmental handling charges added to the purchase price of mercury-containing lights sold at retail, including the portion of environmental handling charges retained as reimbursement for any costs associated with the collection and remittance of the charges; and

(c) Stewardship organizations, with respect to environmental handling charges received from producers and retailers and to the receipts from charges to participating producers and legacy producers.

(2) This section is not subject to the requirements of RCW 82.32.805 and 82.32.808.

(3) For purposes of this section, the definitions in RCW 70A.505.020 apply.

Sec. 16. RCW 43.21B.110 and 2023 c 455 s 5, 2023 c 434 s 20, 2023 c 344 s 5, and 2023 c 135 s 6 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020, 70A.505.100, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an

application for a solid waste permit exemption under RCW 70A.205.260.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70A.205 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70A.226.090.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70A.205.145.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW, to issue a stop work order, to issue a notice to comply, to issue a civil penalty, or to issue a notice of intent to disapprove applications.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable by the hearings board under RCW 79.100.120.

(n) Decisions of the department of ecology that are appealable under RCW 70A.245.020 to set recycled minimum postconsumer content for covered products or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements.

(o) Orders by the department of ecology under RCW 70A.455.080.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100, 70A.15.3110, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 17. RCW 70A.230.080 and 2020 c 20 s 1245 are each amended to read as follows:

A violation of this chapter, other than a violation of RCW 70A.230.020, is punishable by a civil penalty not to exceed ~~((one thousand dollars))~~ \$1,000 for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed ~~((five thousand dollars))~~ \$5,000 for each repeat violation. Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

NEW SECTION. Sec. 18. A new section is added to chapter 70A.505 RCW to read as follows:

The requirements of this chapter cease to apply beginning the earlier of:

(1) January 1, 2035; or

(2) A date determined by the department, based on the diminishing number of mercury-containing lights collected by the program reaching a de minimis level where the continued expense and environmental cost of implementing the program would result in continued costs that outweigh the benefits of continuing the program, as calculated in a cost-benefit analysis consistent with the requirements of RCW 34.05.328. Unless the department and stewardship organization agree to a different cessation date prior to 2035 without carrying out a cost-benefit analysis, the department must conduct a cost-benefit analysis under this subsection to be completed during calendar year 2031.

NEW SECTION. Sec. 19. A new section is added to chapter 70A.230 RCW to read as follows:

(1) All persons, residents, government, commercial, industrial, and retail facilities and office buildings must recycle their end-of-life mercury-containing lights.

(2) No mercury-containing lights may knowingly be placed in waste containers for disposal at incinerators, waste to energy facilities, or landfills.

(3) No mercury-containing lights may knowingly be placed in a container for mixed recyclables unless there is a separate location or compartment for the mercury-containing lights that complies with local government collection standards or guidelines.

(4) No owner or operator of a solid waste facility may be found in violation of this section if the facility has posted in a conspicuous location a sign stating that mercury-containing lights must be recycled and are not accepted for disposal.

(5) No solid waste collector may be found in violation of this section for mercury-containing lights placed in a disposal

container by the generator of the mercury-containing light.

NEW SECTION. Sec. 20. (1) RCW 70A.505.090 (Producers must participate in an approved product stewardship program) and 2010 c 130 s 9, as now existing or hereafter amended, are each repealed, effective January 1, 2029.

(2) RCW 82.04.660 (Exemptions—Environmental handling charges—Mercury-containing lights) and 2020 c 20 s 1469 & 2015 c 185 s 2, as now existing or hereafter amended, are each repealed, effective January 1, 2035.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) RCW 43.131.421 (Mercury-containing lights product stewardship program—Termination) and 2021 c 65 s 47 & 2014 c 119 s 7;

(2) RCW 43.131.422 (Mercury-containing lights product stewardship program—Repeal) and 2021 c 65 s 48, 2017 c 254 s 4, & 2014 c 119 s 8; and

(3) RCW 70A.230.150 (Requirement to recycle end-of-life mercury-containing lights) and 2010 c 130 s 8.

NEW SECTION. Sec. 22. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2035:

(1) RCW 70A.505.010 (Findings—Purpose) and 2010 c 130 s 1;

(2) RCW 70A.505.020 (Definitions) and 2020 c 20 s 1414;

(3) RCW 70A.505.030 (Product stewardship program) and 2020 c 20 s 1415, 2014 c 119 s 3, & 2010 c 130 s 3;

(4) RCW 70A.505.040 (Submission of proposed product stewardship plans—Department to establish rules—Public review—Plan update—Annual report) and 2020 c 20 s 1416, 2017 c 254 s 2, 2014 c 119 s 4, & 2010 c 130 s 4;

(5) RCW 70A.505.050 (Environmental handling charge—Annual fee) and 2020 c 20 s 1417, 2017 c 254 s 1, 2014 c 119 s 5, & 2010 c 130 s 5;

(6) RCW 70A.505.060 (Collection and management of mercury) and 2010 c 130 s 6;

(7) RCW 70A.505.070 (Collectors of unwanted mercury-containing lights—Duties) and 2010 c 130 s 7;

(8) RCW 70A.505.080 (Requirement to recycle end-of-life mercury-containing lights) and 2010 c 130 s 8;

(9) RCW 70A.505.090 (Producers must participate in an approved product stewardship program) and 2010 c 130 s 9;

(10) RCW 70A.505.100 (Written warning—Penalty—Appeal) and 2010 c 130 s 10;

(11) RCW 70A.505.110 (Department's website to list producers participating in product stewardship plan—Required participation in a product stewardship plan—Written warning—Penalty—Rules—Exemptions) and 2010 c 130 s 11;

(12) RCW 70A.505.120 (Product stewardship programs account—Refund of fees) and 2017 c 254 s 3 & 2010 c 130 s 13;

(13) RCW 70A.505.130 (Adoption of rules—Report to the legislature—Invitation to entities to comment on issues—Estimate of statewide recycling rate for mercury-containing lights—Mercury vapor barrier packaging) and 2010 c 130 s 14;

(14) RCW 70A.505.140 (Application of chapter to the Washington utilities and transportation commission) and 2010 c 130 s 15;

(15) RCW 70A.505.150 (Application of chapter to entities regulated under chapter 70A.300 RCW) and 2020 c 20 s 1418 & 2010 c 130 s 16;

(16) RCW 70A.505.160 (Immunity from antitrust liability) and 2014 c 119 s 6;

(17) RCW 70A.505.900 (Chapter liberally construed) and 2010 c 130 s 17; and

(18) RCW 70A.505.901 (Severability—2010 c 130) and 2010 c 130 s 21.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 70A.230.020, 70A.505.010, 70A.505.020, 70A.505.030, 70A.505.040, 70A.505.050, 70A.505.060, 70A.505.070, 70A.505.100, 70A.505.110, 70A.505.120, 70A.505.130, 70A.505.160, 82.04.660, and 70A.230.080; reenacting and amending RCW 43.21B.110; adding a new section to chapter 70A.505 RCW; adding a new section to chapter 70A.230 RCW; repealing RCW 70A.505.090, 82.04.660, 43.131.421, 43.131.422, 70A.230.150, 70A.505.010, 70A.505.020, 70A.505.030, 70A.505.040, 70A.505.050, 70A.505.060, 70A.505.070, 70A.505.080, 70A.505.090, 70A.505.100, 70A.505.110, 70A.505.120, 70A.505.130, 70A.505.140, 70A.505.150, 70A.505.160, 70A.505.900, and 70A.505.901; prescribing penalties; and providing effective dates."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1185 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Dye spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1185, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1185, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 54; Nays, 42; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

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

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1185, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282, with the following amendment(s): 1282-S.E2 AMS WM S5542.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that:

(1) Washington state, through its extensive purchasing power, can reduce embodied carbon in the built environment, improve human and environmental health, grow economic competitiveness, and promote high labor standards in manufacturing by incorporating climate and other types of pollution impacts and the quality of working conditions into the procurement process.

(2) Washington state is home to multiple world-class manufacturers that are investing heavily in reducing the carbon intensity of their products and that provide family-wage jobs that are the foundation for a fair and robust economy. Washington's procurement practices should encourage manufacturers and others to meet high environmental and labor standards and reduce their environmental footprint.

(3) The private sector is increasingly demanding low carbon building materials that support good jobs in manufacturing. This market demand has rapidly accelerated innovation and led to increased production of low carbon building materials. As one of the largest consumers of building materials, Washington state has an opportunity to leverage its purchasing power to do even more to send a clear signal to the market of the growing demand for low carbon building materials.

(4) With its low carbon electric grid and highly skilled workforce, Washington state is well-positioned to capture the growing

demand for low carbon building materials and create and sustain a new generation of good, high-wage clean manufacturing jobs.

(5) Washington has demonstrated a deep commitment to ensuring that the transition to a low carbon economy is fair and creates family-wage jobs. Both the clean energy transformation act and the climate commitment act tie public investments in infrastructure to reducing greenhouse gas emissions and to high road construction labor standards. Integrating manufacturing working conditions into the procurement process reaffirms and is consistent with the state's commitment to a fair transition.

(6) A robust state and domestic supply of low carbon materials is critical for building a fair economy and meeting the needs of the low carbon transition, including securing the clean energy supply chain.

(7) Environmental product declarations are the best available tool for reporting product-specific environmental impacts using a life-cycle assessment and informing the procurement of low carbon building materials. Environmental product declarations cannot be used to compare products across different product categories or different functional units.

(8) The buy clean and buy fair policies established in this act are critical to reduce embodied carbon in the built environment, a goal identified by the Washington state 2021 energy strategy to meet the state's greenhouse gas emission limits, governor Inslee's Executive Order 20-01 on state efficiency and environmental performance, and the Pacific coast collaborative's pathbreaking low carbon construction task force.

(9) Reducing embodied carbon in the built environment requires a holistic, comprehensive approach that includes designing buildings with a lower-embodied carbon footprint and making lower carbon products. Policies like the buy clean and buy fair policies established in this act are an important tool for increasing the manufacture of lower carbon products.

(10) The 2021-2023 biennium budgets made critical progress on the buy clean and buy fair policies in this act by funding the creation of a publicly accessible database to facilitate reporting and promote transparency on building materials purchased for state-funded infrastructure projects and two large buy clean and buy fair pilot projects. This ongoing work to create a database to facilitate reporting of environmental impacts and labor conditions from pilot projects has provided a strong foundation to inform future work on buy clean and buy fair policies.

(11) Providing financial assistance to small manufacturers to support the production of environmental product declarations will help small manufacturers offset costs they might incur when pursuing state contracting as a result of the requirements of this act.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this

chapter unless the context clearly requires otherwise.

(1) "Actual production facilities" means the final manufacturing facility and the facilities at which production processes occur that contribute to 70 percent or more of the product's cradle-to-gate global warming potential, as reflected in the environmental product declaration.

(2) "Awarding authority" means:

(a) Institutions of higher education as defined in RCW 28B.92.030;

(b) The department of enterprise services, the department of natural resources, the state parks and recreation commission, the department of fish and wildlife, and the department of transportation; and

(c) Any other state government agency that receives funding from the omnibus capital appropriations act for a public works project contracted directly by the state agency.

(3) "Covered product" includes:

(a) Structural concrete products, including ready mix, shotcrete, precast, and concrete masonry units;

(b) Reinforcing steel products, specifically rebar and posttensioning tendons;

(c) Structural steel products, specifically hot rolled sections, hollow sections, metal deck, and plate; and

(d)(i) Engineered wood products, such as cross-laminated timber per ANSI form no. PRG 320, glulam beams, laminated veneer lumber, parallel strand lumber, dowel laminated timber, nail laminated timber, glulam laminated timber, prefabricated wood joists per ASTM D5055, wood structural panel per product standard 1 or product standard 2, solid sawn lumber per product standard 20, structural composite lumber per ASTM D5456, and structural sawn lumber.

(ii) For the purposes of this subsection

(3)(d):

(A) "ANSI" means the American national standards institute.

(B) "ASTM" means the American society for testing and materials.

(C) "Product standard" means a voluntary product standard published by the United States department of commerce national institute of standards and technology.

(4) "Covered project" means:

(a) A construction project larger than 50,000 gross square feet as defined in the Washington state building code, chapter 51-50 WAC; or

(b) A building renovation project where the cost is greater than 50 percent of the assessed value and the project is larger than 50,000 gross square feet of occupied or conditioned space as defined in the Washington state building code, chapter 51-50 WAC.

(5) "Department" means the department of commerce.

(6) "Employee" means any individual who is in an employment relationship with the organization.

(7)(a) "Environmental product declaration" means a type III environmental product declaration, as defined by the international organization for standardization standard 14025 or similarly

robust life-cycle assessment methods that have uniform standards in data collection consistent with the international organization for standardization standard 14025, industry acceptance, and integrity. When available, the environmental product declaration must be supply chain specific.

(b) For the purposes of this subsection, "supply chain specific" means an environmental product declaration that includes supply chain specific data for production processes that contribute 70 percent or more of a product's cradle-to-gate global warming potential, as defined in international organization for standardization standard 21930, and reports the overall percentage of supply chain specific data included.

(8) "Full time" means an employee in a position that:

(a) The employer intends to be filled for at least 52 consecutive weeks or 12 consecutive months, excluding any leaves of absence; and

(b) Requires the employee to work, excluding overtime hours, 35 hours per week for 52 consecutive weeks, 455 hours a quarter, or 1,820 hours during a period of 12 consecutive months.

(9) "Health product declaration" means a supply chain specific health product declaration, as defined by the health product declaration open standard maintained by the health product declaration collaborative, that has robust methods for product manufacturers and their ingredient suppliers to uniformly report and disclose information about product contents and associated health information.

(10) "Part time" means an employee in a position that:

(a) The employer intends to be filled for at least 52 consecutive weeks or 12 consecutive months, excluding any leaves of absence; and

(b) Working hours are less than those required for a full-time employee, as defined in this section.

(11) "Product and facility specific report" means an environmental product declaration whereby the environmental impacts can be attributed to a single manufacturer and a specific manufacturing or production facility.

(12)(a) "Scope 2 greenhouse gas emissions" are indirect greenhouse gas emissions associated with the purchase of electricity, steam, heat, or cooling.

(b) For purposes of this section, "greenhouse gas" has the same meaning as in RCW 70A.45.010.

(13) "Supplier code of conduct" means a policy created by a manufacturer that outlines steps taken to ensure that its suppliers adhere to ethical practices, such as compliance with child and forced labor laws, antidiscrimination practices, freedom of association, and safe workplace conditions.

(14) "Temporary" means an employee in a position that is intended to be filled for a period of less than 52 consecutive weeks or 12 consecutive months. Positions in seasonal employment are temporary positions.

(15) "Total case incident rate" means the number of work-related injuries per 100

full-time equivalent workers during a one-year period, as defined by the occupational safety and health administration. Total case incident rate is calculated by multiplying the number of occupational safety and health administration recordable injuries and illnesses by 200,000 and dividing by number of hours worked by all employees.

(16) "Working conditions" means the average number of employees by employment type: Full time, part time, and temporary.

NEW SECTION. Sec. 3. (1)(a) Beginning July 1, 2025, an awarding authority must require in all newly executed construction contracts that the selected firm for a construction contract for a covered project larger than 100,000 gross square feet submit the following data for each covered product used before substantial completion, including at a minimum:

- (i) Product quantity;
- (ii) A current environmental product declaration;
- (iii) Health product declaration, if any, completed for the product;
- (iv) Manufacturer name and location, including state or province and country;
- (v) Supplier code of conduct, if any; and
- (vi) Office of minority and women-owned business enterprises certification, if any.

(b) Beginning July 1, 2027, an awarding authority must require in all newly executed construction contracts that the selected firm for a construction contract for a covered project submit the data required by (a) of this subsection for each covered product used before substantial completion.

(c) The selected firm for a contract for a covered project shall provide the data required by this subsection for at least 90 percent of the cost of each of the covered products used in the project.

(2) The selected firm for a contract for a covered project is required to collect and submit from product suppliers the information required in subsection (1)(a) (ii) through (vi) of this section. The selected firm is not required to verify the information received from product suppliers.

(3)(a) Beginning July 1, 2025, an awarding authority must require in all newly executed construction contracts that the selected firm for a construction contract for a covered project larger than 100,000 gross square feet to ask their suppliers to report for each covered product used before substantial completion, including at a minimum:

(i) Names and locations, including state or province and country, of the actual production facilities; and

(ii) Working conditions at the actual production facilities for all employees, full-time employees, part-time employees, and temporary employees. In cases in which the supplier does not have this information, the selected firm for a contract for a covered project must ask suppliers to provide a report on steps taken to reasonably obtain the data and provide suppliers' self-reports to the awarding authority.

(b) Beginning July 1, 2027, an awarding authority must require in all newly executed

construction contracts that the successful bidder for a construction contract for a covered project to meet the requirements of (a) of this subsection for each covered product used before substantial completion.

(c) The selected firm is not required to verify the information reported by product suppliers pursuant to this subsection.

(d) The selected firm for a contract for a covered project shall meet the requirement in (a) of this subsection for at least 90 percent of the cost of each of the covered products used in the project.

(4) If a supply chain specific environmental product declaration is not available, a product and facility specific report may be submitted.

(5) This section does not apply to a covered product for a particular covered project if the awarding authority determines, upon written justification provided to the department, that the requirements in this section would cause a significant delay in completion, significant increase in overall project cost, or result in only one product supplier being able to provide the covered product.

(6) An awarding authority must include the information and reporting requirements in this section in a specification for bids for a covered project.

(7) Subject to funds appropriated for this specific purpose, the department may provide financial assistance to small businesses, as defined in RCW 19.85.020, to help offset the costs to the small business of producing an environmental product declaration required under this section. Such financial assistance supports the production of environmental product declarations and achievement of reductions of embodied carbon in the built environment while ensuring that small manufacturers are not put at a competitive disadvantage in state contracting as a result of the requirements of this chapter.

(8) Compliance with the requirements in this section may not be used as a basis for a waiver from apprenticeship utilization requirements in any other statute, rule, regulation, or law.

NEW SECTION. Sec. 4. By July 1, 2025, and to the extent practicable, specifications for a bid or proposal for a project contract by an awarding authority may only include performance-based specifications for concrete used as a structural material. Awarding authorities may continue to use prescriptive specifications on structural elements to support special designs and emerging technology implementation.

NEW SECTION. Sec. 5. (1) The department must continue to develop, maintain, and refine the publicly accessible database funded by the 2021-2023 omnibus operating appropriations act and created by the department in conjunction with the University of Washington college of built environments for selected firms for contracts for covered projects to submit the data required in section 3 of this act to the department and to promote transparency.

The department may consult with the University of Washington college of built environments.

(2) The database maintained pursuant to subsection (1) of this section must publish global warming potential as reported in the environmental product declarations.

(3) By July 1, 2025, the department must:

(a) Further elaborate covered product definitions using applicable material industry standards;

(b) Develop measurement and reporting standards to ensure that data is consistent and comparable, including standards for reporting product quantities;

(c) Create model language for specifications, bid documents, and contracts to support the implementation of section 3 of this act; and

(d) Produce an educational brief that:

(i) Provides an overview of embodied carbon;

(ii) Describes the appropriate use of environmental product declarations, including the necessary preconditions for environmental product declarations to be comparable;

(iii) Outlines reporting standards, including covered product definitions, standards for reporting product quantities, and working conditions;

(iv) Describes the data collection and reporting process for all information required in section 3 (1)(a) and (3)(a) of this act;

(v) Provides instructions for the use of the database; and

(vi) Lists applicable product category rules for covered products.

(4) The department may contract for the use of nationally or internationally recognized databases of environmental product declarations for purposes of implementing this section.

NEW SECTION. Sec. 6. (1) By December 1, 2024, the department must convene a technical work group that includes the following representatives:

(a) One industry professional in design, one industry professional in structural design, one industry professional in specification, and one industry professional in construction who are recommended by leading associations of Washington business;

(b) Two representatives each from Washington manufacturers of:

(i) Steel;

(ii) Wood; and

(iii) Concrete;

(c) A representative from the department of enterprise services;

(d) A representative from the department of transportation;

(e) A representative from the department of ecology;

(f) One representative each from three environmental groups that focus on embodied carbon and climate change;

(g) Three representatives from labor unions, including two from unions that represent manufacturing workers and one representative from the building and construction trades;

(h) A representative from the minority and women-owned business community;

(i) A representative from the University of Washington college of built environments; and

(j) Representatives of other agencies and independent experts as necessary to meet the objectives of the technical work group as described in this section.

(2) The department intends formation of subgroups with members who have subject matter expertise or industry experience to develop technical information, recommendations, and analysis specific to individual material types, and the feasibility of supply chain specific environmental product declarations. The recommendations must, where possible, align with state and national principles and laws for environmental product declaration development.

(3) The department may contract with the University of Washington college of built environments in convening the technical work group.

(4) The purpose of the technical work group is to identify opportunities for and barriers to growth of the use and production of low carbon materials, promote high labor standards in manufacturing, and preserve and expand low carbon materials manufacturing in Washington.

(5) By September 1, 2025, the technical work group must submit a report to the legislature and the governor that includes:

(a) A low carbon materials manufacturing plan that recommends policies to preserve and grow the in-state manufacturing of low carbon materials and accelerate industrial decarbonization. For this plan, the technical work group must:

(i) Examine barriers and opportunities to maintain and grow a robust in-state supply of low carbon building materials including, but not limited to, state and domestic supply of raw materials and other supply chain challenges, regulatory barriers, competitiveness of local and domestic manufacturers, cost, and data availability from local, state, national, and foreign product suppliers; and

(ii) Identify opportunities to encourage the continued conversion to lower carbon cements, including the use of performance-based specifications and allowing Type 1-L cement in specifications for public projects;

(b) Recommendations for consistent treatment in the reporting for covered products; and

(c) Consideration of how additional information relevant to reducing embodied carbon through strategies including, but not limited to, product life-cycle assessments could be incorporated into future reporting.

(6)(a) By September 1, 2026, the technical work group must submit a report on policy recommendations, including any statutory changes needed, to the legislature and the governor. The report must consider policies to expand the use and production of low carbon materials, preserve and expand low carbon materials manufacturing in Washington, including opportunities to encourage continued conversion to lower

carbon blended cements in public projects, and support living wage manufacturing jobs.

(b) For this report, the technical work group must:

(i) Summarize data collected pursuant to section 3 of this act, the case study analysis funded by the 2021-2023 omnibus operating appropriations act, and the pilot projects funded by the 2021-2023 omnibus capital appropriations act. The summary must include product quantities, global warming potential, health product declarations, supplier codes of conduct, and any obstacles to the implementation of this chapter;

(ii) Evaluate options for collecting reported working condition information from product suppliers, including hourly wages, employee benefits, and total case incident rates, and for aligning these reporting requirements with existing reporting requirements for preferential tax rates, credits, exemptions, and deferrals;

(iii) Make recommendations for improving environmental production declaration data quality including, but not limited to, integrating reporting on variability in facility, product, and upstream data for key processes;

(iv) Make recommendations for consideration of scope 2 greenhouse gas emissions mitigation through green power purchases, such as energy attribute certificates and power purchase agreements;

(v) Make recommendations, if any, for changing or clarifying the definition of "actual production facilities" in section 2 of this act to better define and refine reporting and compliance obligations under chapter 39.--- RCW (the new chapter created in section 9 of this act);

(vi) Identify barriers and opportunities to the effective use of the database maintained under section 5 of this act and the data collected pursuant to this chapter;

(vii) Identify emerging and foreseeable trends in local, state, federal, and private policy on embodied carbon and the procurement and use of low carbon materials and opportunities to promote consistency across public and private embodied carbon and low carbon materials policies, rules, and regulations; and

(viii) Recommend approaches to designing lower embodied carbon state building projects.

(7)(a) The department may update reporting standards and requirements based on input from the technical work group.

(b) The department must provide updated guidance on reporting standards by January 1, 2027.

(8) This section expires January 1, 2028.

Sec. 7. RCW 43.88.0301 and 2021 c 54 s 4 are each amended to read as follows:

(1) The office of financial management must include in its capital budget instructions (~~(beginning with its instructions for the 2003-05 capital budget,)~~) a request for "yes" or "no" answers for the following additional informational questions from capital budget applicants for all proposed major capital construction projects valued over (~~10~~

~~million dollars~~)) \$10,000,000 and required to complete a predesign:

(a) For proposed capital projects identified in this subsection that are located in or serving city or county planning under RCW 36.70A.040:

(i) Whether the proposed capital project is identified in the host city or county comprehensive plan, including the capital facility plan, and implementing rules adopted under chapter 36.70A RCW;

(ii) Whether the proposed capital project is located within an adopted urban growth area:

(A) If at all located within an adopted urban growth area boundary, whether a project facilitates, accommodates, or attracts planned population and employment growth;

(B) If at all located outside an urban growth area boundary, whether the proposed capital project may create pressures for additional development;

(b) For proposed capital projects identified in this subsection that are requesting state funding:

(i) Whether there was regional coordination during project development;

(ii) Whether local and additional funds were leveraged;

(iii) Whether environmental outcomes and the reduction of adverse environmental impacts were examined.

(2) For projects subject to subsection (1) of this section, the office of financial management shall request the required information be provided during the predesign process of major capital construction projects to reduce long-term costs and increase process efficiency.

(3) The office of financial management, in fulfilling its duties under RCW 43.88.030(6) to create a capital budget document, must take into account information gathered under subsections (1) and (2) of this section in an effort to promote state capital facility expenditures that minimize unplanned or uncoordinated infrastructure and development costs, support economic and quality of life benefits for existing communities, and support local government planning efforts.

(4) The office of community development must provide staff support to the office of financial management and affected capital budget applicants to help collect data required by subsections (1) and (2) of this section.

(5) The office of financial management must include in its capital budget instructions, beginning with the instructions for the 2025-2027 biennium, information informing awarding authorities, as defined in section 2 of this act, of the requirements of chapter 39.--- RCW (the new chapter created in section 9 of this act), including the data and information requirements in section 3 of this act.

NEW SECTION. Sec. 8. This act may be known and cited as the buy clean and buy fair Washington act.

NEW SECTION. **Sec. 9.** Sections 2 through 6 of this act constitute a new chapter in Title 39 RCW.

NEW SECTION. **Sec. 10.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "material;" strike the remainder of the title and insert "amending RCW 43.88.0301; adding a new chapter to Title 39 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Abbarno spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1282, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1282, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Lekanooff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

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

Excused: Representative Chandler

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1282, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1368, with the following amendment(s): 1368-S2.E AMS WM S5454.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that zero emission vehicle technology is crucial to protecting Washington's children from the health impacts of fossil fuel emissions and to limiting the long-term impacts of climate change on our planet. Spurred by a supportive regulatory environment, the state has made great advances in recent years that have improved the performance and reduced the costs of such vehicles. With the recent deployment of financial incentives for clean transportation technology under the federal bipartisan infrastructure law of 2021, the inflation reduction act of 2022, and state funding for early adopters of zero emission buses that began being made available in the 2023 enacted budgets, the costs and performance of zero emission vehicles, including zero emission school buses, are forecast to continue to improve in coming years. Zero emission school buses on the market today feature reduced fuel, operations, and maintenance costs compared to their fossil-fueled counterparts.

(2) Zero emission school buses and the related reduction of diesel exhaust will also have significant public health benefits for children, school staff, bus drivers, and communities, and decrease inequities. Residents in overburdened parts of Washington facing poor air quality are disproportionately communities of color, rural, and low-income and suffer from increased health risks, higher medical bills, are living sicker and dying younger, emphasizing the need for cleaner air and environmental justice.

(3) Further, the legislature finds that school districts need funding support to enable the transition to zero emission buses, including accurately reflecting the costs of zero emission buses in the state's reimbursement schedule for school buses. Zero emission buses are intended to include both battery electric technologies and hydrogen fuel cell technologies.

(4) Therefore, it is the intent of the legislature to help transition school districts, charter schools, and state-tribal education compact schools to using only zero emission school buses.

(5) During this transition, it is the intent of the legislature to prioritize grants to communities that are already bearing the most acute harms of air pollution, and to replace the oldest diesel vehicles that were manufactured under outdated and less protective federal emission standards. During the time leading up to an eventual phase out of fossil fuel powered school buses, electric utilities are encouraged to plan and take steps to ensure any service upgrades necessary to support the onboarding of zero emission fleets of school buses, including by making use of the grid modernization grant program

administered by the department of commerce. Schools and school districts receiving zero emission school buses funded through the program created in this act are encouraged to coordinate with electric utilities to utilize the vehicles to support electric system reliability and capacity through vehicle-to-grid integration when the buses are not in service.

NEW SECTION. Sec. 2. A new section is added to chapter 70A.15 RCW to read as follows:

(1) The department must administer the zero emission school bus grant program within the clean diesel grant program for buses, infrastructure, and related costs.

(2)(a) Appropriations to this grant program are provided solely for grants to transition from fossil-fuel school buses to zero emission vehicles. Eligible uses of grant funds include the planning and acquisition of zero emission school bus vehicles for student transportation, planning, design, and construction of associated fueling and charging infrastructure, including infrastructure to allow the use of zero emission buses in cold weather and other challenging operational conditions, the scrapping of old diesel school buses, and training drivers, mechanics, and facility operations personnel to operate and maintain the zero emission buses and infrastructure.

(b) Grant recipients may combine grant funds awarded under this section with any other source of funding in order to secure all funds needed to fully purchase each zero emission vehicle and any associated charging infrastructure.

(c) Grants issued under this section are in addition to payments made under the depreciation schedule adopted by the office of the superintendent of public instruction. Grants may only be issued until the school bus depreciation schedule established in RCW 28A.160.200 is adjusted to fund the cost of zero emission bus purchases at which time the department must transition the program established in this section to focus solely on electric vehicle charging infrastructure grants.

(3) When selecting grant recipients, the department must prioritize, in descending order of priority:

(a) School districts currently using school buses manufactured prior to 2007 and serving overburdened communities, including communities of color, rural, and low-income communities, highly impacted by air pollution identified by the department under RCW 70A.65.020(1);

(b) If funds remain after reviewing grant applications meeting the criteria of (a) of this subsection, school districts serving overburdened communities, including communities of color, rural, and low-income communities, highly impacted by air pollution identified by the department under RCW 70A.65.020(1);

(c) If funds remain after reviewing grant applications meeting the criteria of (a) and (b) of this subsection, the replacement of school buses manufactured prior to 2007; and

(d) If funds remain after reviewing grant applications meeting the criteria of (a), (b), or (c) of this subsection, to applicants that demonstrate an unsuccessful application to receive federal funding for zero emission school bus purposes prior to January 1, 2024.

(4) The department must distribute no less than 90 percent of the funds appropriated under this section to grant recipients. Amounts retained by the department may only be used as follows:

(a) Up to three and one-half percent of funds appropriated under this section for administering the grant program; and

(b) Up to six and one-half percent of funds appropriated under this section to provide technical assistance to grant applicants including, but not limited to, assistance in evaluating charging infrastructure and equipment and in coordinating with electric utility service adequacy.

(5) The department must provide notice of a grant award decision to the utility providing electrical service to the grant recipient.

(6) By June 1, 2025, the department in consultation with the superintendent of public instruction must submit a report to the governor and the relevant policy and fiscal committees of the legislature providing an update on the status of implementation of the grant program under this section and a summary of recommendations and implementation considerations for transitioning the zero emission school bus grant program to the competitive school bus vehicle depreciation schedule established in RCW 28A.160.200.

(7) For the purposes of this section, "zero emission vehicles" means a vehicle that produces zero exhaust emission of any air pollutant and any greenhouse gas other than water vapor.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.160 RCW to read as follows:

(1) The office of the superintendent of public instruction, in consultation with the department of ecology, must develop preliminary guidance for school districts regarding the formula factors used to calculate the total cost of ownership for zero emission school buses and diesel school buses. After considering feedback to the preliminary guidance, the office of the superintendent of public instruction, in consultation with the department of ecology, must adopt rules to establish the formulas. Such formulas must, at a minimum, address the initial cost of the bus at the time of purchase, the cost of maintenance, the cost of fueling and charging, and the cost of replacing zero emission school bus batteries, if applicable.

(2)(a) Once the total cost of ownership of zero emission school buses is at or below the total cost of ownership of diesel school buses, as determined by the formulas in subsection (1) of this section, school districts may only receive reimbursement under RCW 28A.160.195 and 28A.160.200 for the purchase of zero emission school buses.

(b) The requirements of this subsection do not prohibit the use of externally vented fuel-operated passenger heaters from November 15th through March 15th annually until other viable alternatives become available.

(3)(a) The office of the superintendent of public instruction must make exceptions to the requirement under subsection (2) of this section in the following circumstances:

(i) The reimbursement is for a diesel school bus that was purchased prior to the total cost of ownership determination;

(ii) The school district has bus route mileage needs that cannot be met by the average daily mileage achieved under actual use conditions in Washington for zero emission school buses;

(iii) The school district has other unique needs that may not be met by the technological capabilities of zero emission school buses; or

(iv) The school district does not have, or have access to, the appropriate charging infrastructure to support the use of zero emission school buses. If a school district qualifies under this exception it must submit documentation indicating it has applied for grant funding to install charging infrastructure under available federal grant programs or the zero emission school bus grant program established under section 2 of this act, or documentation from a public utility district or utility company indicating the school district does not have enough electric capacity to support the appropriate charging infrastructure.

(b) Exceptions granted by the superintendent of public instruction under (a)(ii) through (iv) of this subsection may not exceed five years. A school district may apply to renew an exception if the need for such an exception still exists after the initial exception has expired.

(4) For the purposes of this section, "zero emission school bus" means a school bus that produces zero exhaust emission of any air pollutant and any greenhouse gas other than water vapor.

Sec. 4. RCW 28A.160.195 and 2005 c 492 s 1 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall establish a minimum number of school bus categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of school bus. The categories shall be developed to produce minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the

educational service districts. The superintendent may solicit and accept price quotes for a rear-engine category school bus that shall be reimbursed at the price of the corresponding front engine category.

(2) After establishing school bus categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes for base buses from school bus dealers to be in effect for one year and shall establish a list of all accepted price quotes in each category obtained under this subsection. The superintendent shall also solicit price quotes for optional features and equipment.

(3)(a) The superintendent shall base the level of reimbursement to school districts and educational service districts for school buses on the lowest quote for the base bus in each category. School districts and educational service districts shall be reimbursed for buses purchased only through a lowest-price competitive bid process conducted under RCW 28A.335.190 or through the state bid process established by this section.

(b) Once the total cost of ownership of zero emission school buses is at or below the total cost of ownership of diesel school buses, as determined under the formulas adopted by rule pursuant to section 3 of this act, school districts may only receive reimbursement for the purchase of zero emission school buses, unless the district has been granted an exception under section 3(3) of this act. For the purposes of this subsection, "zero emission school bus" means a school bus that produces zero exhaust emission of any air pollutant and any greenhouse gas other than water vapor.

(4) Notwithstanding RCW 28A.335.190, school districts and educational service districts may purchase at the quoted price directly from any dealer who is on the list established under subsection (2) of this section. School districts and educational service districts may make their own selections for school buses, but shall be reimbursed at the rates determined under subsection (3) of this section and RCW 28A.160.200. District-selected options shall not be reimbursed by the state.

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

Sec. 5. RCW 28A.160.140 and 1990 c 33 s 140 are each amended to read as follows:

(1) As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after

July 26, 1987. If a school district enters into a pupil transportation services contract with a private nongovernmental entity that uses zero emission school buses to transport students for the school district, the contract period may be up to seven years in duration.

(2) Once the total cost of ownership of zero emission school buses is at or below the total cost of ownership of diesel school buses, as determined under the formulas adopted by rule pursuant to section 3 of this act, a school district may only enter into, renew, or extend a pupil transportation services contract with a nongovernmental entity that uses zero emission school buses to transport students for the school district. The office of the superintendent of public instruction must provide an exception to this requirement, upon request from the school district, if the school district meets the criteria in section 3(3)(a)(ii) through (iv) of this act. The requirements of this subsection do not prohibit the use of externally vented fuel-operated passenger heaters from November 15th through March 15th annually until other viable alternatives become available.

(3) As used in this section:

((1)) (a) "Open competitive process" means either one of the following, at the choice of the school district:

((a)) (i) The solicitation of bids or quotations and the award of contracts under RCW 28A.335.190; or

((b)) (ii) The competitive solicitation of proposals and their evaluation consistent with the process and criteria recommended or required, as the case may be, by the office of financial management for state agency acquisition of personal service contractors;

((2)) (b) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; (and

(3)) (c) "School bus" means a motor vehicle as defined in RCW 46.04.521 and under the rules of the superintendent of public instruction; and

(d) "Zero emission school bus" means a school bus that produces zero exhaust emission of any air pollutant and any greenhouse gas other than water vapor.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.300 RCW to read as follows:

(1) By November 15, 2024, the office of the superintendent of public instruction, in consultation with the department of ecology, must carry out a survey of school districts, charter schools, and state-tribal education compact schools focused on the uptake and total cost of ownership of zero emission school buses. The office of the superintendent of public instruction must submit a report to the legislature

summarizing their findings by December 1, 2024.

(2) The survey required under this section must collect information from each school district and school on:

(a) Current zero emission vehicle charging and refueling capacity and infrastructure;

(b) Whether, assuming the availability of grant funds and depreciation schedule payments to cover the full cost of a vehicle, including the total cost of ownership of the vehicle, the school district or school would anticipate applying for funds to support zero emission school bus or bus infrastructure purchases in the next two years, and in the next five years;

(c) For any schools or school districts still using a school bus after the end of its applicable depreciation schedule, whether the bus was manufactured prior to 2007, and an explanation of why the school or school district has continued to use the bus past the end of its depreciation schedule;

(d) Responses to preliminary guidance from the office of the superintendent of public instruction for calculating total cost of ownership and whether the school district or school utilizes the preliminary guidance or uses a different calculation methodology; and

(e) Any other survey information deemed helpful by the department of ecology or the office of the superintendent of public instruction to facilitating the transition to zero emission vehicles.

(3) For purposes of this section, "zero emission vehicle" has the same meaning as in section 2 of this act."

On page 1, line 2 of the title, after "buses;" strike the remainder of the title and insert "amending RCW 28A.160.195 and 28A.160.140; adding a new section to chapter 70A.15 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1368 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Dye spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1368, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1368, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 38; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanooff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

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

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1368, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, February 28, 2024

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1471, with the following amendment(s): 1471 AMS SGE S5300.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.26.010 and 2022 c 71 s 12 are each amended to read as follows:

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

(1) "Agency" means any state office or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, institutions of higher education as defined in RCW 28B.10.016, and correctional and other types of institutions. "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) "Bid" means an offer, proposal, or quote for goods or services in response to a solicitation issued for such goods or services by the department or an agency of Washington state government.

(3) "Bidder" means an individual or entity who submits a bid, quotation, or proposal in response to a solicitation issued for such goods or services by the department or an agency of Washington state government.

(4) "Client services" means services provided directly to agency clients including, but not limited to, medical and dental services, employment and training programs, residential care, and subsidized housing.

(5) "Community rehabilitation program of the department of social and health services" means any entity that:

(a) Is registered as a nonprofit corporation with the secretary of state; and

(b) Is recognized by the department of social and health services, division of vocational rehabilitation as eligible to do

business as a community rehabilitation program.

(6) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to bidders and culminating in a selection based on predetermined criteria.

(7) "Contractor" means an individual or entity awarded a contract with an agency to perform a service or provide goods.

(8) "Debar" means to prohibit a contractor, individual, or other entity from submitting a bid, having a bid considered, or entering into a state contract during a specified period of time as set forth in a debarment order.

(9) "Department" means the department of enterprise services.

(10) "Director" means the director of the department of enterprise services.

(11) "Estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner.

(12) "Goods" means products, materials, supplies, or equipment provided by a contractor.

(13) "In-state business" means a business that has its principal office located in Washington.

(14) "Life-cycle cost" means the total cost of an item to the state over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life.

(15) "Master contracts" means a contract for specific goods or services, or both, that is solicited and established by the department in accordance with procurement laws and rules on behalf of and for general use by agencies as specified by the department.

(16) "Microbusiness" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that: (a) Is owned and operated independently from all other businesses; and (b) has a gross revenue of less than ~~((one million dollars))~~ \$1,000,000 annually as reported on its federal tax return or on its return filed with the department of revenue.

(17) "Minibusiness" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that: (a) Is owned and operated independently from all other businesses; and (b) has a gross revenue of less than ~~((three million dollars))~~ \$3,000,000, but ~~((one million dollars))~~ \$1,000,000 or more annually as reported on its federal tax return or on its return filed with the department of revenue.

(18) "Polychlorinated biphenyls" means any polychlorinated biphenyl congeners and homologs.

(19) "Practical quantification limit" means the lowest concentration that can be reliably measured within specified limits of precision, accuracy, representativeness, completeness, and comparability during routine laboratory operating conditions.

(20) "Purchase" means the acquisition of goods or services, including the leasing or renting of goods.

(21) "Services" means labor, work, analysis, or similar activities provided by a contractor to accomplish a specific scope of work.

(22) "Small business" means an in-state business, including a sole proprietorship, corporation, partnership, or other legal entity, that:

(a) Certifies, under penalty of perjury, that it is owned and operated independently from all other businesses and has either:

(i) Fifty or fewer employees; or

(ii) A gross revenue of less than ~~((seven million dollars))~~ \$7,000,000 annually as reported on its federal income tax return or its return filed with the department of revenue over the previous three consecutive years; or

(b) Is certified with the office of women and minority business enterprises under chapter 39.19 RCW.

(23) "Sole source" means a contractor providing goods or services of such a unique nature or sole availability ~~((at the location required))~~ that the contractor is clearly and justifiably the only practicable source to provide the goods or services.

(24) "Washington grown" has the definition in RCW 15.64.060.

Sec. 2. RCW 39.26.070 and 2015 c 79 s 6 are each amended to read as follows:

A convenience contract is a contract for specific goods or services, or both, that is solicited and established in accordance with procurement laws and rules for use by ~~((a specific agency or))~~ a specified group of agencies ~~((as needed from time to time))~~. A convenience contract is not available for general use and ~~((may only))~~ must be ~~((used as specified))~~ approved by the department. Convenience contracts are not intended to replace or supersede master contracts as defined in this chapter.

Sec. 3. RCW 39.26.130 and 2012 c 224 s 15 are each amended to read as follows:

(1) An agency may make emergency purchases as defined in subsection ~~((43))~~ (4) of this section. When an emergency purchase is made, the agency head shall submit written notification of the purchase within ~~((three))~~ 10 business days of the purchase to the director. This notification must contain a description of the purchase, a description of the emergency and the circumstances leading up to the emergency, and an explanation of why the circumstances required an emergency purchase.

(2) Emergency contracts must be submitted to the department and made available for public inspection within ~~((three working))~~ 10 business days following the commencement of work or execution of the contract, whichever occurs first.

(3) The department may authorize exceptions to this section due to exigent circumstances.

(4) As used in this section, "emergency" means a set of unforeseen circumstances beyond the control of the agency that either:

(a) Present a real, immediate, and extreme threat to the proper performance of essential functions; or

(b) May reasonably be expected to result in material loss or damage to property, bodily injury, or loss of life, if immediate action is not taken.

Sec. 4. RCW 39.26.140 and 2012 c 224 s 16 are each amended to read as follows:

(1) Agencies must submit sole source contracts to the department and make the contracts available for public inspection not ~~((less))~~ fewer than ~~((ten))~~ 15 working days before the proposed starting date of the contract. Agencies must provide documented justification for sole source contracts to the department when the contract is submitted, and must include evidence that the agency posted the contract opportunity at a minimum on the state's enterprise vendor registration and bid notification system.

(2) The department must approve sole source contracts before any such contract becomes binding and before any services may be performed or goods provided under the contract. These requirements shall also apply to all sole source contracts except as otherwise exempted by the director.

(3) The director may provide an agency an exemption from the requirements of this section for a contract or contracts. Requests for exemptions must be submitted to the director in writing.

(4) Contracts awarded by institutions of higher education from nonstate funds are exempt from the requirements of this section.

Sec. 5. RCW 39.26.200 and 2020 c 269 s 3 are each amended to read as follows:

(1)(a) The director shall provide notice to the contractor of the director's intent to either fine or debar with the specific reason for either the fine or debarment. The department must establish the debarment and fining processes by rule.

(b) After reasonable notice to the contractor and reasonable opportunity for that contractor to be heard, the director has the authority to debar a contractor for cause from consideration for award of contracts. The debarment must be for a period of not more than three years.

(2) The director may either fine or debar a contractor based on a finding of one or more of the following causes:

(a) Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(b) Conviction or a final determination in a civil action under state or federal statutes of fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, violation of the federal false claims act, 31 U.S.C. Sec. 3729 et seq., or the state medicaid fraud false claims act, chapter 74.66 RCW, or any other offense indicating a lack of business integrity or business honesty that currently, seriously,

and directly affects responsibility as a state contractor;

(c) Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;

(d) Two or more violations within the previous five years of the national labor relations act as determined by the national labor relations board or court of competent jurisdiction;

(e) Violation of contract provisions, as set forth in this subsection, of a character that is regarded by the director to be so serious as to justify debarment action:

(i) Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or

(ii) A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, however the failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor may not be considered to be a basis for debarment;

(f) Violation of ethical standards set forth in RCW 39.26.020;

(g) Any other cause the director determines to be so serious and compelling as to affect responsibility as a state contractor, including debarment by another governmental entity for any cause listed in regulations; and

(h) ~~((During the 2017-2019 fiscal biennium, the))~~ The failure to comply with a provision in a state master contract or other agreement with a state agency that requires equality among its workers by ensuring similarly employed individuals are compensated as equals.

(3) The director must issue a written decision to debar. The decision must:

(a) State the reasons for the action taken; and

(b) Inform the debarred contractor of the contractor's rights to judicial or administrative review."

On page 1, line 3 of the title, after "contracts;" strike the remainder of the title and insert "and amending RCW 39.26.010, 39.26.070, 39.26.130, 39.26.140, and 39.26.200."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1471 and advanced the bill, as amended by the Senate, to final passage.

Representatives Stearns and Christian spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1471, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1471, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

HOUSE BILL NO. 1471, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1551, with the following amendment(s): 1551-S2 AMS BOEH S5687.1

On page 2, line 4, after "manufacturer" strike "or wholesaler"

On page 2, line 8, after "retailer" insert "or wholesaler"

On page 2, line 12, after "Retailers" insert "or wholesalers"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1551 and advanced the bill, as amended by the Senate, to final passage.

Representatives Pollet and Dye spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1551, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1551, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

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

Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SECOND SUBSTITUTE HOUSE BILL NO. 1551, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1635, with the following amendment(s): 1635 AMS ENGR S5290.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101 RCW to read as follows:

By July 1, 2025, the commission shall develop model standards for the training and certification of canine teams to detect fentanyl. When developing the model standards, the commission shall consult with:

(1) Experts including public and private organizations that train canines to imprint on controlled substances;

(2) Law enforcement or correctional agencies that use canines to detect controlled substances;

(3) Experts on the training of canines for use by law enforcement; and

(4) Licensed medical professionals and veterinarians, to the extent reasonably available, with expertise in: (a) Developing and implementing protocols to minimize exposure of canines and their handlers to opioids and their derivatives, including fentanyl and its derivatives; (b) detecting clinical signs of such exposure; and (c) intervening with timely and appropriate medical and veterinary medical treatment in the field, during stabilization and transport, and in-hospital following exposure to opioids and their derivatives, including fentanyl and its derivatives.

Sec. 2. RCW 4.24.410 and 1993 c 180 s 1 are each amended to read as follows:

(1) As used in this section:

(a) "Police dog" means a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

(b) "Accelerant detection dog" means a dog used exclusively for accelerant detection by the state fire marshal or a fire department and under the control of the state fire marshal or his or her designee or a fire department handler.

(c) "Dog handler" means a law enforcement officer who has successfully completed training as prescribed by the Washington state criminal justice training commission in police dog handling, or in the case of an

accelerant detection dog, the state fire marshal's designee or an employee of the fire department authorized by the fire chief to be the dog's handler.

(d) "Lawful application of a police dog" means employment or specific use of a police dog as allowed by law.

(2) Any dog handler who uses a police dog in the line of duty in good faith is immune from civil action for damages arising out of such use of the police dog or accelerant detection dog.

(3) A state or local government or law enforcement agency is not strictly liable for damages resulting from the lawful application of a police dog."

On page 1, line 2 of the title, after "dogs;" strike the remainder of the title and insert "amending RCW 4.24.410; and adding a new section to chapter 43.101 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1635 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1635, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1635, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

HOUSE BILL NO. 1635, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, with the following amendment(s): 1652-S.E AMS LAW S4192.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.23.035 and 2020 c 349 s 1 are each amended to read as follows:

(1) The department of social and health services shall adopt rules for the distribution of support money collected by the division of child support. These rules shall:

(a) Comply with Title IV-D of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996 and the federal deficit reduction act of 2005;

(b) Direct the division of child support to distribute support money within eight days of receipt, unless one of the following circumstances, or similar circumstances specified in the rules, prevents prompt distribution:

(i) The location of the custodial parent is unknown;

(ii) The support debt is in litigation;

(iii) The division of child support cannot identify the responsible parent or the custodian;

(c) Provide for proportionate distribution of support payments if the responsible parent owes a support obligation or a support debt for two or more Title IV-D cases; and

(d) Authorize the distribution of support money, except money collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to the IV-D custodian before the debt owed to the state when the custodian stops receiving a public assistance grant.

(2) The division of child support may distribute support payments to the payee under the support order or to another person who has lawful physical custody of the child or custody with the payee's consent. The payee may file an application for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall:

(a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent;

(b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and

(c) File a copy of the notice with the clerk of the court that entered the original support order.

(3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and ~~((ten))~~ 10 percent of amounts collected as current support.

(4) ~~((Effective February 1, 2021, consistent))~~ Consistent with 42 U.S.C. Sec.

657(a) as amended by section 7301(b)(7)(B) of the federal deficit reduction act of 2005, the department shall pass through ~~((child support that does not exceed fifty dollars per month collected on behalf of a family, or in the case of a family that includes two or more children an amount that is not more than one hundred dollars per month))~~ to a family all amounts collected as current child support each month on behalf of the family. The department has rule-making authority to implement this subsection.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.08A RCW to read as follows:

The department shall disregard and not count as income any amount of current child support passed through to applicants or recipients pursuant to RCW 26.23.035 in determining eligibility for and the amount of temporary assistance for needy families or WorkFirst.

NEW SECTION. **Sec. 3.** 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. 4.** This act takes effect January 1, 2026."

On page 1, line 1 of the title, after "through;" strike the remainder of the title and insert "amending RCW 26.23.035; adding a new section to chapter 74.08A RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1652, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1652, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt,

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

Voting Nay: Representatives Abbarno, Caldier, Chambers and Jacobsen

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1877, with the following amendment(s): 1877-S2 AMS WM S5464.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 71.05 RCW to read as follows:

(1) An attorney representing a tribe has the right to intervene at any point in any court proceeding under this chapter involving a member of the tribe.

(a) For purposes of this section, "right to intervene" means the right of a tribal attorney to:

(i) Attend court proceedings;

(ii) Speak in court;

(iii) Request copies of orders issued by the court and petitions filed;

(iv) Submit information to the court including, but not limited to, information about available tribal resources to coordinate services; and

(v) Petition the court under RCW 71.05.201.

(b) Information provided to the tribal attorney under this section is subject to any federal and state laws and regulations including the requirements in RCW 70.02.230 (2)(ee) and (3).

(2) Behavioral health service providers shall accept tribal court orders from tribes located within the state on the same basis as state court orders issued under this chapter.

(3) The administrative office of the courts, in consultation with the authority, shall develop and update court forms as needed in proceedings under this chapter for use by designated crisis responders and make them available by December 1, 2024. After January 1, 2025, superior courts must allow tribal designated crisis responders to use court forms developed by the administrative office of the courts.

NEW SECTION. Sec. 2. A new section is added to chapter 71.34 RCW to read as follows:

(1) An attorney representing a federally recognized Indian tribe has the right to

intervene at any point in any court proceeding under this chapter involving a member of the tribe.

(a) For purposes of this section, "right to intervene" means the right of a tribal attorney to:

(i) Attend court proceedings;

(ii) Speak in court;

(iii) Request copies of orders issued by the court and petitions filed;

(iv) Submit information to the court including, but not limited to, information about available tribal resources to coordinate services; and

(v) Petition the court under RCW 71.05.201.

(b) Information provided to the tribal attorney under this section is subject to any federal and state laws and regulations including the requirements in RCW 70.02.240.

(2) Behavioral health service providers shall accept tribal court orders from tribes located within the state on the same basis as state court orders issued under this chapter.

(3) The administrative office of the courts, in consultation with the authority, shall develop and update court forms as needed in proceedings under this chapter for use by designated crisis responders and make them available by December 1, 2024. After January 1, 2025, superior courts must allow tribal designated crisis responders to use court forms developed by the administrative office of the courts.

NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW to read as follows:

Nothing in this chapter may be read as an assertion of state jurisdiction or regulatory authority over a tribe.

NEW SECTION. Sec. 4. A new section is added to chapter 71.34 RCW to read as follows:

Nothing in this chapter may be read as an assertion of state jurisdiction or regulatory authority over a tribe.

Sec. 5. RCW 71.05.020 and 2023 c 433 s 3 and 2023 c 425 s 20 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) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025;

(2) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(5) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(7) "Authority" means the Washington state health care authority;

(8) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(9) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; an entity with a tribal attestation that it meets minimum standards or a licensed or certified behavioral health agency as defined in RCW 71.24.025; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state ((and)), local, and tribal governments;

(10) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(11) "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;

(12) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(14) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has

been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual;

(15) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(16) "Department" means the department of health;

(17) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a ((federally recognized Indian)) tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(18) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(19) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(20) "Developmental disability" means that condition defined in RCW 71A.10.020(6);

(21) "Director" means the director of the authority;

(22) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(23) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(24) "Evaluation and treatment facility" means any facility which 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. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(25) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(26) "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;

(27) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(28) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(29) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(30) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(31) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person 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 discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(32) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the

use of alcohol or other psychoactive chemicals;

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(34) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(35) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(36) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(37) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(38) "Medical clearance" means a physician or other health care provider, including an Indian health care provider, has determined that a person is medically stable and ready for referral to the designated crisis responder or facility. For a person presenting in the community, no medical clearance is required prior to investigation by a designated crisis responder;

(39) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(40) "Mental health professional" means an individual practicing within the mental health professional's statutory scope of practice who is:

(a) A psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, as defined in this chapter and chapter 71.34 RCW;

(b) A mental health counselor, mental health counselor associate, marriage and family therapist, or marriage and family therapist associate, as defined in chapter 18.225 RCW; or

(c) A certified or licensed agency affiliated counselor, as defined in chapter 18.19 RCW;

(41) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(42) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(43) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(44) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(45) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(46) "Psychiatrist" means a person having a license 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;

(47) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(48) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(49) "Release" means legal termination of the commitment under the provisions of this chapter;

(50) "Resource management services" has the meaning given in chapter 71.24 RCW;

(51) "Secretary" means the secretary of the department of health, or his or her designee;

(52) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and

individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(53) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(54) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(55) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(56) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(57) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral

health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(58) "Tribe" has the same meaning as in RCW 71.24.025;

(59) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

~~((59))~~ (60) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 6. RCW 71.05.020 and 2023 c 433 s 4 and 2023 c 425 s 21 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) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025;

(2) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(5) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(7) "Authority" means the Washington state health care authority;

(8) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(9) "Behavioral health service provider" means a public or private agency that provides mental health, substance use

disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; an entity with a tribal attestation that it meets minimum standards or a licensed or certified behavioral health agency as defined in RCW 71.24.025; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state ~~((and))~~, local, and tribal governments;

(10) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(11) "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;

(12) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(14) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual;

(15) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(16) "Department" means the department of health;

(17) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a ~~((federally recognized Indian))~~ tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(18) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(19) "Developmental disabilities professional" means a person who has

specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(20) "Developmental disability" means that condition defined in RCW 71A.10.020(6);

(21) "Director" means the director of the authority;

(22) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(23) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(24) "Evaluation and treatment facility" means any facility which 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. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(25) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(26) "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;

(27) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(28) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(29) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(30) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(31) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person 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 discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(32) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(34) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(35) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(36) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(37) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(38) "Medical clearance" means a physician or other health care provider, including an Indian health care provider, has determined that a person is medically stable and ready for referral to the designated crisis responder or facility. For a person presenting in the community, no medical clearance is required prior to investigation by a designated crisis responder;

(39) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(40) "Mental health professional" means an individual practicing within the mental health professional's statutory scope of practice who is:

(a) A psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, as defined in this chapter and chapter 71.34 RCW;

(b) A mental health counselor, mental health counselor associate, marriage and family therapist, or marriage and family therapist associate, as defined in chapter 18.225 RCW; or

(c) A certified or licensed agency affiliated counselor, as defined in chapter 18.19 RCW;

(41) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(42) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(43) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(44) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and

such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(45) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(46) "Psychiatrist" means a person having a license 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;

(47) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(48) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(49) "Release" means legal termination of the commitment under the provisions of this chapter;

(50) "Resource management services" has the meaning given in chapter 71.24 RCW;

(51) "Secretary" means the secretary of the department of health, or his or her designee;

(52) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(53) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(54) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(55) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(56) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(57) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(58) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(59) "Tribe" has the same meaning as in RCW 71.24.025;

(60) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

~~((60))~~ (61) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 7. RCW 71.34.020 and 2023 c 433 s 12 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or

certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(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 discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31)(a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment

facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(~~((419)-(a))~~)(22)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider, including an Indian health care provider, has determined that a person is medically stable and ready for referral to the designated crisis responder or facility. For a person presenting in the community, no medical clearance is required prior to investigation by a designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder

or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use

disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(61) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(62) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(63) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(64) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(65) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(66) "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, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health

organizations, or a treatment facility if the notes or records are not available to others.

(67) "Tribe" has the same meaning as in RCW 71.24.025.

(68) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

~~((+69))~~ (69) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 8. RCW 71.34.020 and 2023 c 433 s 13 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a minor should be examined or treated as a patient in a hospital.

(2) "Adolescent" means a minor thirteen years of age or older.

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to, atypical antipsychotic medications.

(5) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program licensed or certified by the department of health as meeting standards adopted under chapter 71.24 RCW.

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a minor patient.

(7) "Authority" means the Washington state health care authority.

(8) "Behavioral health administrative services organization" has the same meaning as provided in RCW 71.24.025.

(9) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder.

(10) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(11) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(12) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms.

(14) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105.

(15) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department of health under RCW 71.24.035, such as a residential treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual.

(16) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(17) "Department" means the department of social and health services.

(18) "Designated crisis responder" has the same meaning as provided in RCW 71.05.020.

(19) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter.

(20) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department.

(21) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(22) "Director" means the director of the authority.

(23) "Discharge" means the termination of hospital medical authority. The commitment

may remain in place, be terminated, or be amended by court order.

(24) "Evaluation and treatment facility" means a public or private facility or unit that is licensed or certified by the department of health to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the state or federal agency does not require licensure or certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(25) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(26) "Gravely disabled minor" means a minor who, as a result of a behavioral health disorder, (a) is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(27) "Habilitative services" means those services provided by program personnel to assist minors in acquiring and maintaining life skills and in raising their levels of physical, behavioral, social, and vocational functioning. Habilitative services include education, training for employment, and therapy.

(28) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.34.910.

(29) "History of one or more violent acts" refers to the period of time five years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, a long-term substance use disorder treatment facility, or in confinement as a result of a criminal conviction.

(30) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which states:

(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 discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(31)(a) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, residential treatment facility licensed or certified by the department of health as an evaluation and treatment facility for minors, secure withdrawal management and stabilization facility for minors, or approved substance use disorder treatment program for minors.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "inpatient treatment" has the meaning included in (a) of this subsection and any other residential treatment facility licensed under chapter 71.12 RCW.

(32) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter.

(34) "Kinship caregiver" has the same meaning as in RCW 74.13.031(~~((19)(a))~~)(22)(a).

(35) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130.

(36) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor as a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.34.755, including residential treatment.

(37) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(38) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a minor upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a minor upon another individual, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a minor upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The minor has threatened the physical safety of another and has a history of one or more violent acts.

(39) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(40) "Medical clearance" means a physician or other health care provider, including an Indian health care provider, has determined that a person is medically stable and ready for referral to the designated crisis responder or facility. For a person presenting in the community, no medical clearance is required prior to investigation by a designated crisis responder.

(41) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the progression of a mental disorder or substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a disability, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(42) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(43) "Mental health professional" means a psychiatrist, psychiatric advanced registered nurse practitioner, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, social worker, and such other mental health professionals as defined by rules adopted by the secretary of the department of health under this chapter.

(44) "Minor" means any person under the age of eighteen years.

(45) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed or certified behavioral health agencies as identified by RCW 71.24.025.

(46)(a) "Parent" has the same meaning as defined in RCW 26.26A.010, including either parent if custody is shared under a joint custody agreement, or a person or agency judicially appointed as legal guardian or custodian of the child.

(b) For purposes of family-initiated treatment under RCW 71.34.600 through 71.34.670, "parent" also includes a person to whom a parent defined in (a) of this subsection has given a signed authorization to make health care decisions for the adolescent, a stepparent who is involved in caring for the adolescent, a kinship caregiver who is involved in caring for the adolescent, or another relative who is responsible for the health care of the adolescent, who may be required to provide a declaration under penalty of perjury stating that he or she is a relative responsible for the health care of the adolescent pursuant to chapter 5.50 RCW. If a dispute arises between individuals authorized to act as a parent for the purpose of RCW 71.34.600 through 71.34.670, the disagreement must be resolved according to the priority established under RCW 7.70.065(2)(a).

(47) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(48) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW.

(49) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(50) "Professional person in charge" or "professional person" means a physician, other mental health professional, or other person empowered by an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(51) "Psychiatric nurse" means a registered nurse who has experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional.

(52) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(53) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(54) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a distinct unit, floor, or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(55) "Release" means legal termination of the commitment under the provisions of this chapter.

(56) "Resource management services" has the meaning given in chapter 71.24 RCW.

(57) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(58) "Secretary" means the secretary of the department or secretary's designee.

(59) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and

individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health.

(60) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior.

(61) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(62) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(63) "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment.

(64) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(65) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW.

(66) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court

personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties.

(67) "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, the department of health, the authority, behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, the department of health, the authority, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(68) "Tribe" has the same meaning as in RCW 71.24.025.

(69) "Video" means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology.

~~((69))~~ (70) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 9. RCW 71.05.148 and 2022 c 210 s 3 are each amended to read as follows:

(1) A person is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence pursuant to a petition filed under this section that:

(a) The person has a behavioral health disorder;

(b) Based on a clinical determination and in view of the person's treatment history and current behavior, at least one of the following is true:

(i) The person is unlikely to survive safely in the community without supervision and the person's condition is substantially deteriorating; or

(ii) The person is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the person or to others;

(c) The person has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the person, or the person's receipt of services in a forensic or other mental health unit of a state or tribal correctional facility or local correctional facility, provided that the 36-

month period shall be extended by the length of any hospitalization or incarceration of the person that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the person's incarceration in a state, tribal, or local correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the person or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the person's recovery and stability; and

(e) The person will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that a person is in need of assisted outpatient treatment:

(a) The director of a hospital where the person is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the person or the director's designee;

(c) The person's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a corrections facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the person is in need of assisted outpatient treatment may be effective for up to 18 months. The petitioner must personally interview the person, unless the person refuses an interview, to determine whether the person will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the person's condition was made known and the basis for the opinion, from personal observation or investigation, that the person is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources

of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, advanced registered nurse practitioner, or the person's treating mental health professional or substance use disorder professional, who has examined the person no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the person within the same period but has not been successful in obtaining the person's cooperation, and who is willing to testify to the reasons they believe that the person meets the criteria for assisted outpatient treatment. If the declaration is provided by the person's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the person is detained in a state hospital, inpatient treatment facility, jail, or correctional facility at the time the petition is filed, the anticipated release date of the person and any other details needed to facilitate successful reentry and transition into the community.

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the respondent is hospitalized at the time of filing of the petition, before discharge of the respondent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the respondent, the qualified professional whose affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the respondent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The respondent shall be represented by counsel at all stages of the proceedings.

(e) If the respondent fails to appear at the hearing after notice, the court may conduct the hearing in the respondent's absence; provided that the respondent's counsel is present.

(f) If the respondent has refused to be examined by the qualified professional whose

affidavit accompanied the petition, the court may order a mental examination of the respondent. The examination of the respondent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the respondent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the respondent to a provider for examination by a qualified professional. A respondent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours.

(7) If the petition involves a person whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the petitioner or behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible, but before the hearing and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The notice to the tribe or Indian health care provider must include a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene. The court clerk shall provide copies of any court orders necessary for the petitioner or the behavioral health administrative services organization to provide notice to the tribe or Indian health care provider under this section.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.05.240.

(9) After January 1, 2023, a petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

Sec. 10. RCW 71.34.815 and 2022 c 210 s 4 are each amended to read as follows:

(1) An adolescent is in need of assisted outpatient treatment if the court finds by clear, cogent, and convincing evidence in response to a petition filed under this section that:

(a) The adolescent has a behavioral health disorder;

(b) Based on a clinical determination and in view of the adolescent's treatment history and current behavior, at least one of the following is true:

(i) The adolescent is unlikely to survive safely in the community without supervision

and the adolescent's condition is substantially deteriorating; or

(ii) The adolescent is in need of assisted outpatient treatment in order to prevent a relapse or deterioration that would be likely to result in grave disability or a likelihood of serious harm to the adolescent or to others;

(c) The adolescent has a history of lack of compliance with treatment for his or her behavioral health disorder that has:

(i) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating hospitalization of the adolescent, or the adolescent's receipt of services in a forensic or other mental health unit of a state ~~((correctional facility or))~~, local, or tribal correctional facility, provided that the 36-month period shall be extended by the length of any hospitalization or incarceration of the adolescent that occurred within the 36-month period;

(ii) At least twice within the 36 months prior to the filing of the petition been a significant factor in necessitating emergency medical care or hospitalization for behavioral health-related medical conditions including overdose, infected abscesses, sepsis, endocarditis, or other maladies, or a significant factor in behavior which resulted in the adolescent's incarceration in a state ~~((or))~~, local, or tribal correctional facility; or

(iii) Resulted in one or more violent acts, threats, or attempts to cause serious physical harm to the adolescent or another within the 48 months prior to the filing of the petition, provided that the 48-month period shall be extended by the length of any hospitalization or incarceration of the person that occurred during the 48-month period;

(d) Participation in an assisted outpatient treatment program would be the least restrictive alternative necessary to ensure the adolescent's recovery and stability; and

(e) The adolescent will benefit from assisted outpatient treatment.

(2) The following individuals may directly file a petition for less restrictive alternative treatment on the basis that an adolescent is in need of assisted outpatient treatment:

(a) The director of a hospital where the adolescent is hospitalized or the director's designee;

(b) The director of a behavioral health service provider providing behavioral health care or residential services to the adolescent or the director's designee;

(c) The adolescent's treating mental health professional or substance use disorder professional or one who has evaluated the person;

(d) A designated crisis responder;

(e) A release planner from a juvenile detention or rehabilitation facility; or

(f) An emergency room physician.

(3) A court order for less restrictive alternative treatment on the basis that the adolescent is in need of assisted outpatient treatment may be effective for up to 18 months. The petitioner must personally interview the adolescent, unless the

adolescent refuses an interview, to determine whether the adolescent will voluntarily receive appropriate treatment.

(4) The petitioner must allege specific facts based on personal observation, evaluation, or investigation, and must consider the reliability or credibility of any person providing information material to the petition.

(5) The petition must include:

(a) A statement of the circumstances under which the adolescent's condition was made known and the basis for the opinion, from personal observation or investigation, that the adolescent is in need of assisted outpatient treatment. The petitioner must state which specific facts come from personal observation and specify what other sources of information the petitioner has relied upon to form this belief;

(b) A declaration from a physician, physician assistant, or advanced registered nurse practitioner, or the adolescent's treating mental health professional or substance use disorder professional, who has examined the adolescent no more than 10 days prior to the submission of the petition and who is willing to testify in support of the petition, or who alternatively has made appropriate attempts to examine the adolescent within the same period but has not been successful in obtaining the adolescent's cooperation, and who is willing to testify to the reasons they believe that the adolescent meets the criteria for assisted outpatient treatment. If the declaration is provided by the adolescent's treating mental health professional or substance use disorder professional, it must be cosigned by a supervising physician, physician assistant, or advanced registered nurse practitioner who certifies that they have reviewed the declaration;

(c) The declarations of additional witnesses, if any, supporting the petition for assisted outpatient treatment;

(d) The name of an agency, provider, or facility that agrees to provide less restrictive alternative treatment if the petition is granted by the court; and

(e) If the adolescent is detained in a state hospital, inpatient treatment facility, or juvenile detention or rehabilitation facility at the time the petition is filed, the anticipated release date of the adolescent and any other details needed to facilitate successful reentry and transition into the community.

(6)(a) Upon receipt of a petition meeting all requirements of this section, the court shall fix a date for a hearing:

(i) No sooner than three days or later than seven days after the date of service or as stipulated by the parties or, upon a showing of good cause, no later than 30 days after the date of service; or

(ii) If the adolescent is hospitalized at the time of filing of the petition, before discharge of the adolescent and in sufficient time to arrange for a continuous transition from inpatient treatment to assisted outpatient treatment.

(b) A copy of the petition and notice of hearing shall be served, in the same manner as a summons, on the petitioner, the adolescent, the qualified professional whose

affidavit accompanied the petition, a current provider, if any, and a surrogate decision maker or agent under chapter 71.32 RCW, if any.

(c) If the adolescent has a surrogate decision maker or agent under chapter 71.32 RCW who wishes to provide testimony at the hearing, the court shall afford the surrogate decision maker or agent an opportunity to testify.

(d) The adolescent shall be represented by counsel at all stages of the proceedings.

(e) If the adolescent fails to appear at the hearing after notice, the court may conduct the hearing in the adolescent's absence; provided that the adolescent's counsel is present.

(f) If the adolescent has refused to be examined by the qualified professional whose affidavit accompanied the petition, the court may order a mental examination of the adolescent. The examination of the adolescent may be performed by the qualified professional whose affidavit accompanied the petition. If the examination is performed by another qualified professional, the examining qualified professional shall be authorized to consult with the qualified professional whose affidavit accompanied the petition.

(g) If the adolescent has refused to be examined by a qualified professional and the court finds reasonable grounds to believe that the allegations of the petition are true, the court may issue a written order directing a peace officer who has completed crisis intervention training to detain and transport the adolescent to a provider for examination by a qualified professional. An adolescent detained pursuant to this subsection shall be detained no longer than necessary to complete the examination and in no event longer than 24 hours. All papers in the court file must be provided to the adolescent's designated attorney.

(7) If the petition involves an adolescent whom the petitioner or behavioral health administrative services organization knows, or has reason to know, is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the petitioner or behavioral health administrative services organization shall notify the tribe and Indian health care provider. Notification shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan as soon as possible, but before the hearing and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The notice to the tribe or Indian health care provider must include a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene. The court clerk shall provide copies of any court orders necessary for the petitioner or the behavioral health administrative services organization to provide notice to the tribe or Indian health care provider under this section.

(8) A petition for assisted outpatient treatment filed under this section shall be adjudicated under RCW 71.34.740.

(9) After January 1, 2023, a petition for assisted outpatient treatment must be filed on forms developed by the administrative office of the courts.

Sec. 11. RCW 71.05.150 and 2023 c 433 s 6 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, 23-hour crisis relief center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than ~~((one hundred twenty))~~ 120 hours for evaluation and treatment upon request of a designated crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of the judge that:

(i) There is probable cause to support the petition; and

(ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure withdrawal management and stabilization facility or approved substance use disorder treatment

program unless there is an available secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the person.

(e) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person and his or her guardian, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within ~~((one hundred twenty))~~ 120 hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor or traditional cultural healer to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

(5) ~~((Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5-.~~

~~(6))~~ In any investigation and evaluation of an individual under this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider ~~((regarding))~~ whether or not a petition for initial detention or involuntary outpatient treatment will be

~~filed((~~Notification~~))as soon as possible, but no later than three hours from the time the decision is made. If a petition for initial detention or involuntary outpatient treatment is filed, the designated crisis responder must provide the tribe and Indian health care provider with a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene as soon as possible, but before the hearing, and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The court clerk shall provide copies of any court orders necessary for the designated crisis responder to provide notice to the tribe or Indian health care provider under this section. Notification under this section is subject to any federal and state laws and regulations including the requirements in RCW 70.02.230 (2)(ee) and (3) and shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan ((as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)(ee) and (3)). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2)).~~

Sec. 12. RCW 71.05.150 and 2023 c 433 s 7 are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as a result of a behavioral health disorder, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, 23-hour crisis relief center, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. As part of the assessment, the designated crisis responder must attempt to ascertain if the person has executed a mental health advance directive under chapter 71.32 RCW. The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) A superior court judge may issue a warrant to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an

approved substance use disorder treatment program, for a period of not more than ~~((one hundred twenty))120~~ hours for evaluation and treatment upon request of a designated crisis responder whenever it appears to the satisfaction of the judge that:

(i) There is probable cause to support the petition; and

(ii) The person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) If the court does not issue an order to detain a person pursuant to this subsection (2), the court shall issue an order to dismiss the initial petition.

(3) The designated crisis responder shall then serve or cause to be served on such person and his or her guardian, if any, a copy of the order together with a notice of rights, and a petition for initial detention. After service on such person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within ~~((one hundred twenty))120~~ hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor or traditional cultural healer to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the

original order together with a notice of rights and a petition for initial detention.

~~(5) ((Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.~~

~~(6)) In any investigation and evaluation of an individual under this section or RCW 71.05.153 in which the designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and Indian health care provider ((regarding)) whether or not a petition for initial detention or involuntary outpatient treatment will be filed ((Notification)) as soon as possible, but no later than three hours from the time the decision is made. If a petition for initial detention or involuntary outpatient treatment is filed, the designated crisis responder must provide the tribe and Indian health care provider with a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene as soon as possible, but before the hearing, and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The court clerk shall provide copies of any court orders necessary for the designated crisis responder to provide notice to the tribe or Indian health care provider under this section. Notification under this section is subject to any federal and state laws and regulations including the requirements in RCW 70.02.230 (2)(ee) and (3) and shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan ((as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)(ee) and (3)). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2)).~~

Sec. 13. RCW 71.34.710 and 2021 c 264 s 31 are each amended to read as follows:

(1)(a) When a designated crisis responder receives information that an adolescent as a result of a behavioral health disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing inpatient treatment.

A secure withdrawal management and stabilization facility or approved substance use disorder treatment program must be available and have adequate space for the adolescent.

(b) If a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or ~~((forty-eight))~~ 48 hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent, or a ~~((federally recognized Indian))~~ tribe if the person is a member of such tribe, may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.

(c) The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) Within ~~((twelve))~~ 12 hours of the adolescent's arrival at the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the designated crisis responder shall serve or cause to be served on the adolescent a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the adolescent's parent and the adolescent's attorney as soon as possible following the initial detention.

(b) The facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

(3)(a) At the time of initial detention, the designated crisis responder shall advise the adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within ~~((one hundred twenty))~~ 120 hours of the adolescent's provisional acceptance to determine whether probable cause exists to commit the adolescent for further treatment.

(b) The adolescent shall be advised that he or she has a right to communicate

immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the adolescent is indigent.

(4) Subject to subsection (5) of this section, whenever the designated crisis responder petitions for detention of an adolescent under this chapter, an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing ~~((one hundred twenty))~~ 120-hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within ~~((twenty-four))~~ 24 hours of the adolescent's arrival, the facility must evaluate the adolescent's condition and either admit or release the adolescent in accordance with this chapter.

(5) A designated crisis responder may not petition for detention of an adolescent to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available and that has adequate space for the adolescent.

(6) If an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the adolescent as necessary.

(7) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally disregarded the requirements of this section.

~~(8) ((Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.~~

~~(9))~~ In any investigation and evaluation of ~~((a juvenile))~~ an adolescent under this section in which the designated crisis responder knows, or has reason to know, that the ~~((juvenile))~~ adolescent is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and the Indian health care provider ~~((regarding))~~ whether or not a petition for initial detention or involuntary outpatient treatment will be filed ~~((Notification))~~ as soon as possible, but no later than three hours from the time the decision is made. If a petition for initial detention or involuntary outpatient treatment is filed, the designated crisis responder must provide the tribe with a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene as soon as possible, but before the hearing, and no later than 24 hours from the time the petition is served upon the

person and the person's guardian. The court clerk shall provide copies of any court orders necessary for the designated crisis responder to provide notice to the tribe or Indian health care provider under this section. Notification under this section is subject to any federal and state laws and regulations including the requirements in RCW 70.02.240 and shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan ((as seen as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)(c) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2)).

Sec. 14. RCW 71.34.710 and 2021 c 264 s 32 are each amended to read as follows:

(1)(a) When a designated crisis responder receives information that an adolescent as a result of a behavioral health disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the adolescent, or cause the adolescent to be taken, into custody and transported to an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing inpatient treatment.

(b) If a designated crisis responder decides not to detain an adolescent for evaluation and treatment under RCW 71.34.700(2), or ~~((forty-eight))~~ 48 hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the adolescent detained, an immediate family member or guardian or conservator of the adolescent, or a ~~((federally recognized Indian))~~ tribe if the person is a member of such tribe, may petition the superior court for the adolescent's detention using the procedures under RCW 71.05.201 and 71.05.203; however, when the court enters an order of initial detention, except as otherwise expressly stated in this chapter, all procedures must be followed as if the order has been entered under (a) of this subsection.

(c) The interview performed by the designated crisis responder may be conducted by video provided that a licensed health care professional or professional person who can adequately and accurately assist with obtaining any necessary information is present with the person at the time of the interview.

(2)(a) Within ~~((twelve))~~ 12 hours of the adolescent's arrival at the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the designated crisis responder shall serve or cause to be served on the

adolescent a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the adolescent's parent and the adolescent's attorney as soon as possible following the initial detention.

(b) The facility or program may serve the adolescent, notify the adolescent's parents and the adolescent's attorney, and file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service when filing with the court at the request of the designated crisis responder.

(3)(a) At the time of initial detention, the designated crisis responder shall advise the adolescent both orally and in writing that if admitted to the evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within ~~((one hundred twenty))~~ 120 hours of the adolescent's provisional acceptance to determine whether probable cause exists to commit the adolescent for further treatment.

(b) The adolescent shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the adolescent is indigent.

(4) Whenever the designated crisis responder petitions for detention of an adolescent under this chapter, an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing ~~((one hundred twenty))~~ 120-hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within ~~((twenty-four))~~ 24 hours of the adolescent's arrival, the facility must evaluate the adolescent's condition and either admit or release the adolescent in accordance with this chapter.

(5) If an adolescent is not approved for admission by the inpatient evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the adolescent as necessary.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section, based on the purpose of this chapter under RCW 71.34.010, except in the few cases where the facility staff or the designated crisis responder have totally

disregarded the requirements of this section.

~~(7) ((Tribal court orders for involuntary commitment shall be recognized and enforced in accordance with superior court civil rule 82.5.~~

~~(8))~~ In any investigation and evaluation of ~~((a juvenile))~~ an adolescent under this section in which the designated crisis responder knows, or has reason to know, that the ~~((juvenile))~~ adolescent is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the designated crisis responder shall notify the tribe and the Indian health care provider ~~((regarding))~~ whether or not a petition for initial detention or involuntary outpatient treatment will be filed ~~((Notification))~~ as soon as possible, but no later than three hours from the time the decision is made. If a petition for initial detention or involuntary outpatient treatment is filed, the designated crisis responder must provide the tribe with a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene as soon as possible, but before the hearing, and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The court clerk shall provide copies of any court orders necessary for the designated crisis responder to provide notice to the tribe or Indian health care provider under this section. Notification under this section is subject to any federal and state laws and regulations including the requirements in RCW 70.02.240 and shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan ((as soon as possible but no later than three hours subject to the requirements in RCW 70.02.230 (2)(cc) and (3). A designated crisis responder may restrict the release of information as necessary to comply with 42 C.F.R. Part 2)).

Sec. 15. RCW 71.05.195 and 2020 c 302 s 23 are each amended to read as follows:

(1) A civil commitment may be initiated under the procedures described in RCW 71.05.150 or 71.05.153 for a person who has been found not guilty by reason of insanity in a state other than Washington or a tribe and who has fled from detention, commitment, or conditional release in that state or tribe, on the basis of a request by the state or tribe in which the person was found not guilty by reason of insanity for the person to be detained and transferred back to the custody or care of the requesting state or tribe. A finding of likelihood of serious harm or grave disability is not required for a commitment under this section. The detention may occur at either an evaluation and treatment facility or a state hospital. The petition for ~~((one hundred twenty))~~ 120-hour detention filed by the designated crisis responder must be accompanied by the following documents:

(a) A copy of an order for detention, commitment, or conditional release of the person in a state other than Washington or

tribe on the basis of a judgment of not guilty by reason of insanity;

(b) A warrant issued by a magistrate in the state or tribe in which the person was found not guilty by reason of insanity indicating that the person has fled from detention, commitment, or conditional release in that state or tribe and authorizing the detention of the person within the state or tribe in which the person was found not guilty by reason of insanity;

(c) A statement from the executive authority of the state or tribe in which the person was found not guilty by reason of insanity requesting that the person be returned to the requesting state or tribe and agreeing to facilitate the transfer of the person to the requesting state or tribe.

(2) The person shall be entitled to a probable cause hearing within the time limits applicable to other detentions under this chapter and shall be afforded the rights described in this chapter including the right to counsel. At the probable cause hearing, the court shall determine the identity of the person and whether the other requirements of this section are met. If the court so finds, the court may order continued detention in a treatment facility for up to ~~((thirty))~~ 30 days for the purpose of the transfer of the person to the custody or care of the requesting state or tribe. The court may order a less restrictive alternative to detention only under conditions which ensure the person's safe transfer to the custody or care of the requesting state or tribe within ~~((thirty))~~ 30 days without undue risk to the safety of the person or others.

(3) For the purposes of this section, "not guilty by reason of insanity" shall be construed to include any provision of law which is generally equivalent to a finding of criminal insanity within the state of Washington; and "state" shall be construed to mean any state, district, or territory of the United States.

Sec. 16. RCW 71.05.201 and 2022 c 210 s 8 are each amended to read as follows:

(1) If a designated crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or ~~((forty-eight))~~ 48 hours have elapsed since a designated crisis responder received a request for investigation and the designated crisis responder has not taken action to have the person detained, an immediate family member or guardian of the person, or a ~~((federally recognized Indian))~~ tribe if the person is a member of such a tribe, may petition the superior court for the person's initial detention.

(2) A petition under this section must be filed within ~~((ten))~~ 10 calendar days following the designated crisis responder investigation or the request for a designated crisis responder investigation. If more than ~~((ten))~~ 10 days have elapsed, the immediate family member, guardian, ~~((or))~~ conservator, or a tribe if the person is a member of such a tribe, may request a new designated crisis responder investigation.

(3) (a) The petition must be filed in the county in which the designated crisis responder investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated crisis responder.

(4) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated crisis responder's current decision.

(5) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(6) The court shall dismiss the petition at any time if it finds that a designated crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(7) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(8) If the court enters an order for initial detention, it shall provide the order to the designated crisis responder agency and issue a warrant. The designated crisis responder agency serving the jurisdiction of the court must collaborate and coordinate with law enforcement, including tribal law enforcement, regarding apprehensions and detentions under this subsection, including sharing of information relating to risk and which would assist in locating the person. A person may not be detained to jail pursuant to a warrant issued under this subsection. An order for detention under this section should contain the advisement of rights which the person would receive if the person were detained by a designated crisis responder. An order for initial detention under this section expires

((one hundred eighty)) 180 days from issuance.

(9) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(10) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

Sec. 17. RCW 71.05.212 and 2022 c 210 s 9 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

(5) The authority, in consultation with tribes and in coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by December 31, 2024, for conducting culturally

appropriate evaluations of American Indians or Alaska Natives.

Sec. 18. RCW 71.05.212 and 2022 c 210 s 10 are each amended to read as follows:

(1) Whenever a designated crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration from safe behavior, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

(5) The authority, in consultation with tribes and in coordination with Indian health care providers and the American Indian health commission for Washington state, shall establish written guidelines by December 31, 2024, for conducting culturally appropriate evaluations of American Indians or Alaska Natives.

Sec. 19. RCW 71.05.214 and 2020 c 302 s 29 are each amended to read as follows:

The authority shall develop statewide protocols to be utilized by professional persons and designated crisis responders in administration of this chapter and chapters 10.77 and 71.34 RCW. The protocols shall be

updated at least every three years. The protocols shall provide uniform development and application of criteria in evaluation and commitment recommendations, of persons who have, or are alleged to have, behavioral health disorders and are subject to this chapter.

The initial protocols shall be developed not later than September 1, 1999. The authority shall develop and update the protocols in consultation with representatives of designated crisis responders, the department of social and health services, tribal government, local government, law enforcement, county and city prosecutors, public defenders, and groups concerned with behavioral health disorders. The protocols shall be submitted to the governor and legislature upon adoption by the authority.

Sec. 20. RCW 71.05.217 and 2020 c 302 s 32 are each amended to read as follows:

(1) Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To have the right to individualized care and adequate treatment;

(h) To discuss treatment plans and decisions with professional persons;

(i) To not be denied access to treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination in addition to the treatment otherwise proposed;

(j) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320(4) or the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court of competent jurisdiction pursuant to the following standards and procedures:

(i) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered unless the petitioning party proves by clear, cogent, and

convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to the administration of antipsychotic medications or electroconvulsant therapy, that the proposed treatment is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

(ii) The court shall make specific findings of fact concerning: (A) The existence of one or more compelling state interests; (B) the necessity and effectiveness of the treatment; and (C) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

(iii) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this subsection. The person has the right: (A) To be represented by an attorney; (B) to present evidence; (C) to cross-examine witnesses; (D) to have the rules of evidence enforced; (E) to remain silent; (F) to view and copy all petitions and reports in the court file; and (G) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

(iv) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

(v) Any person detained pursuant to RCW 71.05.320(4), who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in this subsection.

(vi) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order pursuant to RCW 71.05.215(2) or under the following circumstances:

(A) A person presents an imminent likelihood of serious harm;

(B) Medically acceptable alternatives to administration of antipsychotic medications

are not available, have not been successful, or are not likely to be effective; and

(C)(I) In the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

(II) If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

(l) Not to have psychosurgery performed on him or her under any circumstances;

(m) To not be denied access to treatment by cultural or spiritual means through practices that are in accordance with a tribal or cultural tradition in addition to the treatment otherwise proposed.

(2) Every person involuntarily detained or committed under the provisions of this chapter is entitled to all the rights set forth in this chapter and retains all rights not denied him or her under this chapter except as limited by chapter 9.41 RCW.

(3) No person may be presumed incompetent as a consequence of receiving evaluation or treatment for a behavioral health disorder. Competency may not be determined or withdrawn except under the provisions of chapter 10.77 (~~(or 11.89)~~) RCW.

(4) Subject to RCW 71.05.745 and related regulations, persons receiving evaluation or treatment under this chapter must be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained under this chapter, the person must be advised that unless the person is released or voluntarily admits himself or herself for treatment within ~~((one hundred twenty))~~ 120 hours of the initial detention, a judicial hearing must be held in a superior court within ~~((one hundred twenty))~~ 120 hours to determine whether there is probable cause to detain the person for up to an additional ~~((fourteen))~~ 14 days based on an allegation that because of a behavioral health disorder the person presents a likelihood of serious harm or is gravely disabled, and that at the probable cause hearing the person has the following rights:

(a) To communicate immediately with an attorney; to have an attorney appointed if the person is indigent; and to be told the

name and address of the attorney that has been designated;

(b) To remain silent, and to know that any statement the person makes may be used against him or her;

(c) To present evidence on the person's behalf;

(d) To cross-examine witnesses who testify against him or her;

(e) To be proceeded against by the rules of evidence;

(f) To have the court appoint a reasonably available independent professional person to examine the person and testify in the hearing, at public expense unless the person is able to bear the cost;

(g) To view and copy all petitions and reports in the court file; and

(h) To refuse psychiatric medications, including antipsychotic medication beginning ~~((twenty-four))~~ 24 hours prior to the probable cause hearing.

(6) The judicial hearing described in subsection (5) of this section must be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(7)(a) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges are waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(b) The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

(c) The record maker may not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(8) Nothing contained in this chapter prohibits the patient from petitioning by writ of habeas corpus for release.

(9) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

(10) The rights set forth under this section apply equally to ~~((ninety-day))~~ 90-day or ~~((one hundred eighty-day))~~ 180-day hearings under RCW 71.05.310.

Sec. 21. RCW 71.05.435 and 2020 c 256 s 306 are each amended to read as follows:

(1) Whenever a person who is the subject of an involuntary commitment order under this chapter is discharged from an evaluation and treatment facility, state hospital, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program providing involuntary treatment services, the entity discharging the person shall provide notice of the person's discharge, subject to federal laws and regulations, to the designated crisis responder office responsible for the initial commitment, which may be a ((federally recognized Indian)) tribe or other Indian health care provider if the designated crisis responder is appointed by the authority, and the designated crisis responder office that serves the county in which the person is expected to reside or to the tribal contact listed in the authority's tribal crisis coordination plan if the entity discharging the person knows, or has reason to know, that the person is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state. The entity discharging the person must also provide these offices with a copy of any less restrictive order or conditional release order entered in conjunction with the discharge of the person, unless the entity discharging the person has entered into a memorandum of understanding obligating another entity to provide these documents.

(2) The notice and documents referred to in subsection (1) of this section shall be provided as soon as possible and no later than one business day following the discharge of the person. Notice is not required under this section if the discharge is for the purpose of transferring the person for continued detention and treatment under this chapter at another treatment facility.

(3) The authority shall maintain and make available an updated list of contact information for designated crisis responder offices around the state.

(4) A facility providing substance use disorder services must attempt to obtain a release of information before discharge to meet the notification requirements of subsection (1) of this section.

Sec. 22. RCW 71.05.458 and 2019 c 325 s 3010 are each amended to read as follows:

As soon as possible, but no later than ~~((twenty-four))~~ 24 hours from receiving a referral from a law enforcement officer or law enforcement agency, including a tribal law enforcement officer or tribal law enforcement agency, excluding Saturdays, Sundays, and holidays, a mental health professional contacted by the designated crisis responder agency must attempt to contact the referred person to determine whether additional mental health intervention is necessary, including, if needed, an assessment by a designated crisis responder for initial detention under RCW 71.05.150 or 71.05.153. Documentation of the mental health professional's attempt to

contact and assess the person must be maintained by the designated crisis responder agency.

Sec. 23. RCW 71.05.590 and 2023 c 433 s 10 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, crisis stabilization unit, 23-hour crisis relief center, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility with available space, or an approved substance use disorder treatment program with available space. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to

stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, available secure withdrawal management and stabilization facility with adequate space, or available approved substance use disorder treatment program with adequate space in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be

revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment. A court may not detain a person for inpatient treatment to a secure withdrawal management and stabilization facility or approved substance use disorder treatment program under this subsection unless there is a facility or program available with adequate space for the person.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(7) Prior to taking any action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order in which the agency, facility, or designated crisis responder knows, or has reason to know, that the individual is an American Indian or

Alaska Native who receives medical or behavioral health services from a tribe within this state, the agency, facility, or designated crisis responder shall notify the tribe and Indian health care provider regarding any action that will be taken under this section as soon as possible, but no later than three hours from the time the decision to take action is made. The agency, facility, or designated crisis responder must provide the tribe and Indian health care provider with a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene as soon as possible, but before any hearing under this section, and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The court clerk shall provide copies of any court orders necessary for the agency, facility, or designated crisis responder to provide notice to the tribe or Indian health care provider under this section. Notification under this section is subject to any federal and state laws and regulations including the requirements in RCW 70.02.230 (2)(ee) and (3) and shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan.

Sec. 24. RCW 71.05.590 and 2023 c 433 s 11 are each amended to read as follows:

(1) Either an agency or facility designated to monitor or provide services under a less restrictive alternative order or conditional release, or a designated crisis responder, may take action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order. The agency, facility, or designated crisis responder must determine that:

(a) The person is failing to adhere to the terms and conditions of the order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel or advise the person as to their rights and responsibilities under the court order, and to offer incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be directed to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the entity requesting the hearing and issue an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To detain the person for up to 12 hours for evaluation at an agency, facility providing services under the court order, crisis stabilization unit, 23-hour crisis relief center, emergency department, evaluation and treatment facility, secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. The purpose of the evaluation is to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when, based on clinical judgment, temporary detention is appropriate. The agency, facility, or designated crisis responder may request assistance from a peace officer for the purposes of temporary detention under this subsection (2)(d). This subsection does not limit the ability or obligation of the agency, facility, or designated crisis responder to pursue revocation procedures under subsection (5) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (5) of this section.

(3) A court may supervise a person on an order for less restrictive alternative treatment or a conditional release. While the person is under the order, the court may:

(a) Require appearance in court for periodic reviews; and

(b) Modify the order after considering input from the agency or facility designated to provide or facilitate services. The court may not remand the person into inpatient treatment except as provided under subsection (5) of this section, but may take actions under subsection (2)(a) through (d) of this section.

(4) The facility or agency designated to provide outpatient treatment shall notify the secretary of the department of social and health services or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(5)(a) A designated crisis responder or the secretary of the department of social and health services may, upon their own

motion or upon request of the facility or agency designated to provide outpatient care, cause a person to be detained in an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in or near the county in which he or she is receiving outpatient treatment for the purpose of a hearing for revocation of a less restrictive alternative treatment order or conditional release order under this chapter. The designated crisis responder or secretary of the department of social and health services shall file a petition for revocation within 24 hours and serve the person, their guardian, if any, and their attorney. A hearing for revocation of a less restrictive alternative treatment order or conditional release order may be scheduled without detention of the person.

(b) A person detained under this subsection (5) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the order for less restrictive alternative treatment or conditional release should be revoked, modified, or retained. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary of the department of social and health services may withdraw its petition for revocation at any time before the court hearing.

(c) A person detained under this subsection (5) has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings is the county where the petition is filed. Notice of the filing must be provided to the court that originally ordered commitment, if different from the court where the petition for revocation is filed, within two judicial days of the person's detention.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether it is appropriate for the court to reinstate or modify the person's less restrictive alternative treatment order or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period must be for 14 days from the revocation hearing if the less restrictive alternative treatment order or conditional release order was based on a petition under RCW 71.05.148, 71.05.160, or 71.05.230. If the court orders detention for inpatient treatment and the less restrictive alternative treatment order or conditional release order was based on a petition under

RCW 71.05.290 or 71.05.320, the number of days remaining on the order must be converted to days of inpatient treatment.

(6) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

(7) Prior to taking any action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order in which the agency, facility, or designated crisis responder knows, or has reason to know, that the individual is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the agency, facility, or designated crisis responder shall notify the tribe and Indian health care provider regarding any action that will be taken under this section as soon as possible, but no later than three hours from the time the decision to take action is made. The agency, facility, or designated crisis responder must provide the tribe and Indian health care provider with a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene as soon as possible, but before any hearing under this section, and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The court clerk shall provide copies of any court orders necessary for the agency, facility, or designated crisis responder to provide notice to the tribe or Indian health care provider under this section. Notification under this section is subject to any federal and state laws and regulations including the requirements in RCW 70.02.230 (2)(ee) and (3) and shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan.

Sec. 25. RCW 71.05.620 and 2023 c 298 s 1 are each amended to read as follows:

(1) The files and records of court proceedings under this chapter and chapter 71.34 RCW shall be closed but shall be accessible to:

- (a) The department;
- (b) The department of social and health services;
- (c) The authority;
- (d) The state hospitals as defined in RCW 72.23.010;
- (e) Any person who is the subject of a petition;
- (f) The attorney or guardian of the person;
- (g) Resource management services for that person;
- (h) Service providers authorized to receive such information by resource management services; ((and))
- (i) The Washington state patrol firearms background division to conduct background checks for processing and purchasing

firearms, concealed pistol licenses, alien firearms licenses, firearm rights restoration petitions under chapter 9.41 RCW, and release of firearms from evidence, including appeals of denial;

(j) The prosecuting attorney of a county or tribe located in this state; and

(k) The tribe or Indian health care provider who has the right to intervene or receive notice and copies of any orders issued by a court in any court proceeding under this chapter and chapter 71.34 RCW.

(2) The authority shall adopt rules to implement this section.

Sec. 26. RCW 71.34.780 and 2020 c 302 s 97 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor be taken into custody and transported to an inpatient evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program. A secure withdrawal management and stabilization facility or approved substance use disorder treatment program that has adequate space for the minor must be available.

(2)(a) The designated crisis responder, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director, secretary, or facility, as appropriate, with the court in the county where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release must be filed in the county where the minor is detained. A petition shall

describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or, subject to subsection (4) of this section, whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

(4) A court may not order the return of a minor to inpatient treatment in a secure withdrawal management and stabilization facility or approved substance use disorder treatment program unless there is a secure withdrawal management and stabilization facility or approved substance use disorder treatment program available with adequate space for the minor.

(5) Prior to taking any action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order in which the agency, facility, or designated crisis responder knows, or has reason to know, that the minor is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the agency, facility, or designated crisis responder shall notify the tribe and Indian health care provider regarding any action that will be taken under this section as soon as possible, but no later than three hours from the time the decision to take action is made. The agency, facility, or designated crisis responder must provide the tribe and Indian health care provider with a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene as soon as possible, but before any hearing under this section, and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The court clerk shall provide copies of any court orders necessary for the agency, facility, or designated crisis responder to provide notice to the tribe or Indian health care provider under this section. Notification under this section is subject to any federal and state laws and regulations including the requirements in RCW 70.02.240 and shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan.

Sec. 27. RCW 71.34.780 and 2020 c 302 s 98 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the director or secretary, as appropriate, determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the director or secretary, as appropriate, may order that the minor be taken into custody and transported to an inpatient evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program.

(2)(a) The designated crisis responder, director, or secretary, as appropriate, shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the director or secretary, as appropriate, may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(b) If the minor is involuntarily detained for revocation at an evaluation and treatment facility, secure withdrawal management and stabilization facility, or approved substance use disorder treatment program in a different county from where the minor was initially detained, the facility or program may file the order of apprehension, serve it on the minor and notify the minor's parents and the minor's attorney at the request of the designated crisis responder.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the director, secretary, or facility, as appropriate, with the court in the county where the minor is detained. The court shall conduct the hearing in that county. A petition for revocation of conditional release must be filed in the county where the minor is detained. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned

to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the director's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

(4) Prior to taking any action to enforce, modify, or revoke a less restrictive alternative treatment order or conditional release order in which the agency, facility, or designated crisis responder knows, or has reason to know, that the minor is an American Indian or Alaska Native who receives medical or behavioral health services from a tribe within this state, the agency, facility, or designated crisis responder shall notify the tribe and Indian health care provider regarding any action that will be taken under this section as soon as possible, but no later than three hours from the time the decision to take action is made. The agency, facility, or designated crisis responder must provide the tribe and Indian health care provider with a copy of the petition, together with any orders issued by the court and a notice of the tribe's right to intervene as soon as possible, but before any hearing under this section, and no later than 24 hours from the time the petition is served upon the person and the person's guardian. The court clerk shall provide copies of any court orders necessary for the agency, facility, or designated crisis responder to provide notice to the tribe or Indian health care provider under this section. Notification under this section is subject to any federal and state laws and regulations including the requirements in RCW 70.02.240 and shall be made in person or by telephonic or electronic communication to the tribal contact listed in the authority's tribal crisis coordination plan.

Sec. 28. RCW 71.05.730 and 2019 c 325 s 3011 are each amended to read as follows:

(1) A county may apply to its behavioral health administrative services organization on a quarterly basis for reimbursement of its direct costs in providing judicial services for civil commitment cases under this chapter and chapter 71.34 RCW. A tribe may apply to the authority on a quarterly basis for reimbursement of its direct costs in providing judicial services for civil commitment cases under this chapter and chapter 71.34 RCW. The behavioral health administrative services organization shall in turn be entitled to reimbursement from the behavioral health administrative services organization that serves the county of residence of the individual who is the subject of the civil commitment case.

(2) Reimbursement for judicial services shall be provided per civil commitment case at a rate to be determined based on an independent assessment of the county's or tribe's actual direct costs. This assessment must be based on an average of the expenditures for judicial services within the county or tribe over the past three years. In the event that a baseline cannot

be established because there is no significant history of similar cases within the county or tribe, the reimbursement rate shall be equal to ~~((eighty))~~ 80 percent of the median reimbursement rate of counties or tribes, if applicable included in the independent assessment.

(3) For the purposes of this section:

(a) "Civil commitment case" includes all judicial hearings related to a single episode of hospitalization or less restrictive alternative treatment, except that the filing of a petition for a one hundred eighty-day commitment under this chapter or a petition for a successive ~~((one hundred eighty-day))~~ 180-day commitment under chapter 71.34 RCW shall be considered to be a new case regardless of whether there has been a break in detention. "Civil commitment case" does not include the filing of a petition for a ~~((one hundred eighty-day))~~ 180-day commitment under this chapter on behalf of a patient at a state psychiatric hospital.

(b) "Judicial services" means a county's or tribe's reasonable direct costs in providing prosecutor services, assigned counsel and defense services, court services, and court clerk services for civil commitment cases under this chapter and chapter 71.34 RCW.

(4) To the extent that resources have a shared purpose, the behavioral health administrative services organization may only reimburse counties to the extent such resources are necessary for and devoted to judicial services as described in this section. To the extent that resources have a shared purpose, the authority may only reimburse tribes to the extent the resources are necessary for and devoted to judicial services as described in this section.

(5) No filing fee may be charged or collected for any civil commitment case subject to reimbursement under this section.

Sec. 29. RCW 71.24.030 and 2019 c 325 s 1005 are each amended to read as follows:

The director is authorized to make grants and/or purchase services from counties, tribes, combinations of counties, or other entities, to establish and operate community behavioral health programs.

Sec. 30. RCW 71.24.045 and 2022 c 210 s 27 are each amended to read as follows:

(1) The behavioral health administrative services organization contracted with the authority pursuant to RCW 71.24.381 shall:

(a) Administer crisis services for the assigned regional service area. Such services must include:

(i) A behavioral health crisis hotline for its assigned regional service area;

(ii) Crisis response services ~~((twenty-four))~~ 24 hours a day, seven days a week, ~~((three hundred sixty-five))~~ 365 days a year;

(iii) Services related to involuntary commitments under chapters 71.05 and 71.34 RCW;

(iv) Tracking of less restrictive alternative orders issued within the region by superior courts, and providing notification to a managed care organization in the region when one of its enrollees

receives a less restrictive alternative order so that the managed care organization may ensure that the person is connected to services and that the requirements of RCW 71.05.585 are complied with. If the person receives a less restrictive alternative order and is returning to another region, the behavioral health administrative services organization shall notify the behavioral health administrative services organization in the home region of the less restrictive alternative order so that the home behavioral health administrative services organization may notify the person's managed care organization or provide services if the person is not enrolled in medicaid and does not have other insurance which can pay for those services;

(v) Additional noncrisis behavioral health services, within available resources, to individuals who meet certain criteria set by the authority in its contracts with the behavioral health administrative services organization. These services may include services provided through federal grant funds, provisos, and general fund state appropriations;

(vi) Care coordination, diversion services, and discharge planning for nonmedicaid individuals transitioning from state hospitals or inpatient settings to reduce rehospitalization and utilization of crisis services, as required by the authority in contract; and

(vii) Regional coordination, cross-system and cross-jurisdiction coordination with tribal governments, and capacity building efforts, such as supporting the behavioral health advisory board and efforts to support access to services or to improve the behavioral health system;

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, investigation, transportation, court-related, and other services provided as required under chapter 71.05 RCW;

(c) Coordinate services for individuals under RCW 71.05.365;

(d) Administer and provide for the availability of resource management services, residential services, and community support services as required under its contract with the authority;

(e) Contract with a sufficient number, as determined by the authority, of licensed or certified providers for crisis services and other behavioral health services required by the authority;

(f) Maintain adequate reserves or secure a bond as required by its contract with the authority;

(g) Establish and maintain quality assurance processes;

(h) Meet established limitations on administrative costs for agencies that contract with the behavioral health administrative services organization; and

(i) Maintain patient tracking information as required by the authority.

(2) The behavioral health administrative services organization must collaborate with the authority and its contracted managed care organizations to develop and implement strategies to coordinate care with tribes

and community behavioral health providers for individuals with a history of frequent crisis system utilization.

(3) The behavioral health administrative services organization shall:

(a) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met;

(b) Collaborate with local and tribal government entities to ensure that policies do not result in an adverse shift of persons with mental illness into state ~~((and))~~, local, and tribal correctional facilities; and

(c) Work with the authority to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases.

(4) The behavioral health administrative services organization shall employ an assisted outpatient treatment program coordinator to oversee system coordination and legal compliance for assisted outpatient treatment under RCW 71.05.148 and 71.34.815.

(5) The behavioral health administrative services organization shall comply and ensure their contractors comply with the tribal crisis coordination plan agreed upon by the authority and tribes for coordination of crisis services, care coordination, and discharge and transition planning with tribes and Indian health care providers applicable to their regional service area.

Sec. 31. RCW 70.02.010 and 2020 c 302 s 112 and 2020 c 256 s 401 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) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(3) "Authority" means the Washington state health care authority.

(4) "Commitment" has the same meaning as in RCW 71.05.020.

(5) "Custody" has the same meaning as in RCW 71.05.020.

(6) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(7) "Department" means the department of social and health services.

(8) "Designated crisis responder" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(9) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

(10) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(11) "Discharge" has the same meaning as in RCW 71.05.020.

(12) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(13) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(14) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(15) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(16) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(17) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

(18) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider

performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policyholders, plan sponsors, or other customers, provided that health care information is not disclosed to such policyholder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited data set for the benefit of the health care provider, health care facility, or third-party payor.

(19) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(20) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(21) "Imminent" has the same meaning as in RCW 71.05.020.

(22) "Indian health care provider" has the same meaning as in RCW 43.71B.010(11).

(23) "Information and records related to mental health services" means a type of health care information that relates to all information and records compiled, obtained,

or maintained in the course of providing services by a mental health service agency or mental health professional to persons who are receiving or have received services for mental illness. The term includes mental health information contained in a medical bill, registration records, (~~as defined in RCW 70.97.010,~~) and all other records regarding the person maintained by the department, by the authority, by behavioral health administrative services organizations and their staff, managed care organizations contracted with the authority under chapter 74.09 RCW and their staff, and by treatment facilities. The term further includes documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated community behavioral health program as defined in RCW 71.24.025. The term does not include psychotherapy notes.

(24) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(25) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(26) "Legal counsel" has the same meaning as in RCW 71.05.020.

(27) "Local public health officer" has the same meaning as the term "local health officer" as defined in RCW 70.24.017.

(28) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(29) "Managed care organization" has the same meaning as provided in RCW 71.24.025.

(30) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of health under chapter 71.05 RCW, whether that person works in a private or public setting.

(31) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community

mental health service delivery systems, or community behavioral health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(32) "Minor" has the same meaning as in RCW 71.34.020.

(33) "Parent" has the same meaning as in RCW 71.34.020.

(34) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(35) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

(36) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(37) "Professional person" has the same meaning as in RCW 71.05.020.

(38) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

(39) "Psychotherapy notes" means notes recorded, in any medium, by a mental health professional documenting or analyzing the contents of conversations during a private

counseling session or group, joint, or family counseling session, and that are separated from the rest of the individual's medical record. The term excludes mediation prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

(40) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed ~~((sixty-five))~~ 65 cents per page for the first ~~((thirty))~~ 30 pages and ~~((fifty))~~ 50 cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed ~~((fifteen dollars))~~ \$15. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(41) "Release" has the same meaning as in RCW 71.05.020.

(42) "Resource management services" has the same meaning as in RCW 71.05.020.

(43) "Serious violent offense" has the same meaning as in RCW 9.94A.030.

(44) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(45) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(46) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

(47) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

(48) "Tribal public health authority" means a tribe that is responsible for public health matters as a part of its official mandate.

(49) "Tribal public health officer" means the individual appointed as the health officer for the tribe.

(50) "Tribe" has the same meaning as in RCW 71.24.025.

Sec. 32. RCW 70.02.230 and 2023 c 295 s 12 are each amended to read as follows:

(1) The fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies may not be disclosed except as provided in this section, RCW 70.02.050, 71.05.445, 74.09.295, 70.02.210, 70.02.240, 70.02.250, 70.02.260, and 70.02.265, or pursuant to a valid authorization under RCW 70.02.030.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, including Indian health care providers, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

- (i) Employed by the facility;
- (ii) Who has medical responsibility for the patient's care;
- (iii) Who is a designated crisis responder;
- (iv) Who is providing services under chapter 71.24 RCW;
- (v) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts, including tribal courts, as necessary to the administration of chapter 71.05 RCW, or equivalent proceedings in tribal courts, or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or

treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within ~~((seventy-two))~~ 72 hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney, including tribal prosecuting attorney, as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor, including tribal prosecutor, must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies, including tribal law enforcement agencies, and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence. Nothing in this section shall be interpreted as a waiver of sovereign immunity by a tribe.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies, including tribal corrections and law enforcement agencies, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) By a care coordinator, including an Indian health care provider, under RCW 71.05.585 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.05 or 10.77 RCW;

(l) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(m) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(n) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iii);

(iii) Tribal law enforcement officers and tribal prosecuting attorneys who enforce tribal laws or tribal court orders similar to RCW 9.41.040(2)(a)(v) may also receive

confidential information in accordance with this subsection;

(iv) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(o) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(p) Pursuant to lawful order of a court, including a tribal court;

(q) To qualified staff members of the department, to the authority, to behavioral health administrative services organizations, to managed care organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(r) Within the mental health service agency or Indian health care provider facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(s) Within the department and the authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department;

(t) Between the department of social and health services, the department of children, youth, and families, and the health care authority as necessary to coordinate treatment for mental illness, developmental disabilities, or substance use disorder of persons who are under the supervision of the department of social and health services or the department of children, youth, and families;

(u) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(v)(i) Consistent with the requirements of the federal health insurance portability and accountability act, to:

(A) A health care provider, including an Indian health care provider, who is providing care to a patient, or to whom a patient has been referred for evaluation or treatment; or

(B) Any other person who is working in a care coordinator role for a health care facility, health care provider, or Indian health care provider, or is under an agreement pursuant to the federal health insurance portability and accountability act with a health care facility or a health care provider and requires the information and records to assure coordinated care and treatment of that patient.

(ii) A person authorized to use or disclose information and records related to mental health services under this subsection (2)(v) must take appropriate steps to protect the information and records relating to mental health services.

(iii) Psychotherapy notes may not be released without authorization of the patient who is the subject of the request for release of information;

(w) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (v) of this subsection;

(x) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(y) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(z) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing

within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(aa) To all current treating providers, including Indian health care providers, of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department or the authority may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department, or the authority, if applicable, shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. Neither the department nor the authority may release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(bb)(i) To the secretary of social and health services and the director of the health care authority for either program evaluation or research, or both so long as the secretary or director, where applicable, adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary, or director, where applicable;

(cc) To any person if the conditions in RCW 70.02.205 are met;

(dd) To the secretary of health for the purposes of the maternal mortality review panel established in RCW 70.54.450; or

(ee) To a tribe or Indian health care provider to carry out the requirements of RCW 71.05.150((+6))(5).

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for a substance use disorder, the department or the authority may restrict the release of

the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services or the authority under RCW 71.05.280(3) and 71.05.320(4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings ~~((only to the person who was the subject of the proceeding or his or her attorney))~~ in accordance with RCW 71.05.620. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

(i) One thousand dollars; or

(ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

Sec. 33. RCW 70.02.240 and 2023 c 295 s 13 are each amended to read as follows:

The fact of admission and all information and records related to mental health services obtained through inpatient or

outpatient treatment of a minor under chapter 71.34 RCW must be kept confidential, except as authorized by this section or under RCW 70.02.050, 70.02.210, 70.02.230, 70.02.250, 70.02.260, and 70.02.265. Confidential information under this section may be disclosed only:

(1) In communications between mental health professionals, including Indian health care providers, to meet the requirements of chapter 71.34 RCW, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings, including proceedings within tribal jurisdictions;

(3) To the minor, the minor's parent, including those acting as a parent as defined in RCW 71.34.020 for purposes of family-initiated treatment, and the minor's attorney, subject to RCW 13.50.100;

(4) To the courts, including tribal courts, as necessary to administer chapter 71.34 RCW or equivalent proceedings in tribal courts;

(5) By a care coordinator, including an Indian health care provider, under RCW 71.34.755 or 10.77.175 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 or 10.77 RCW;

(6) By a care coordinator, including an Indian health care provider, under RCW 71.34.755 assigned to a person ordered to receive less restrictive alternative treatment for the purpose of sharing information to parties necessary for the implementation of proceedings under chapter 71.34 RCW;

(7) To law enforcement officers, including tribal law enforcement officers, or public health officers, including tribal public health officers, as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address must be disclosed upon request;

(8) To law enforcement officers, including tribal law enforcement officers, public health officers, including tribal public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(9) To the secretary of social and health services and the director of the health care authority for assistance in data collection and program evaluation or research so long as the secretary or director, where applicable, adopts rules for the conduct of such evaluation and research. The rules must include, but need not be limited to, the requirement that all evaluators and

researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/";

(10) To appropriate law enforcement agencies, including tribal law enforcement agencies, upon request, all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence;

(11) To appropriate law enforcement agencies, including tribal law enforcement agencies, and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence. Nothing in this section shall be interpreted as a waiver of sovereign immunity by a tribe;

(12) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next of kin;

(14) To a facility, including a tribal facility, in which the minor resides or will reside;

(15) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(iii). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that

was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(iii);

(c) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(d) Tribal law enforcement officers and tribal prosecuting attorneys who enforce tribal laws or tribal court orders similar to RCW 9.41.040(2)(a)(v) may also receive confidential information in accordance with this subsection;

(16) This section may not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the director of the health care authority or the secretary of the department of social and health services, where applicable. The fact of admission and all information obtained pursuant to chapter 71.34 RCW are not admissible as evidence in any legal proceeding outside chapter 71.34 RCW, except guardianship or dependency, without the written consent of the minor or the minor's parent;

(17) For the purpose of a correctional facility participating in the postinstitutional medical assistance system supporting the expedited medical determinations and medical suspensions as provided in RCW 74.09.555 and 74.09.295;

(18) Pursuant to a lawful order of a court, including a tribal court.

Sec. 34. RCW 70.02.260 and 2018 c 201 s 8005 are each amended to read as follows:

(1)(a) A mental health service agency shall release to the persons authorized under subsection (2) of this section, upon request:

(i) The fact, place, and date of an involuntary commitment, the fact and date of discharge or release, and the last known address of a person who has been committed under chapter 71.05 RCW.

(ii) Information and records related to mental health services, in the format determined under subsection (9) of this section, concerning a person who:

(A) Is currently committed to the custody or supervision of the department of corrections or the indeterminate sentence review board under chapter 9.94A or 9.95 RCW;

(B) Has been convicted or found not guilty by reason of insanity of a serious violent offense; or

(C) Was charged with a serious violent offense and the charges were dismissed under RCW 10.77.086.

(b) Legal counsel may release such information to the persons authorized under subsection (2) of this section on behalf of the mental health service agency, so long as

nothing in this subsection requires the disclosure of attorney work product or attorney-client privileged information.

(2) The information subject to release under subsection (1) of this section must be released to law enforcement officers, personnel of a county ~~((or))~~, city, or tribal jail or tribal detention or holding facility, designated mental health professionals or designated crisis responders, as appropriate, public health officers, therapeutic court personnel as defined in RCW 71.05.020, or personnel of the department of corrections, including the indeterminate sentence review board and personnel assigned to perform board-related duties, when such information is requested during the course of business and for the purpose of carrying out the responsibilities of the requesting person's office. No mental health service agency or person employed by a mental health service agency, or its legal counsel, may be liable for information released to or used under the provisions of this section or rules adopted under this section except under RCW 71.05.680.

(3) A person who requests information under subsection (1)(a)(ii) of this section must comply with the following restrictions:

(a) Information must be requested only for the purposes permitted by this subsection and for the purpose of carrying out the responsibilities of the requesting person's office. Appropriate purposes for requesting information under this section include:

(i) Completing presentence investigations or risk assessment reports;

(ii) Assessing a person's risk to the community;

(iii) Assessing a person's risk of harm to self or others when confined in a city or county jail;

(iv) Planning for and provision of supervision of an offender, including decisions related to sanctions for violations of conditions of community supervision; and

(v) Responding to an offender's failure to report for department of corrections supervision;

(b) Information may not be requested under this section unless the requesting person has reasonable suspicion that the individual who is the subject of the information:

(i) Has engaged in activity indicating that a crime or a violation of community custody or parole has been committed or, based upon his or her current or recent past behavior, is likely to be committed in the near future; or

(ii) Is exhibiting signs of a deterioration in mental functioning which may make the individual appropriate for civil commitment under chapter 71.05 RCW; and

(c) Any information received under this section must be held confidential and subject to the limitations on disclosure outlined in this chapter, except:

(i) The information may be shared with other persons who have the right to request similar information under subsection (2) of this section, solely for the purpose of coordinating activities related to the

individual who is the subject of the information in a manner consistent with the official responsibilities of the persons involved;

(ii) The information may be shared with a prosecuting attorney acting in an advisory capacity for a person who receives information under this section. A prosecuting attorney under this subsection is subject to the same restrictions and confidentiality limitations as the person who requested the information; and

(iii) As provided in RCW 72.09.585.

(4) A request for information and records related to mental health services under this section does not require the consent of the subject of the records. The request must be provided in writing, except to the extent authorized in subsection (5) of this section. A written request may include requests made by email or facsimile so long as the requesting person is clearly identified. The request must specify the information being requested.

(5) In the event of an emergency situation that poses a significant risk to the public or the offender, a mental health service agency, or its legal counsel, shall release information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found to the department of corrections or law enforcement upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health service agency and the address or information about the location or whereabouts of the offender.

(6) Disclosure under this section to state or local law enforcement authorities is mandatory for the purposes of the federal health insurance portability and accountability act.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under this chapter.

(9) In collaboration with interested organizations, the authority shall develop a standard form for requests for information related to mental health services made under this section and a standard format for information provided in response to the requests. Consistent with the goals of the health information privacy provisions of the federal health insurance portability and accountability act, in developing the standard form for responsive information, the authority shall design the form in such a way that the information disclosed is limited to the minimum necessary to serve the purpose for which the information is requested.

NEW SECTION. **Sec. 35.** Section 5 of this act expires when section 6 of this act takes effect.

NEW SECTION. **Sec. 36.** Section 6 of this act takes effect when section 4, chapter 433, Laws of 2023 takes effect.

NEW SECTION. **Sec. 37.** Section 7 of this act expires when section 8 of this act takes effect.

NEW SECTION. **Sec. 38.** Section 8 of this act takes effect when section 13, chapter 433, Laws of 2023 takes effect.

NEW SECTION. **Sec. 39.** Sections 11, 13, 23, and 26 of this act expire July 1, 2026.

NEW SECTION. **Sec. 40.** Sections 12, 14, 24, and 27 of this act take effect July 1, 2026.

NEW SECTION. **Sec. 41.** Section 17 of this act expires when section 18 of this act takes effect.

NEW SECTION. **Sec. 42.** Section 18 of this act takes effect when section 10, chapter 210, Laws of 2022 takes effect.

NEW SECTION. **Sec. 43.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "system;" strike the remainder of the title and insert "amending RCW 71.34.020, 71.34.020, 71.05.148, 71.34.815, 71.05.150, 71.05.150, 71.34.710, 71.34.710, 71.05.195, 71.05.201, 71.05.212, 71.05.212, 71.05.214, 71.05.217, 71.05.435, 71.05.458, 71.05.590, 71.05.590, 71.05.620, 71.34.780, 71.34.780, 71.05.730, 71.24.030, 71.24.045, 70.02.230, 70.02.240, and 70.02.260; reenacting and amending RCW 71.05.020, 71.05.020, and 70.02.010; adding new sections to chapter 71.05 RCW; adding new sections to chapter 71.34 RCW; creating a new section; providing an effective date; providing contingent expiration dates; providing an expiration date; and providing contingent expiration dates."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1877 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1877, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1877, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Calder, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SECOND SUBSTITUTE HOUSE BILL NO. 1877, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, February 27, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1924, with the following amendment(s): 1924-S AMS ENET S5160.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21F RCW to read as follows:

(1) In addition to the principles guiding the development and implementation of the state energy strategy described in RCW 43.21F.088, the state must ensure that the pursuit of cleaner energy sources actively includes and supports innovative, emerging, and promising clean energy technologies, such as fusion energy.

(2) For the purposes of this section, "fusion energy" means energy production derived directly or indirectly from the merger of atomic nuclei.

(3) The legislature finds that fusion energy is a rapidly advancing clean energy technology and that Washington is poised to become a world leader in fusion energy development.

NEW SECTION. **Sec. 2.** The energy facility site evaluation council and the department of health shall establish a fusion energy work group of state agencies including, but not limited to, the department of commerce, the department of ecology, the office of the governor, and the military department to identify and evaluate new and existing permitting, siting, licensing, and registration pathways for producing fusion energy. The fusion energy

work group shall involve the regulated community throughout the process. The fusion energy work group shall provide an initial report to the governor and legislature by December 1, 2024.

Sec. 3. RCW 43.158.020 and 2023 c 230 s 202 are each amended to read as follows:

(1) The department of commerce shall develop an application for the designation of clean energy projects, including facilities that produce electricity with fusion energy, as clean energy projects of statewide significance.

(2) An application to the department of commerce by an applicant under this section must include:

(a) Information regarding the location of the project;

(b) Information sufficient to demonstrate that the project qualifies as a clean energy project;

(c) An explanation of how the project is expected to contribute to the state's achievement of the greenhouse gas emission limits in chapter 70A.45 RCW and is consistent with the state energy strategy adopted by the department of commerce, as well as any contribution that the project is expected to make to other state regulatory requirements for clean energy and greenhouse gas emissions, including the requirements of chapter 19.405, 70A.30, 70A.60, 70A.65, 70A.535, or 70A.540 RCW;

(d) An explanation of how the project is expected to contribute to the state's economic development goals, including information regarding the applicant's average employment in the state for the prior year, estimated new employment related to the project, estimated wages of employees related to the project, and estimated time schedules for completion and operation;

(e) A plan for engagement and information sharing with potentially affected federally recognized Indian tribes;

(f) A description of potential community benefits and impacts from the project, a plan for community engagement in the project development, and an explanation of how the applicant might use a community benefit agreement or other legal document that stipulates the benefits that the developer agrees to fund or furnish, in exchange for community support of a project; and

(g) Other information required by the department of commerce.

(3) For the purposes of this section, "fusion energy" has the same meaning as defined in section 1 of this act."

On page 1, line 2 of the title, after "policies;" strike the remainder of the title and insert "amending RCW 43.158.020; adding a new section to chapter 43.21F RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1924 and advanced the bill, as amended by the Senate, to final passage.

Representatives Shavers and Dye spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1924, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1924, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Pollet and Ramel

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 1924, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 1943, with the following amendment(s): 1943 AMS RAND S5596.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.103.010 and 2022 c 68 s 1 are each amended to read as follows:

~~((Unless the context clearly requires otherwise, the))~~ The definitions in this section apply throughout this ~~((section and RCW 28B.103.020 and 28B.103.030))~~ chapter unless the context clearly requires otherwise.

(1) "Dependent" means a person enrolled as a dependent in the defense enrollment eligibility reporting system.

(2) "Eligible student" means a member of the Washington national guard ((who attends an institution of higher education that is located in this state and accredited by the Northwest Association of Schools and Colleges, or an institution that is located in this state that provides approved training under the Montgomery GI Bill, and who)) or the spouse or dependent of, and designated by, a member who agrees to fulfill his or her service obligation and meets any additional selection criteria adopted by the office and all of the following participation requirements:

(a) ~~((Enrolled))~~ Is enrolled in courses or a program that lead to a postsecondary degree or certificate at an institution of higher education located in the state and accredited by the Northwest Association of Schools and Colleges, or an institution that is located in the state that provides approved training under the Montgomery GI Bill;

(b) Is an active drilling member, or the spouse or dependent of, and designated by, an active drilling member. The member must be in good standing in the Washington national guard as specified in rules adopted by the office for implementation of the ~~((Washington national guard postsecondary education))~~ grant;

(c) Has completed and submitted an application for student aid approved by the office; and

(d) Is a resident student as defined in RCW 28B.15.012 ~~((and~~

~~((e) Agrees to fulfill his or her service obligation)).~~

~~((2-))~~ (3) "Forgiven" or "to forgive" or "forgiveness" means either to render service in the Washington national guard in lieu of monetary repayment, or to be relieved of the service obligation under rules adopted by the office.

~~((3-))~~ (4) "Grant" means the Washington national guard postsecondary education grant as established in RCW 28B.103.020.

~~((4-))~~ (5) "Maximum benefit" means the maximum grant a Washington national guard member and the guard member's spouse and dependents are eligible to receive.

(6) "Member" means a member of the Washington national guard who has received, or whose spouse or dependent has received, a grant under this chapter.

(7) "Office" means the office of student financial assistance created in RCW 28B.76.090.

~~((5-))~~ (8) "Participant" means an eligible student who has received a ~~((Washington national guard postsecondary education))~~ grant under this chapter.

~~((6-))~~ (9) "Service obligation" means ~~((serving))~~ an obligation by the member to serve in the Washington national guard for a time period of at least one year of service in the Washington national guard for each year the ~~((student))~~ participant receives a ~~((Washington national guard postsecondary education))~~ grant.

Sec. 2. RCW 28B.103.020 and 2022 c 68 s 2 are each amended to read as follows:

Subject to amounts appropriated for this specific purpose, the Washington national guard postsecondary education grant program is established. The program shall be administered by the office. In administering the program, the powers and duties of the office shall include, but need not be limited to:

(1) With the assistance of the Washington military department, the selection of eligible students to receive the ~~((Washington national guard postsecondary education))~~ grant as follows:

(a) An eligible student may receive a grant under this section to help pay for

postsecondary education program costs as approved by the office. Grants may not:

(i) Exceed the maximum Washington college grant as defined in RCW 28B.92.030, plus \$500 for books and supplies;

(ii) Exceed the ~~((student's))~~ participant's cost of attendance, when combined with all other public and private grants, scholarships, and waiver assistance the ~~((student))~~ participant receives; and

(iii) Result in reduction of a participant's federal or other state financial aid.

(b) The Washington military department shall ensure that data needed to identify eligible ~~((recipients))~~ students are promptly transmitted to the office.

(c) The annual amount of each ~~((Washington national guard postsecondary education))~~ grant may vary, but may not exceed the annual cost of undergraduate tuition fees and services and activities fees at the University of Washington, plus an allowance for books and supplies.

(d) ~~((Washington national guard postsecondary education grant eligibility))~~ The maximum benefit a single guard member, or a combination of the guard member and the guard member's designated spouse or dependents, may receive may not extend beyond ~~((five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled))~~ six full-time years, or the credit or clock-hour equivalent;

(2) The award of grants funded by federal and state funds, private donations, or repayments from any participant who does not complete the participant's service obligation;

(3) The adoption of necessary rules and policies, including establishing a priority for eligible students attending an institution of higher education located in this state that is accredited by the Northwest Association of Schools and Colleges;

(4) The adoption of participant selection criteria. The criteria may include but need not be limited to requirements for: Satisfactory academic progress, enrollment in courses or programs that lead to a baccalaureate degree or an associate degree or a certificate, and satisfactory participation as a member of the Washington national guard;

(5) With the assistance of the Washington military department, the notification of ~~((participants))~~ members of their additional service obligation or required repayment of the ~~((Washington national guard postsecondary education))~~ grant; and

(6) The collection of repayments from ~~((participants))~~ members who do not meet the service obligations.

Sec. 3. RCW 28B.103.030 and 2020 c 297 s 3 are each amended to read as follows:

(1) ~~((Participants in the Washington national guard postsecondary education grant program))~~ Members incur an obligation to repay the grant, with interest, unless they serve in the Washington national guard for one year for each year they or their spouse

or dependent received the grant, under rules adopted by the office.

(2) The office shall adopt rules addressing the terms for repayment, including applicable interest rates, fees, ~~((and))~~ deferments, and appeals, by a ~~((participant))~~ member who does not render service as a member of the Washington national guard necessary to satisfy his or her service obligation.

(3) The office is responsible for collection of repayments made under this section. The office shall exercise due diligence in such collection, maintaining all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under this section shall be pursued using the full extent of law, including wage garnishment if necessary. The office is responsible to forgive all or parts of such repayments under the criteria established in this section, and shall maintain all necessary records of forgiven payments.

(4) Receipts from the payment of principal or interest paid by or on behalf of participants shall be deposited with the office and shall be used to cover the costs of administration of the grant, maintaining necessary records, and making collections under subsection (3) of this section. The office shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to make grant awards to eligible students.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.103 RCW to read as follows:

A guard member and the guard member's designated spouse and dependents may simultaneously use the grant, subject to any rules adopted by the office, and the limitation on the maximum benefit."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28B.103.010, 28B.103.020, and 28B.103.030; and adding a new section to chapter 28B.103 RCW."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1943 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1943, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1943, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

HOUSE BILL NO. 1943, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2000, with the following amendment(s): 2000-S2.E AMS STAN S5615.3

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.290 RCW to read as follows:

(1) The office of international relations and protocol shall develop a strategic international engagement plan to guide Washington's international economic development and engagement consistent with RCW 43.290.005. The plan must create a common framework for the state's engagement in international activities, to include: Trade missions, economic development, and interpersonal knowledge, educational, and cultural exchanges.

(2) The office may consult with entities relevant to Washington's international presence when developing the strategic plan, including: Associate development organizations, business and civic organizations, consular officials, executive and small cabinet agencies, institutions of higher education, immigration and labor organizations, public ports, state offices, state ethnic commissions, and private and nonprofit organizations.

(3) The office may utilize the resources of Results Washington for technical and operational assistance in developing the strategic plan.

(4) The office must complete an initial strategic plan by July 1, 2025. This strategic plan shall undergo periodic review to measure progress and outcomes at least every two and a half years thereafter, and it shall be fully updated at least every five years thereafter.

Sec. 2. RCW 43.290.005 and 1991 c 24 s 1 are each amended to read as follows:

The legislature finds that it is in the public interest to create an office of international relations and protocol in

order to: Make international relations and protocol (~~((a broad-based,))~~) focused(~~((,))~~) and functional (~~((part of))~~) across state government; provide leadership in state government and assist the legislature and state elected officials on international issues affecting the state; establish coordinated methods for responding to foreign governments and institutions seeking cooperative activities with and within Washington; coordinate and improve communication and resource sharing among various state offices, agencies, and educational institutions with international programs; develop and promote state policies that increase international engagement and cross-cultural understanding among Washington state's citizens; expand Washington state's international cooperation role in such vital areas ((as the environment, education, science, culture, and sports)) of public policy as economic development, trade and industry, and tourism and sports, as well as education, culture, science, and resilience; ((establish coordinated methods for responding to the increasing number of inquiries by foreign governments and institutions seeking cooperative activities within Washington state; provide leadership in state government on international relations and assistance to the legislature and state elected officials on international issues affecting the state;)) and assist with multistate international efforts(~~((, and coordinate and improve communication and resource sharing among various state offices, agencies, and educational institutions with international programs))~~).

It is the purpose of this chapter to bring these functions together in a new office under the office of the governor in order to establish a visible, coordinated, and comprehensive approach to international relations and protocol.

Sec. 3. RCW 43.290.020 and 1991 c 24 s 4 are each amended to read as follows:

The office of international relations and protocol may:

(1) Create (~~((temporary))~~) advisory committees as necessary to (~~((deal with specific international issues))~~) execute its responsibilities. The duration and composition of such advisory committees may be determined by the office. Advisory committee representation may include statewide elected officials from the executive branch, or their designees, as well as representatives of the legislative branch and the judiciary. Representation may also include external organizations such as ((the Seattle consular corps,)) world affairs councils, public ports, world trade organizations, ((private nonprofit organizations dealing with international education or international environmental issues, organizations concerned with international understanding, businesses with experience in international relations, or other organizations deemed appropriate by the director)) associate development organizations, business and civic organizations, consular officials, executive and small cabinet agencies, institutions of

higher education, immigration and labor organizations, public ports, state offices, and private and nonprofit organizations. The governor, or the governor's designee, shall chair such advisory committees;

(2) In conjunction with the legislative committee on economic development and international relations, designate foreign jurisdictions, such as national governments, subnational governments, and international organizations, as jurisdictions of strategic importance to Washington;

(3) Establish procedures and requirements for operations and expenditures to support and enhance state government partnership and relationships with foreign jurisdictions, particularly those identified as of strategic importance. Such operations and expenditures are intended to strengthen state agency economic development and policy cooperation, enable the implementation of the strategic international engagement plan, as determined by the director, and provide resources for government-to-government engagement, as well as support of inbound and outbound delegations to and from Washington state;

(4) Accept or request grants or gifts from citizens and other private sources to be used to defray the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, or other activities of the office. The office shall open and maintain a bank account into which it shall deposit all money received under this subsection. Such money and the interest accruing thereon shall not constitute public funds, shall be kept segregated and apart from funds of the state, and shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW.

Sec. 4. RCW 43.330.065 and 2023 c 470 s 2081 are each amended to read as follows:

~~((The department of commerce, in consultation with the office of protocol, the office of the secretary of state, the department of agriculture, and the employment security department[,]))~~ (1) The office of international relations and protocol and the legislative committee on economic development and international relations, in consultation with the department of commerce, the department of agriculture, the office of the secretary of state, and other state agencies and offices as appropriate, shall jointly identify up to ((fifteen countries)) 15 foreign jurisdictions that are of strategic importance to the development and diversification of Washington's international trade relations.

(2) When designating such jurisdictions of strategic importance, the office and committee shall consider factors including:

(a) Existing or potential partnerships in key industrial sectors;

(b) The presence of cultural and people-to-people ties;

(c) The state's economic development priorities and shared interests, consistent with the state strategic international engagement plan;

(d) The presence of international trade offices or other program-based engagement conducted by state agencies; and

(e) Historic or existing bilateral agreements established on a government-to-government basis.

(3) A foreign jurisdiction may not be designated as a jurisdiction of strategic importance under this section if it is currently subject to United States government sanctions for and has been identified by the United States department of state as being engaged in state-sponsored terrorism.

NEW SECTION. Sec. 5. A new section is added to chapter 43.290 RCW to read as follows:

The office of international relations and protocol shall:

(1) Advise and assist the governor, the legislature, and other independently elected officials on international developments that may affect the state;

(2) Establish and build government-to-government relationships between the state, foreign governments, and international organizations;

(3) Coordinate protocol for foreign dignitaries visiting the governor, the legislature, the judiciary, and other state agencies and offices, including the appropriate criteria and procedures for the signing of bilateral agreements by the governor on behalf of the state of Washington;

(4) Advise, coordinate, and support engagement between the state, foreign governments, and international partners;

(5) Establish, in coordination with the office of the premier of British Columbia, an intergovernmental exchange between the state and British Columbia, cochaired by the governor and the premier of British Columbia or their designees, concerning issues of mutual interests;

(6) Designate an international engagement advisory committee to leverage the expertise of the state's international engagement community;

(7) Assist institutions of higher education in implementing programs for international cooperation and student exchange; and

(8) Improve coordination between state government and the Washington tourism marketing authority.

NEW SECTION. Sec. 6. A new section is added to chapter 44.04 RCW to read as follows:

A Washington state-British Columbia interparliamentary exchange group is created. The purpose of the group is to facilitate legislator-to-legislator communication between the two governments, in coordination with the province of British Columbia. The state's representative for the group is the chair of the legislative committee on economic development and international relations.

Sec. 7. RCW 43.15.050 and 2003 c 265 s 1 are each amended to read as follows:

The legislative international trade account is created in the custody of the state treasurer. All moneys received by the president of the senate and the secretary of state from gifts, grants, and endowments for international trade hosting, international relations, and international missions activities must be deposited in the account. Only private, nonpublic gifts, grants, and endowments may be deposited in the account. A person, as defined in RCW 42.52.010, may not donate, gift, grant, or endow more than five thousand dollars per calendar year to the legislative international trade account. Expenditures from the account may be used only for the purposes of international trade hosting, international relations, and international trade mission activities, ~~((excluding travel and lodging,))~~ in which the president and members of the senate, members of the house of representatives, and the secretary of state participate in an official capacity. An appropriation is not required for expenditures. All requests by individual legislators for use of funds from this account must be first approved by the secretary of the senate for members of the senate or the chief clerk of the house of representatives for members of the house of representatives. All expenditures from the account shall be authorized by the final signed approval of ~~((the chief clerk of the house of representatives, the secretary of the senate, and))~~ the president of the senate.

Sec. 8. RCW 43.15.060 and 2020 c 114 s 20 are each amended to read as follows:

(1) Economic development and in particular international trade, tourism, and investment have become increasingly important to Washington, affecting the state's employment, revenues, and general economic well-being. Additionally, economic trends are rapidly changing and the international marketplace has become increasingly competitive as states and countries seek to improve and safeguard their own economic well-being. The purpose of the legislative committee on economic development and international relations is to provide responsive and consistent involvement by the legislature in economic development to maintain a healthy state economy and to provide employment opportunities to Washington residents.

(2) There is created a legislative committee on economic development and international relations which shall consist of ~~((six))~~ eight senators and ~~((six))~~ eight representatives from the legislature and the lieutenant governor who shall serve as chairperson. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than ~~((three))~~ four members from each house shall be from the same political party. Vacancies occurring shall be filled by the appointing authority.

Sec. 9. RCW 43.15.090 and 1985 c 467 s 23 are each amended to read as follows:

The legislative committee on economic development and international relations shall cooperate, act, and function with legislative committees, executive agencies, and with the councils or committees of other states and of provinces and territories of Canada similar to this committee, and with other interstate research organizations.

NEW SECTION. Sec. 10. RCW 43.330.065 is recodified as a section in chapter 43.290 RCW."

On page 1, line 2 of the title, after "leadership;" strike the remainder of the title and insert "amending RCW 43.290.005, 43.290.020, 43.330.065, 43.15.050, 43.15.060, and 43.15.090; adding new sections to chapter 43.290 RCW; adding a new section to chapter 44.04 RCW; and recodifying RCW 43.330.065."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2000 and advanced the bill, as amended by the Senate, to final passage.

Representatives Mena and Low spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2000, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2000, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 74; Nays, 22; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Graham, Gregerson, Hackney, Harris, Kloba, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Caldier, Chambers, Christian, Couture, Dent, Goehner, Griffey, Hutchins, Jacobsen, Klicker, Kretz, Maycumber, Orcutt, Robertson, Rude, Sandlin, Schmidt, Steele, Stokesbary, Volz and Walsh

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2000, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2099, with the following amendment(s): 2099-S2.E AMS TRAN S5447.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.09.270 and 2021 c 200 s 3 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every incarcerated individual who is committed to the jurisdiction of the department except:

(a) Incarcerated individuals who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Incarcerated individuals who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all incarcerated individuals using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each incarcerated individual. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the incarcerated individual, including any learning disabilities, substance abuse or mental health issues, and social or behavior challenges.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.

(b) The incarcerated individual's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the incarcerated individual's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the incarcerated individual's children and family;

(b) An individualized portfolio for each incarcerated individual that includes the incarcerated individual's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the incarcerated individual during the period of incarceration through reentry into the community that addresses the needs of the incarcerated individual including education,

employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any incarcerated individual, the department shall:

(i) Evaluate the incarcerated individual's needs and, to the extent possible, connect the incarcerated individual with existing services and resources that meet those needs; ~~((and))~~

(ii) Connect the incarcerated individual with a community justice center and/or community transition coordination network in the area in which the incarcerated individual will be residing once released from the correctional system if one exists; and

(iii) Ensure that every consenting incarcerated individual confined in a department of corrections facility for 60 days or longer possesses a valid identicard or driver's license, issued by the department of licensing under chapter 46.20 RCW, prior to the individual's release to the community. Issuance of the identicard or driver's license must not cause a delay in the incarcerated individual's release to the community or transfer to partial confinement. The department must:

(A) Pay any application fee required for obtaining the identicard;

(B) Provide a photo of the incarcerated individual for use on the identicard under RCW 46.20.035(1), which upon request of the individual must be a different photo than the individual's mug shot and not indicate that the individual was incarcerated at the time of the photo; and

(C) Obtain a signature from the individual that is acceptable to the department of licensing to use for an identicard or driver's license.

(b) If the department recommends partial confinement in an incarcerated individual's individual reentry plan, the department shall maximize the period of partial confinement for the incarcerated individual as allowed pursuant to RCW 9.94A.728 to facilitate the incarcerated individual's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the incarcerated individual's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an incarcerated individual released to community custody, the department may approve a residence location that is not in the incarcerated individual's county of origin if the department determines that the residence location would be appropriate based on any court-ordered condition of the incarcerated individual's sentence, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the incarcerated individual, ability to complete

an educational program that the incarcerated individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the incarcerated individual is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the incarcerated individual is placed with a written explanation.

(d)(i) For purposes of this section, except as provided in (d)(ii) of this subsection, the incarcerated individual's county of origin means the county of the incarcerated individual's residence at the time of the incarcerated individual's first felony conviction in Washington state.

(ii) If the incarcerated individual is a homeless person as defined in RCW 43.185C.010, or the incarcerated individual's residence is unknown, then the incarcerated individual's county of origin means the county of the incarcerated individual's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services.

NEW SECTION. Sec. 2. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department must issue a department of corrections identification card to an incarcerated person in a correctional facility for identification and use while in that facility.

(2) The department must also issue a department of corrections identification card under this section to any individual in community custody upon the individual's request and may require the individual to report to the closest correctional facility to facilitate completion of the request.

Sec. 3. RCW 46.20.035 and 2008 c 267 s 8 are each amended to read as follows:

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;
 (e) A United States passport; ~~((e))~~
 (f) ~~((An immigration and naturalization))~~ A citizenship and immigration services service form;

(g) An identification card issued by the department of corrections under section 2 of this act; or

(h) A patient identification verification document issued by a facility under section 7 of this act.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to RCW 74.13.283.

(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.

(5) The form of an applicant's name, as established under this section, is the person's name of record for the purposes of this chapter.

(6) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."

Sec. 4. 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, 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;

(ii) Under the age of twenty-five 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, a correctional facility as defined in RCW 72.09.015, 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 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 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 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).

Sec. 5. RCW 46.20.286 and 2005 c 282 s 47 are each amended to read as follows:

(1) The department of licensing shall adopt procedures in cooperation with the administrative office of the courts and the department of corrections to implement RCW 46.20.285.

(2) The department of licensing shall ensure that the department of corrections has direct access to appropriate department of licensing systems in order that the department of corrections may assist incarcerated individuals with obtaining a driver's license under this chapter, prior to an individual's release from confinement.

NEW SECTION. Sec. 6. A new section is added to chapter 70.48 RCW to read as follows:

(1) By July 1, 2025, using previous experience working with Washington prisons and jails, the department of licensing, in consultation with the Washington association of sheriffs and police chiefs, shall develop a model policy, process, and appropriate forms and informational materials for the department of licensing and governing units responsible for a city, county, or multijurisdictional jail to assist individuals in custody of the jail with obtaining a state-issued identicard pursuant to RCW 46.20.117. The process must include facilitating communication between an individual in custody and the department of licensing.

(2) Nothing in this section limits or prohibits a city, county, or multijurisdictional jail from assisting an individual in custody with obtaining an original, renewal, or replacement identicard.

NEW SECTION. Sec. 7. A new section is added to chapter 72.23 RCW to read as follows:

(1) The following entities must each ensure that every consenting patient possesses a valid identicard, issued by the department of licensing under chapter 46.20 RCW, prior to the individual's release from care in the applicable facility:

(a) State hospitals licensed under chapter 72.23 RCW;

(b) The special commitment center and secure community transition facilities licensed under RCW 71.09.250 and 71.09.290; or

(c) Residential treatment facilities that provide mental health services operated by the department of social and health services.

(2) The facilities listed in subsection (1) of this section must:

(a) Pay any applicable application fee required for obtaining the identicard;

(b) Provide a photo of the patient for use on the identicard under RCW 46.20.035(1); and

(c) Obtain a signature or mark from the patient that is acceptable to the department of licensing to use for an identicard.

(3) Issuance of an identicard under this section must not cause a delay in the release of an individual.

(4) The facilities in subsection (1) of this section must each provide a patient identification verification document for any patient in the custody of the facility, which must include the individual's legal first and last name, facility medical identification number, photo, patient or authorized representative signature or mark, and signature of social work supervisor or manager.

NEW SECTION. Sec. 8. This act takes effect January 1, 2025.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 72.09.270, 46.20.035, 46.20.117, and 46.20.286; adding a new section to chapter 72.09 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 72.23 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2099 and advanced the bill, as amended by the Senate, to final passage.

Representatives Farivar and Cheney spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2099, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2099, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 1

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cheney, Chopp, Corry, Cortes, Davis, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Harris, Hutchins, Jacobsen, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Mosbrucker, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Santos, Schmick, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Waters, Wilcox, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Christian, Connors, Couture, Dent, Goehner, Graham, Griffey, Klicker, Kretz, Low, Maycumber, McClintock, Orcutt, Robertson, Rude, Sandlin, Schmidt, Steele, Stokesbary, Volz, Walsh and Ybarra

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2099, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2131, with the following amendment(s): 2131-S.E AMS LOVE S5559.1

On page 11, beginning on line 10, after "interest." strike all material through "classes." on line 12

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2131 and advanced the bill, as amended by the Senate, to final passage.

Representatives Ramel and Dye spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2131, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2131, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier,

Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2131, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, February 28, 2024

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 2135, with the following amendment(s): 2135 AMS VALD S5272.1

On page 4, line 6, after "tribe" strike all material through "Washington" and insert "as defined in RCW 43.376.010"

On page 8, beginning on line 32, after "tribe" strike all material through "state" on line 33 and insert "as defined in RCW 43.376.010"

On page 9, beginning on line 19, after "tribes" strike all material through "state" on line 20 and insert "as defined in RCW 43.376.010"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2135 and advanced the bill, as amended by the Senate, to final passage.

Representatives Stearns and Volz spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2135, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2135, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule,

Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

HOUSE BILL NO. 2135, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, February 27, 2024

Mme. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2266, with the following amendment(s): 2266.E AMS KEIS S5538.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In addition to the primary safety and health hazards faced by all construction workers, there are safety and health issues specific to construction workers who menstruate and/or express milk. As an ongoing effort to address labor shortages in the construction industry, as well as to continue recruiting and retaining underrepresented workers in the construction trades, the legislature intends to address some of the basic barriers faced by these construction workers.

NEW SECTION. Sec. 2. A new section is added to chapter 49.17 RCW to read as follows:

(1) The director shall adopt rules, pursuant to this section, to address safety and health issues specific to workers performing construction activities who menstruate or express milk, or both. The rules must be included in the rules governing construction safety standards and must be applicable only to employers in the construction industry.

(2) The rules adopted pursuant to this section must require employers in the construction industry to provide workers, performing construction activities and who menstruate, with:

(a) A minimum size bathroom, accessible on the worksite, that is equivalent to a standard sized portable chemical toilet, or access to a permanent structure with a bathroom. The bathroom must have an internal latch to be secured from inadvertent entry;

(b) Adequate time to accommodate for multiple layers of clothing while using the bathroom; and

(c) An adequate and convenient supply of menstrual hygiene products available at no cost to the workers. Menstrual hygiene products must either be located in all gender-neutral bathrooms and bathrooms designated for workers who menstruate, or provided in kits for each worker who needs such product.

(3) The rules adopted pursuant to this section must require employers in the construction industry to provide reasonable accommodations for workers performing construction activities to express milk. The

department must identify minimum reasonable accommodations that include alternatives for worksites of varying numbers of employees. Reasonable accommodations means providing:

(a) Flexible work scheduling, including scheduling breaks and permitting work patterns that provide time for the expression of milk;

(b) A location, other than a bathroom, that is convenient and sanitary for the worker to express milk. The location must be private and lockable, if possible, and free from intrusion;

(c) Convenient hygienic refrigeration on the worksite for the storage of milk; and

(d) A convenient water source for the worker to clean and wash hands and milk expression equipment. The water source must be in a private location near the location where milk is expressed.

(4) On multi-employer worksites, each employer is responsible for ensuring that facilities for their own workers are provided.

(5)(a) Until thirty days after the date the department's adopted rule is filed with the code reviser, or July 1, 2025, whichever date is later, the department may not impose any monetary penalties for violations of this section. This subsection does not prohibit the department from receiving complaints, conducting inspections, issuing citations with no assessed penalty, and fixing reasonable time for abatement of the violation.

(b) When the department's final rules under this section are published by the code reviser in the State Register, the department, in partnership with relevant labor organizations and the office of minority and women's business enterprises, shall conduct educational outreach to construction employers on the rights and responsibilities established in this section."

On page 1, line 2 of the title, after "milk;" strike the remainder of the title and insert "adding a new section to chapter 49.17 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2266 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Schmidt spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2266, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2266, as amended by the Senate, and the bill

passed the House by the following vote: Yeas, 78; Nays, 18; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Gregerson, Griffey, Hackney, Harris, Hutchins, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Rude, Rule, Ryu, Sandlin, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Walsh, Wilcox, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Christian, Corry, Couture, Dent, Dye, Eslick, Graham, Jacobsen, Klicker, McClintock, Mosbrucker, Orcutt, Robertson, Schmick, Schmidt, Stokesbary, Volz and Waters

Excused: Representative Chandler

ENGROSSED HOUSE BILL NO. 2266, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2354, with the following amendment(s): 2354-S2.E AMS ENGR S5527.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.114.010 and 2023 c 354 s 1 are each amended to read as follows:

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

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

(2) "Increment area" means the geographic area within which regular property tax revenues are to be apportioned to pay public improvement costs, as authorized under this chapter.

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

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

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

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

(a) Design, planning, acquisition, required permitting, required environmental studies and mitigation, seismic studies or surveys, archaeological studies or surveys, land surveying, site acquisition, including appurtenant rights and site preparation, construction, reconstruction, rehabilitation, improvement, expansion, and

installation of public improvements, and other directly related costs;

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

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

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

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

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

(g) Funding for mitigation to impacted taxing districts as allowed in RCW 39.114.020.

(7) "Public improvements" means:

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

(i) Street and road construction;

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

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

(iv) Parking, terminal, and dock facilities;

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

(vi) Park and community facilities and recreational areas;

(vii) Stormwater and drainage management systems;

(viii) Electric, broadband, or rail service;

(ix) Mitigation of brownfields; or

(b) Expenditures for any of the following purposes:

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

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

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

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

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

(8) "Real property" means:

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

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

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

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

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

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

Sec. 2. RCW 39.114.020 and 2023 c 354 s 2 are each amended to read as follows:

(1) A local government may designate an increment area under this chapter and use the tax allocation revenues to pay public improvement costs, subject to the following conditions:

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

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

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

ordinances are passed creating the increment areas;

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

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

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

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

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

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

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

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

(ii) Private development that is anticipated to occur within the increment area as a result of the proposed public improvements will be permitted consistent with the permitting jurisdiction's applicable zoning and development standards;

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

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

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

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

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

(c) The duration of the increment area;

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

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

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

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

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

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

(i) Affordable and low-income housing;

(ii) The local business community;

(iii) The local school districts; and

(iv) The local fire service, public hospital service, and emergency medical services; and

(j) The assessment of impacts under (i) of this subsection (2) must include any necessary mitigation to the local fire service, public hospital service, and emergency medical services; and

(k) An assessment of any impacts of any other junior taxing districts not referenced in (i) of this subsection (2).

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

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

(5) (a) If the project analysis indicates that an increment area will impact at least 20 percent of the assessed value in a public hospital district, fire protection district, or regional fire protection service authority, or if the public hospital district's or the fire service agency's annual report, or other governing board-adopted capital facilities plan, demonstrates an increase in the level of service directly related to the increased development in the increment area, the local government must ((negotiate)) enter into negotiations for a mitigation plan with the impacted public hospital district, fire

protection district, or regional fire protection service authority to address level of service issues in the increment area.

(b) If the parties cannot agree pursuant to (a) of this subsection (5), the parties must proceed to arbitration to determine the appropriate mitigation plan. The board of arbitrators must consist of three persons: One appointed by the local government seeking to designate the increment area and one appointed by the junior taxing district, both of whom must be appointed within 60 days of the date when arbitration is requested, and a third arbitrator who must be appointed by agreement of the other two arbitrators within 90 days of the date when arbitration is requested. If the two are unable to agree on the appointment of the third arbitrator within this 90-day period, then the third arbitrator must be appointed by a judge in the superior court of the county within which the largest portion of the increment area is located. The determination by the board of arbitrators is binding on both the local government seeking to impose the increment area and the junior taxing district.

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

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

(a) Hold at least two public briefings for the community solely on the tax increment project that include the description of the increment area, the public improvements proposed to be financed with the tax allocation revenues, and a detailed estimate of tax revenues for the participating local governments and taxing districts, including the amounts allocated to the increment public improvements. The briefings must be announced at least two weeks prior to the date being held, including publishing in a legal newspaper of general circulation and posting information on the local government website and all local government social media sites, and must occur no earlier than 90 days after submitting the project analysis to the office of the treasurer and all local governments and taxing districts impacted by the increment area; ((and))

(b) Submit the project analysis to all local governments and taxing districts impacted by the increment area no less than 90 days prior to the adoption of the ordinance; and

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

Sec. 3. RCW 39.114.040 and 2023 c 354 s 3 are each amended to read as follows:

The local government designating the increment area must:

(1) Provide written notice to the governing body of each taxing district within which the increment area is located a minimum of 90 days before submitting the project analysis to the office of the treasurer as required in RCW 39.114.020(7)(c).

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

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

On page 1, line 5 of the title, after "paid;" strike the remainder of the title and insert "and amending RCW 39.114.010, 39.114.020, and 39.114.040."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2354 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2354, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2354, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street,

Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2354, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2396, with the following amendment(s): 2396-S AMS ROBI S5638.1

On page 2, beginning on line 28, after "the" strike all material through "and" on line 30 and insert "department of health, in consultation with"

On page 2, beginning on line 33, after "the" strike all material through "chiefs" on line 34 and insert "department of health"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2396 and advanced the bill, as amended by the Senate, to final passage.

Representatives Mosbrucker and Riccelli spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2396, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2396, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

SUBSTITUTE HOUSE BILL NO. 2396, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 2416, with the following amendment(s): 2416 AMS HLTC S5285.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.79.030 and 2023 c 123 s 19 are each amended to read as follows:

(1) It is unlawful for a person to practice or to offer to practice as a registered nurse in this state unless that person has been licensed under this chapter or holds a valid multistate license under chapter 18.80 RCW. A person who holds a license to practice as a registered nurse in this state may use the titles "registered nurse" and "nurse" and the abbreviation "R.N." No other person may assume those titles or use the abbreviation or any other words, letters, signs, or figures to indicate that the person using them is a registered nurse.

(2) It is unlawful for a person to practice or to offer to practice as an advanced practice registered nurse ((~~practitioner~~)) or as a nurse practitioner in this state unless that person has been licensed under this chapter. A person who holds a license to practice as an advanced practice registered nurse ((~~practitioner~~)) in this state may use the titles "advanced practice registered nurse ((~~practitioner~~))," "nurse practitioner," and "nurse" and the abbreviations "((~~A.R.N.P.~~))A.P.R.N." and "N.P." No other person may assume those titles or use those abbreviations or any other words, letters, signs, or figures to indicate that the person using them is an advanced practice registered nurse ((~~practitioner~~)) or nurse practitioner.

(3) It is unlawful for a person to practice or to offer to practice as a licensed practical nurse in this state unless that person has been licensed under this chapter or holds a valid multistate license under chapter 18.80 RCW. A person who holds a license to practice as a licensed practical nurse in this state may use the titles "licensed practical nurse" and "nurse" and the abbreviation "L.P.N." No other person may assume those titles or use that abbreviation or any other words, letters, signs, or figures to indicate that the person using them is a licensed practical nurse.

(4) Nothing in this section shall prohibit a person listed as a Christian Science nurse in the Christian Science Journal published by the Christian Science Publishing Society, Boston, Massachusetts, from using the title "Christian Science nurse," so long as such person does not hold himself or herself out as a registered nurse, advanced practice registered nurse ((~~practitioner~~)), nurse practitioner, or licensed practical nurse, unless otherwise authorized by law to do so.

Sec. 2. RCW 18.79.040 and 2020 c 80 s 15 are each amended to read as follows:

(1) "Registered nursing practice" means the performance of acts requiring

substantial specialized knowledge, judgment, and skill based on the principles of the biological, physiological, behavioral, and sociological sciences in either:

(a) The observation, assessment, diagnosis, care or counsel, and health teaching of individuals with illnesses, injuries, or disabilities, or in the maintenance of health or prevention of illness of others;

(b) The performance of such additional acts requiring education and training and that are recognized by the medical and nursing professions as proper and recognized by the ((~~commission~~))board to be performed by registered nurses licensed under this chapter and that are authorized by the ((~~commission~~))board through its rules;

(c) The administration, supervision, delegation, and evaluation of nursing practice. However, nothing in this subsection affects the authority of a hospital, hospital district, in-home service agency, community-based care setting, medical clinic, or office, concerning its administration and supervision;

(d) The teaching of nursing;

(e) The executing of medical regimen as prescribed by a licensed physician and surgeon, dentist, osteopathic physician and surgeon, podiatric physician and surgeon, physician assistant, or advanced practice registered nurse ((~~practitioner~~)), or as directed by a licensed midwife within his or her scope of practice.

(2) Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

(3) This section does not prohibit (a) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be a registered nurse, (b) the practice of licensed practical nursing by a licensed practical nurse, or (c) the practice of a nursing assistant, providing delegated nursing tasks under chapter 18.88A RCW.

Sec. 3. RCW 18.79.050 and 2000 c 64 s 2 are each amended to read as follows:

"Advanced practice registered nursing ((~~practice~~))" means the performance of the acts of a registered nurse and the performance of an expanded role in providing health care services as recognized by the medical and nursing professions, the scope of which is defined by rule by the ((~~commission~~))board. Upon approval by the ((~~commission~~))board, an advanced practice registered nurse ((~~practitioner~~)) may prescribe legend drugs and controlled substances contained in Schedule V of the Uniform Controlled Substances Act, chapter 69.50 RCW, and Schedules II through IV subject to RCW 18.79.240(1) (r) or (s).

Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This section does not prohibit (1) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be an advanced practice registered nurse ((~~practitioner~~)), or (2) the practice of registered nursing by a licensed registered nurse or the practice of licensed practical nursing by a licensed practical nurse.

Sec. 4. RCW 18.79.060 and 2020 c 80 s 16 are each amended to read as follows:

"Licensed practical nursing practice" means the performance of services requiring the knowledge, skill, and judgment necessary for carrying out selected aspects of the designated nursing regimen under the direction and supervision of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, physician assistant, podiatric physician and surgeon, advanced practice registered nurse ((~~practitioner~~)), registered nurse, or midwife.

Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This section does not prohibit the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be a licensed practical nurse.

Sec. 5. RCW 18.79.070 and 2022 c 240 s 32 are each amended to read as follows:

(1) The state ((~~nursing care quality assurance commission~~))board is established, consisting of fifteen members to be appointed by the governor to four-year terms. The governor shall consider nursing members who are recommended for appointment by the appropriate professional associations in the state. No person may serve as a member of the ((~~commission~~))board for more than two consecutive full terms.

(2) There must be seven registered nurse members, two advanced practice registered nurse ((~~practitioner~~)) members, three licensed practical nurse members, and three public members on the ((~~commission~~))board. Each member of the ((~~commission~~))board must be a resident of this state.

(3)(a) Registered nurse members of the ((~~commission~~))board must:

(i) Be licensed as registered nurses under this chapter; and

(ii) Have had at least three years' experience in the active practice of nursing and have been engaged in that practice within two years of appointment.

(b) In addition:

(i) At least one member must be on the faculty at a four-year university nursing program;

(ii) At least one member must be on the faculty at a two-year community college nursing program;

(iii) At least two members must be staff nurses providing direct patient care; and

(iv) At least one member must be a nurse manager or a nurse executive.

(4) Advanced practice registered nurse ((~~practitioner~~)) members of the ((~~commission~~))board must:

(a) Be licensed as advanced practice registered nurses ((~~practitioners~~)) under this chapter; and

(b) Have had at least three years' experience in the active practice of advanced practice registered nursing and have been engaged in that practice within two years of appointment.

(5) Licensed practical nurse members of the ((~~commission~~))board must:

(a) Be licensed as licensed practical nurses under this chapter; and

(b) Have had at least three years' actual experience as a licensed practical nurse and have been engaged in practice as a practical nurse within two years of appointment.

(6) Public members of the ((~~commission~~))board may not be a member of any other health care licensing board or commission, or have a fiduciary obligation to a facility rendering health services regulated by the ((~~commission~~))board, or have a material or financial interest in the rendering of health services regulated by the ((~~commission~~))board.

((~~In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, the governor appoint the existing members of the board of nursing and the board of practical nursing repealed under chapter 9, Laws of 1994 sp. sess. The governor may appoint initial members of the commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms.~~)) Members of the ((~~commission~~))board hold office until their successors are appointed.

When the secretary appoints pro tem members, reasonable efforts shall be made to ensure that at least one pro tem member is a registered nurse who is currently practicing and, in addition to meeting other minimum qualifications, has graduated from an associate or baccalaureate nursing program within three years of appointment.

Sec. 6. RCW 18.79.110 and 2023 c 126 s 8 are each amended to read as follows:

(1) The ((~~commission~~))board shall keep a record of all of its proceedings and make such reports to the governor as may be required. The ((~~commission~~))board shall define by rules what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing profession. The ((~~commission~~))board may adopt rules or issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners, and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

(2) The ((~~commission~~))board shall approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensing as registered nurses, advanced practice registered nurses ((~~practitioners~~)), and licensed practical nurses under this chapter. The ((~~commission~~))board shall approve such

schools of nursing as meet the requirements of this chapter and the ~~((commission))~~board, and the ~~((commission))~~board shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The ~~((commission))~~board shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years' inactive or lapsed status. The ~~((commission))~~board shall establish criteria for licensing by endorsement. The ~~((commission))~~board shall determine examination requirements for applicants for licensing as registered nurses, advanced practice registered nurses ~~((practitioner))~~, and licensed practical nurses under this chapter, and shall certify to the secretary for licensing duly qualified applicants. The ~~((commission))~~board shall adopt rules which allow for one hour of simulated learning to be counted as equivalent to two hours of clinical placement learning, with simulated learning accounting for up to a maximum of 50 percent of the required clinical hours.

(3) The ~~((commission))~~board shall adopt rules on continuing competency. The rules must include exemptions from the continuing competency requirements for registered nurses seeking advanced nursing degrees. Nothing in this subsection prohibits the ~~((commission))~~board from providing additional exemptions for any person credentialed under this chapter who is enrolled in an advanced education program.

(4) The ~~((commission))~~board shall adopt such rules under chapter 34.05 RCW as are necessary to fulfill the purposes of this chapter.

(5) The ~~((commission))~~board is the successor in interest of the board of nursing and the board of practical nursing. All contracts, undertakings, agreements, rules, regulations, decisions, orders, and policies of the former board of nursing or the board of practical nursing continue in full force and effect under the ~~((commission))~~board until the ~~((commission))~~board amends or rescinds those rules, regulations, decisions, orders, or policies.

(6) The members of the ~~((commission))~~board are immune from suit in an action, civil or criminal, based on its disciplinary proceedings or other official acts performed in good faith as members of the ~~((commission))~~board.

(7) Whenever the workload of the ~~((commission))~~board requires, the ~~((commission))~~board may request that the secretary appoint pro tempore members of the ~~((commission))~~board. When serving, pro tempore members of the ~~((commission))~~board have all of the powers, duties, and immunities, and are entitled to all of the emoluments, including travel expenses, of regularly appointed members of the ~~((commission))~~board.

Sec. 7. RCW 18.79.160 and 2004 c 262 s 6 are each amended to read as follows:

(1) An applicant for a license to practice as a registered nurse shall submit to the ~~((commission))~~board:

(a) An attested written application on a department form;

(b) An official transcript demonstrating graduation and successful completion of an approved program of nursing; and

(c) Any other official records specified by the ~~((commission))~~board.

(2) An applicant for a license to practice as an advanced practice registered nurse ~~((practitioner))~~ shall submit to the ~~((commission))~~board:

(a) An attested written application on a department form;

(b) An official transcript demonstrating graduation and successful completion of an advanced practice registered nurse ~~((practitioner))~~ program meeting criteria established by the ~~((commission))~~board; and

(c) Any other official records specified by the ~~((commission))~~board.

(3) An applicant for a license to practice as a licensed practical nurse shall submit to the ~~((commission))~~board:

(a) An attested written application on a department form;

(b) Written official evidence that the applicant is over the age of eighteen;

(c) An official transcript demonstrating graduation and successful completion of an approved practical nursing program, or its equivalent; and

(d) Any other official records specified by the ~~((commission))~~board.

(4) At the time of submission of the application, the applicant for a license to practice as a registered nurse, advanced practice registered nurse ~~((practitioner))~~, or licensed practical nurse must not be in violation of chapter 18.130 RCW or this chapter.

(5) The ~~((commission))~~board shall establish by rule the criteria for evaluating the education of all applicants.

Sec. 8. RCW 18.79.170 and 1994 sp.s. c 9 s 417 are each amended to read as follows:

An applicant for a license to practice as a registered nurse, advanced practice registered nurse ~~((practitioner))~~, or licensed practical nurse must pass an examination in subjects determined by the ~~((commission))~~board. The examination may be supplemented by an oral or practical examination. The ~~((commission))~~board shall establish by rule the requirements for applicants who have failed the examination to qualify for reexamination.

Sec. 9. RCW 18.79.180 and 1994 sp.s. c 9 s 418 are each amended to read as follows:

When authorized by the ~~((commission))~~board, the department shall issue an interim permit authorizing the applicant to practice registered nursing, advanced practice registered nursing, or licensed practical nursing, as appropriate, from the time of verification of the completion of the school or training program until notification of the results of the examination. Upon the applicant passing the examination, and if all other requirements established by the ~~((commission))~~board for

licensing are met, the department shall issue the applicant a license to practice registered nursing, advanced practice registered nursing, or licensed practical nursing, as appropriate. If the applicant fails the examination, the interim permit expires upon notification to the applicant, and is not renewable. The holder of an interim permit is subject to chapter 18.130 RCW.

Sec. 10. RCW 18.79.200 and 1996 c 191 s 62 are each amended to read as follows:

An applicant for a license to practice as a registered nurse, advanced practice registered nurse ((~~practitioner~~)), or licensed practical nurse shall comply with administrative procedures, administrative requirements, and fees as determined under RCW 43.70.250 and 43.70.280.

Sec. 11. RCW 18.79.230 and 1994 sp.s. c 9 s 423 are each amended to read as follows:

A person licensed under this chapter who desires to retire temporarily from registered nursing practice, advanced practice registered nursing ((~~practice~~)), or licensed practical nursing practice in this state shall send a written notice to the secretary.

Upon receipt of the notice the department shall place the name of the person on inactive status. While remaining on this status the person shall not practice in this state any form of nursing provided for in this chapter. When the person desires to resume practice, the person shall apply to the ((~~commission~~))board for renewal of the license and pay a renewal fee to the state treasurer. Persons on inactive status for three years or more must provide evidence of knowledge and skill of current practice as required by the ((~~commission~~))board or as provided in this chapter.

Sec. 12. RCW 18.79.240 and 2020 c 80 s 17 are each amended to read as follows:

(1) In the context of the definition of registered nursing practice and advanced practice registered nursing ((~~practice~~)), this chapter shall not be construed as:

(a) Prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice registered nursing within the meaning of this chapter;

(b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(c) Prohibiting the practice of nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing technicians;

(d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed

physicians or the supervision of licensed registered nurses;

(e) Prohibiting the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a registered nurse licensed to practice in this state;

(f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in the practice of nursing as defined in this chapter;

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or a bureau, division, or agency thereof, while in the discharge of his or her official duties;

(h) Permitting the measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses for the aid thereof;

(i) Permitting the prescribing or directing the use of, or using, an optical device in connection with ocular exercises, visual training, vision training, or orthoptics;

(j) Permitting the prescribing of contact lenses for, or the fitting and adaptation of contact lenses to, the human eye;

(k) Prohibiting the performance of routine visual screening;

(l) Permitting the practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW, respectively;

(m) Permitting the practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulation of the spine;

(n) Permitting the practice of podiatric medicine and surgery as defined in chapter 18.22 RCW;

(o) Permitting the performance of major surgery, except such minor surgery as the ((~~commission~~))board may have specifically authorized by rule adopted in accordance with chapter 34.05 RCW;

(p) Permitting the prescribing of controlled substances as defined in Schedule I of the Uniform Controlled Substances Act, chapter 69.50 RCW;

(q) Prohibiting the determination and pronouncement of death;

(r) Prohibiting advanced practice registered nurses((~~practitioners~~)), approved by the ((~~commission~~))board as certified registered nurse anesthetists from selecting, ordering, or administering controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, consistent with their ((~~commission~~))board-recognized scope of practice; subject to facility-specific protocols, and subject to a request for certified registered nurse anesthetist

anesthesia services issued by a physician licensed under chapter 18.71 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a podiatric physician and surgeon licensed under chapter 18.22 RCW; the authority to select, order, or administer Schedule II through IV controlled substances being limited to those drugs that are to be directly administered to patients who require anesthesia for diagnostic, operative, obstetrical, or therapeutic procedures in a hospital, clinic, ambulatory surgical facility, or the office of a practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A, 18.57, or 18.32 RCW; "select" meaning the decision-making process of choosing a drug, dosage, route, and time of administration; and "order" meaning the process of directing licensed individuals pursuant to their statutory authority to directly administer a drug or to dispense, deliver, or distribute a drug for the purpose of direct administration to a patient, under instructions of the certified registered nurse anesthetist. "Protocol" means a statement regarding practice and documentation concerning such items as categories of patients, categories of medications, or categories of procedures rather than detailed case-specific formulas for the practice of nurse anesthesia;

(s) Prohibiting advanced practice registered nurses ~~((practitioners))~~ from ordering or prescribing controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, if and to the extent that doing so is permitted by their scope of practice;

(t) Prohibiting the practice of registered nursing or advanced practice registered nursing by a student enrolled in an approved school if:

(i) The student performs services without compensation or expectation of compensation as part of a volunteer activity;

(ii) The student is under the direct supervision of a registered nurse or advanced practice registered nurse ~~((practitioner))~~ licensed under this chapter, a pharmacist licensed under chapter 18.64 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, or a physician licensed under chapter 18.71 RCW;

(iii) The services the student performs are within the scope of practice of: (A) The nursing profession for which the student is receiving training; and (B) the person supervising the student;

(iv) The school in which the student is enrolled verifies the student has demonstrated competency through his or her education and training to perform the services; and

(v) The student provides proof of current malpractice insurance to the volunteer activity organizer prior to performing any services.

(2) In the context of the definition of licensed practical nursing practice, this chapter shall not be construed as:

(a) Prohibiting the incidental care of the sick by domestic servants or persons

primarily employed as housekeepers, so long as they do not practice practical nursing within the meaning of this chapter;

(b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(c) Prohibiting the practice of practical nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing assistants;

(d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of licensed registered nurses;

(e) Prohibiting or preventing the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a licensed practical nurse licensed to practice in this state;

(f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in licensed practical nurse practice as defined in this chapter;

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or any bureau, division, or agency thereof, while in the discharge of his or her official duties.

Sec. 13. RCW 18.79.250 and 2000 c 64 s 4 are each amended to read as follows:

An advanced practice registered nurse ~~((practitioner))~~ under his or her license may perform for compensation nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof, she or he may do the following things that shall not be done by a person not so licensed, except as provided in RCW 18.79.260 and 18.79.270:

(1) Perform specialized and advanced levels of nursing as recognized jointly by the medical and nursing professions, as defined by the ~~((commission))~~ board;

(2) Prescribe legend drugs and Schedule V controlled substances, as defined in the Uniform Controlled Substances Act, chapter 69.50 RCW, and Schedules II through IV subject to RCW 18.79.240(1) (r) or (s) within the scope of practice defined by the ~~((commission))~~ board;

(3) Perform all acts provided in RCW 18.79.260;

(4) Hold herself or himself out to the public or designate herself or himself as an advanced practice registered nurse ~~((practitioner))~~ or as a nurse practitioner.

Sec. 14. RCW 18.79.256 and 2015 c 104 s 1 are each amended to read as follows:

An advanced practice registered nurse (~~(practitioner)~~) may sign and attest to any certificates, cards, forms, or other required documentation that a physician may sign, so long as it is within the advanced practice registered nurse's (~~(practitioner's)~~) scope of practice.

Sec. 15. RCW 18.79.260 and 2022 c 14 s 2 are each amended to read as follows:

(1) A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, to individuals with illnesses, injuries, or disabilities.

(2) A registered nurse may, at or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, optometrist, podiatric physician and surgeon, physician assistant, advanced practice registered nurse (~~(practitioner)~~), or midwife acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required. Such direction must be for acts which are within the scope of registered nursing practice.

(3) A registered nurse may delegate tasks of nursing care to other individuals where the registered nurse determines that it is in the best interest of the patient.

(a) The delegating nurse shall:

(i) Determine the competency of the individual to perform the tasks;

(ii) Evaluate the appropriateness of the delegation;

(iii) Supervise the actions of the person performing the delegated task; and

(iv) Delegate only those tasks that are within the registered nurse's scope of practice.

(b) A registered nurse, working for a home health or hospice agency regulated under chapter 70.127 RCW, may delegate the application, instillation, or insertion of medications to a registered or certified nursing assistant under a plan of care.

(c) Except as authorized in (b) or (e) of this subsection, a registered nurse may not delegate the administration of medications. Except as authorized in (e) or (f) of this subsection, a registered nurse may not delegate acts requiring substantial skill, and may not delegate piercing or severing of tissues. Acts that require nursing judgment shall not be delegated.

(d) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines that it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the (~~(nursing care quality assurance commission))~~ board for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety.

(e) For delegation in community-based care settings or in-home care settings, a registered nurse may delegate nursing care tasks only to registered or certified nursing assistants under chapter 18.88A RCW or home care aides certified under chapter 18.88B RCW. Simple care tasks such as blood pressure monitoring, personal care service, diabetic insulin device set up, verbal verification of insulin dosage for sight-impaired individuals, or other tasks as defined by the (~~(nursing care quality assurance commission))~~ board are exempted from this requirement.

(i) "Community-based care settings" includes: Community residential programs for people with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and assisted living facilities licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(ii) "In-home care settings" include an individual's place of temporary or permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings as defined in (e)(i) of this subsection.

(iii) Delegation of nursing care tasks in community-based care settings and in-home care settings is only allowed for individuals who have a stable and predictable condition. "Stable and predictable condition" means a situation in which the individual's clinical and behavioral status is known and does not require the frequent presence and evaluation of a registered nurse.

(iv) The determination of the appropriateness of delegation of a nursing task is at the discretion of the registered nurse. Other than delegation of the administration of insulin by injection for the purpose of caring for individuals with diabetes, the administration of medications by injection, sterile procedures, and central line maintenance may never be delegated.

(v) When delegating insulin injections under this section, the registered nurse delegator must instruct the individual regarding proper injection procedures and the use of insulin, demonstrate proper injection procedures, and must supervise and evaluate the individual performing the delegated task as required by the (~~(commission))~~ board by rule. If the registered nurse delegator determines that the individual is competent to perform the injection properly and safely, supervision and evaluation shall occur at an interval determined by the (~~(commission))~~ board by rule.

(vi) (A) The registered nurse shall verify that the nursing assistant or home care aide, as the case may be, has completed the required core nurse delegation training required in chapter 18.88A or 18.88B RCW prior to authorizing delegation.

(B) Before commencing any specific nursing tasks authorized to be delegated in this section, a home care aide must be certified pursuant to chapter 18.88B RCW and must comply with RCW 18.88B.070.

(vii) The nurse is accountable for his or her own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority are immune from liability for any action performed in the course of their delegation duties.

(viii) Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur, but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and the profession may rely, and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task.

(f) The delegation of nursing care tasks only to registered or certified nursing assistants under chapter 18.88A RCW or to home care aides certified under chapter 18.88B RCW may include glucose monitoring and testing.

(g) The ~~((nursing care quality assurance commission))~~ board may adopt rules to implement this section.

(4) Only a person licensed as a registered nurse may instruct nurses in technical subjects pertaining to nursing.

(5) Only a person licensed as a registered nurse may hold herself or himself out to the public or designate herself or himself as a registered nurse.

Sec. 16. RCW 18.79.270 and 2020 c 80 s 19 are each amended to read as follows:

A licensed practical nurse under his or her license may perform nursing care, as that term is usually understood, of the ill, injured, or infirm, and in the course thereof may, under the direction of a licensed physician and surgeon, osteopathic physician and surgeon, dentist, naturopathic physician, podiatric physician and surgeon, physician assistant, advanced practice registered nurse ~~((practitioner))~~, or midwife acting under the scope of his or her license, or at the direction and under the supervision of a registered nurse, administer drugs, medications, treatments, tests, injections, and inoculations, whether or not the piercing of tissues is involved and whether or not a degree of independent judgment and skill is required, when selected to do so by one of the licensed practitioners designated in this section, or by a registered nurse who need not be physically present; if the order given is reduced to writing within a reasonable time and made a part of the patient's record. Such direction must be for acts within the scope of licensed practical nurse practice.

Sec. 17. RCW 18.79.290 and 1994 sp.s. c 9 s 429 are each amended to read as follows:

(1) In accordance with rules adopted by the ~~((commission))~~ board, public school districts and private schools that offer classes for any of grades kindergarten through twelve may provide for clean, intermittent bladder catheterization of students or assisted self-catheterization of students who are in the custody of the school district or private school at the time. After consultation with staff of the superintendent of public instruction, the

~~((commission))~~ board shall adopt rules in accordance with chapter 34.05 RCW, that provide for the following and such other matters as the ~~((commission))~~ board deems necessary to the proper implementation of this section:

(a) A requirement for a written, current, and unexpired request from a parent, legal guardian, or other person having legal control over the student that the school district or private school provide for the catheterization of the student;

(b) A requirement for a written, current, and unexpired request from a physician licensed under chapter 18.71 or 18.57 RCW, that catheterization of the student be provided for during the hours when school is in session or the hours when the student is under the supervision of school officials;

(c) A requirement for written, current, and unexpired instructions from an advanced practice registered nurse ~~((practitioner))~~ or a registered nurse licensed under this chapter regarding catheterization that include (i) a designation of the school district or private school employee or employees who may provide for the catheterization, and (ii) a description of the nature and extent of any required supervision; and

(d) The nature and extent of acceptable training that shall (i) be provided by a physician, advanced practice registered nurse ~~((practitioner))~~, or registered nurse licensed under chapter 18.71 or 18.57 RCW, or this chapter, and (ii) be required of school district or private school employees who provide for the catheterization of a student under this section, except that a licensed practical nurse licensed under this chapter is exempt from training.

(2) This section does not require school districts to provide intermittent bladder catheterization of students.

Sec. 18. RCW 18.79.400 and 2010 c 209 s 7 are each amended to read as follows:

(1) By June 30, 2011, the ~~((commission))~~ board shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) (i) Dosing criteria, including:

(A) A dosage amount that must not be exceeded unless an advanced practice registered nurse ~~((practitioner))~~ or certified registered nurse anesthetist first consults with a practitioner specializing in pain management; and

(B) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management.

(ii) The rules regarding consultation with a practitioner specializing in pain management must, to the extent practicable, take into account:

(A) Circumstances under which repeated consultations would not be necessary or appropriate for a patient undergoing a stable, ongoing course of treatment for pain management;

(B) Minimum training and experience that is sufficient to exempt an advanced practice registered nurse ~~((practitioner))~~ or

certified registered nurse anesthetist from the specialty consultation requirement;

(C) Methods for enhancing the availability of consultations;

(D) Allowing the efficient use of resources; and

(E) Minimizing the burden on practitioners and patients;

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(2) The ~~((commission))~~ board shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional associations for advanced practice registered nurses ~~((practitioners))~~ and certified registered nurse anesthetists in the state.

(3) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

Sec. 19. RCW 18.79.800 and 2017 c 297 s 8 are each amended to read as follows:

(1) By January 1, 2019, the ~~((commission))~~ board must adopt rules establishing requirements for prescribing opioid drugs. The rules may contain exemptions based on education, training, amount of opioids prescribed, patient panel, and practice environment.

(2) In developing the rules, the ~~((commission))~~ board must consider the agency medical directors' group and centers for disease control guidelines, and may consult with the department of health, the University of Washington, and the largest professional associations for advanced practice registered nurses ~~((practitioners))~~ and certified registered nurse anesthetists in the state.

Sec. 20. RCW 18.79.810 and 2019 c 314 s 10 are each amended to read as follows:

By January 1, 2020, the ~~((commission))~~ board must adopt or amend its rules to require advanced practice registered nurses ~~((practitioners))~~ who prescribe opioids to inform patients of their right to refuse an opioid prescription or order for any reason. If a patient indicates a desire to not receive an opioid, the advanced practice registered nurse ~~((practitioner))~~ must document the patient's request and avoid prescribing or ordering opioids, unless the request is revoked by the patient.

NEW SECTION. Sec. 21. The office of the code reviser shall prepare bill language correcting references in the Revised Code of Washington from advanced registered nurse practitioner to advanced practice registered

nurse and include this bill language in its 2025 technical corrections bill by December 31, 2024.

NEW SECTION. Sec. 22. Except for section 21 of this act, this act takes effect June 30, 2027."

On page 1, line 2 of the title, after "nurses;" strike the remainder of the title and insert "amending RCW 18.79.030, 18.79.040, 18.79.050, 18.79.060, 18.79.070, 18.79.110, 18.79.160, 18.79.170, 18.79.180, 18.79.200, 18.79.230, 18.79.240, 18.79.250, 18.79.256, 18.79.260, 18.79.270, 18.79.290, 18.79.400, 18.79.800, and 18.79.810; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2416 and advanced the bill, as amended by the Senate, to final passage.

Representatives Graham and Riccelli spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2416, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2416, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, Maycumber, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wilcox, Wylie, Ybarra and Mme. Speaker

Excused: Representative Chandler

HOUSE BILL NO. 2416, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Monday, March 4, 2024

Mme. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5180 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Hunt, Hawkins, Wellman

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House granted the Senate's request for a Conference on SENATE BILL NO. 5180. The Speaker (Representative Orwall presiding) appointed the following members as Conferees: Representatives Rude, Santos and Shavers.

The Speaker (Representative Orwall presiding) called upon Representative Bronoske to preside.

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

MESSAGE FROM THE SENATE

Tuesday, March 5, 2024

Mme. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 6059
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6068
SUBSTITUTE SENATE BILL NO. 6099
ENGROSSED SUBSTITUTE SENATE BILL NO. 6105
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6109
SUBSTITUTE SENATE BILL NO. 6115
ENGROSSED SENATE BILL NO. 6120
ENGROSSED SUBSTITUTE SENATE BILL NO. 6127
SUBSTITUTE SENATE BILL NO. 6146
ENGROSSED SENATE BILL NO. 6151
SUBSTITUTE SENATE BILL NO. 6157
SUBSTITUTE SENATE BILL NO. 6164
SUBSTITUTE SENATE BILL NO. 6197
SECOND SUBSTITUTE SENATE BILL NO. 6228
SENATE BILL NO. 6238
ENGROSSED SENATE BILL NO. 6246
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6251
SUBSTITUTE SENATE BILL NO. 6301
SENATE BILL NO. 6308
SENATE CONCURRENT RESOLUTION NO. 8414

and the same are herewith transmitted.

Sarah Bannister, Secretary

MESSAGE FROM THE SENATE

Tuesday, March 5, 2024

Mme. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1818
HOUSE BILL NO. 1867
SUBSTITUTE HOUSE BILL NO. 1892
SUBSTITUTE HOUSE BILL NO. 1919
HOUSE BILL NO. 1927
SECOND SUBSTITUTE HOUSE BILL NO. 1941
SUBSTITUTE HOUSE BILL NO. 1942
HOUSE BILL NO. 1958
HOUSE BILL NO. 1963
SUBSTITUTE HOUSE BILL NO. 1970
SUBSTITUTE HOUSE BILL NO. 1979
HOUSE BILL NO. 1982
SUBSTITUTE HOUSE BILL NO. 2012
SECOND SUBSTITUTE HOUSE BILL NO. 2014
SUBSTITUTE HOUSE BILL NO. 2025

SUBSTITUTE HOUSE BILL NO. 2097
SUBSTITUTE HOUSE BILL NO. 2102
SECOND SUBSTITUTE HOUSE BILL NO. 2112
ENGROSSED HOUSE BILL NO. 2199
HOUSE BILL NO. 2204
HOUSE BILL NO. 2246
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2311
HOUSE BILL NO. 2375
HOUSE BILL NO. 2415

and the same are herewith transmitted.

Sarah Bannister, Secretary

MESSAGE FROM THE SENATE

Tuesday, March 5, 2024

Mme. Speaker:

The President has signed:

SENATE INITIATIVE NO. 2081
SENATE INITIATIVE NO. 2111
SENATE INITIATIVE NO. 2113

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

MESSAGE FROM THE SENATE

Tuesday, March 5, 2024

Mme. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5271
SECOND SUBSTITUTE SENATE BILL NO. 5660
ENGROSSED SUBSTITUTE SENATE BILL NO. 5778
SENATE BILL NO. 5799
SENATE BILL NO. 5842
SUBSTITUTE SENATE BILL NO. 5869
SENATE BILL NO. 5897
SUBSTITUTE SENATE BILL NO. 5920
SUBSTITUTE SENATE BILL NO. 5936
SUBSTITUTE SENATE BILL NO. 5940
SENATE BILL NO. 6013
SENATE BILL NO. 6084
SENATE BILL NO. 6263
ENGROSSED SUBSTITUTE SENATE BILL NO. 6286
SENATE JOINT MEMORIAL NO. 8008

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

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

REPORTS OF STANDING COMMITTEES

March 5, 2024

ESB 6098

Prime Sponsor, Senator Robinson:
Concerning accounts. Reported by
Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.45.240 and 2023 c 337 s 9 are each amended to read as follows:

(1) The down payment assistance account is created in the custody of the state treasurer. Receipts from the real estate excise tax on sales of condominiums or townhouses to persons using a down payment assistance program offered by the Washington state housing finance commission must be deposited in the account, as provided in subsection (2) of this section. Expenditures from the account may be used only for payment toward a person's down payment assistance loan that was used to purchase a condominium or townhouse for which the tax was collected. Only the ~~((Washington state housing finance commission))~~ director of the department of commerce or the ~~((commission's))~~ director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2)(a) Beginning June 15, 2024, and each June 15th thereafter, the department must notify the economic and revenue forecast council of the total amount received under RCW 82.45.060 from sales of condominiums or townhouses to persons using a down payment assistance program offered by the Washington state housing finance commission during the prior calendar year.

(b) Beginning in fiscal year 2025, and each fiscal year thereafter, the legislature must appropriate from the general fund to this account the lesser of (i) the amount received under RCW 82.45.060 on sales of condominiums or townhouses to persons using a down payment assistance program offered by the Washington state housing finance commission during the prior calendar year, as determined under (a) of this subsection, or (ii) \$250,000 per fiscal year.

(c) On or before March 1, 2024, and each March 1st thereafter, the Washington state housing finance commission must provide the department with the following information for each sale of a condominium or townhouse to a person using a down payment assistance program offered by the Washington state housing finance commission that occurred during the prior calendar year:

(i) The real estate excise tax affidavit number associated with the sale;

(ii) The date of sale;

(iii) The parcel number of the property sold;

(iv) The street address of the property sold;

(v) The county in which the property sold is located;

(vi) The full legal name of the seller, or sellers, as shown on the real estate excise tax affidavit;

(vii) The full legal name of the buyer, or buyers, as shown on the real estate excise tax affidavit; and

(viii) Any additional information the department may require to verify the property sold is a condominium or townhouse sold to persons using a down payment assistance program offered by the Washington state housing finance commission.

(d) For the purposes of this subsection, "townhouse" means dwelling units constructed

in a row of two or more attached units where each dwelling unit shares at least one common wall with an adjacent unit and is accessed by a separate outdoor entrance.

(3) This section expires January 1, 2034.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

(1) RCW 43.83.330 (State and local improvements revolving account—Definitions) and 2015 1st sp.s. c 4 s 34, 1991 sp.s. c 13 s 43, 1985 c 57 s 44, & 1972 ex.s. c 127 s 3;

(2) RCW 43.83.350 (State and local improvements revolving account, Waste Disposal Facilities, 1980—Definitions) and 2021 c 65 s 46, 2015 1st sp.s. c 4 s 40, 1991 sp.s. c 13 s 44, 1985 c 57 s 56, & 1980 c 159 s 3;

(3) RCW 27.34.410 (Heritage barn preservation fund) and 2015 c 225 s 24 & 2007 c 333 s 4;

(4) RCW 43.79.487 (Basic health plan stabilization account) and 2011 c 5 s 711;

(5) RCW 70A.305.140 (Brownfield redevelopment trust fund account—Created—Report to the office of financial management and the legislature—Rules) and 2020 c 20 s 1316, 2019 c 422 s 414, & 2013 2nd sp.s. c 1 s 3;

(6) RCW 43.79.530 (Dairy nutrient infrastructure account) and 2016 sp.s. c 35 s 6016;

(7) RCW 43.41.444 (Shared information technology system revolving account—Contracts for administration, development, maintenance, and operations of shared information technology systems—"Shared information technology system" defined) and 2015 3rd sp.s. c 1 s 504; and

(8) RCW 43.79.515 (State efficiency and restructuring account) and 2010 1st sp.s. c 37 s 946.

Sec. 3. RCW 27.34.400 and 2007 c 333 s 2 are each amended to read as follows:

(1) The Washington state heritage barn preservation program is created in the department.

(2) The director, in consultation with the heritage barn preservation advisory board, shall conduct a thematic study of Washington state's barns. The study shall include a determination of types, an assessment of the most unique and significant barns in the state, and a condition and needs assessment of historic barns in the state.

(3)(a) The department, in consultation with the heritage barn preservation advisory board, shall establish a heritage barn recognition program. To apply for recognition as a heritage barn, the barn owner shall supply to the department photos of the barn, photos of the farm and surrounding landscape, a brief history of the farm, and a construction date for the barn.

(b) Three times a year, the governor's advisory council on historic places shall review the list of barns submitted by the department for formal recognition as a heritage barn.

(4) Eligible applicants for heritage barn preservation ((fund))program awards include property owners, nonprofit organizations, and local governments.

(5) To apply for support from the heritage barn preservation ((fund))program, an applicant must submit an application to the department in a form prescribed by the department. Applicants must provide at least fifty percent of the cost of the project through in-kind labor, the applicant's own moneys, or other funding sources.

(6) The following types of projects are eligible for funding:

(a) Stabilization of endangered heritage barns and related agricultural buildings, including but not limited to repairs to foundations, sills, windows, walls, structural framework, and the repair and replacement of roofs; and

(b) Work that preserves the historic character, features, and materials of a historic barn.

(7) In making awards, the advisory board shall consider the following criteria:

(a) Relative historical and cultural significance of the barn;

(b) Urgency of the threat and need for repair;

(c) Extent to which the project preserves historic character and extends the useful life of the barn or associated agricultural building;

(d) Visibility of the barn from a state designated scenic byway or other publicly traveled way;

(e) Extent to which the project leverages other sources of financial assistance;

(f) Provision for long-term preservation;

(g) Readiness of the applicant to initiate and complete the project; and

(h) Extent to which the project contributes to the equitable geographic distribution of heritage barn preservation ((fund))program awards across the state.

(8) In awarding funds, special consideration shall be given to barns that are:

(a) Still in agricultural use;

(b) Listed on the national register of historic places; or

(c) Outstanding examples of their type or era.

(9) The conditions in this subsection must be met by recipients of funding in order to satisfy the public benefit requirements of the heritage barn preservation program.

(a) Recipients must execute a contract with the department before commencing work. The contract must include a historic preservation easement for between five to fifteen years depending on the amount of the award. The contract must specify public benefit and minimum maintenance requirements.

(b) Recipients must proactively maintain their historic barn for a minimum of ten years.

(c) Public access to the exterior of properties that are not visible from a public right-of-way must be provided under reasonable terms and circumstances, including the requirement that visits by nonprofit organizations or school groups must be offered at least one day per year.

(10) All work must comply with the United States secretary of the interior's standards for the rehabilitation of historic properties; however, exceptions may be made for the retention or installation of metal roofs on a case-by-case basis.

(11) The heritage barn preservation ((fund))program shall be acknowledged on any materials produced and in publicity for the project. A sign acknowledging the ((fund))program shall be posted at the worksite for the duration of the preservation agreement.

(12) Projects must be initiated within one year of funding approval and completed within two years, unless an extension is provided by the department in writing.

(13) If a recipient of a heritage barn preservation ((fund))program award, or subsequent owner of a property that was assisted by the ((fund))program, takes any action within ten years of the funding award with respect to the assisted property such as dismantlement, removal, or substantial alteration, which causes it to be no longer eligible for listing in the Washington heritage register, the ((fund))program shall be repaid in full within one year.

NEW SECTION. Sec. 4. A new section is added to chapter 41.05 RCW to read as follows:

The Fern Lodge maintenance account is created in the custody of the state treasurer. All receipts from the collection of rents for the Snohomish county long-term civil commitment facility known as Fern Lodge must be deposited into the account. Expenditures from the account may only be used for the ongoing maintenance and operational costs of Fern Lodge. Only the director or the director's designee may authorize expenses from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 5. A new section is added to chapter 43.79 RCW to read as follows:

The inflation reduction elective pay account is created in the state treasury. All receipts from elective pay provided under P.L. 117-169 (inflation reduction act of 2022) must be deposited into the account. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 6. A new section is added to chapter 70A.535 RCW to read as follows:

The clean fuels credit account is created in the state treasury. All receipts from clean fuel credits generated under this chapter by state agency activities not funded through an appropriation in an omnibus transportation appropriations act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for state agencies to complete investments to reduce state agency transportation-related emissions including,

but not limited to, electric vehicle infrastructure, electric vehicles, electric vessels, and electric boats.

Sec. 7. RCW 70A.535.160 and 2023 c 431 s 14 are each amended to read as follows:

The clean fuels transportation investment account is created in the state treasury. All receipts to the state from clean fuel credits generated under this chapter from transportation investments funded in an omnibus transportation appropriations act, including those listed under RCW 70A.535.050(3), must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for activities and projects that reduce greenhouse gas emissions and decarbonize the transportation sector.

NEW SECTION. Sec. 8. A new section is added to chapter 74.09 RCW to read as follows:

The family medicine workforce development account is created in the state treasury. All receipts from funding available for the family medicine residency network pursuant to RCW 74.60.090 and 70.112.060 and any other funds collected for the medicaid direct payment program established in chapter . . . , Laws of 2024 (the omnibus operating appropriations act) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to supplement primary care graduate medical education.

NEW SECTION. Sec. 9. A new section is added to chapter 43.79 RCW to read as follows:

(1) The legislature recognizes the honor of Seattle being chosen as a host city for the 2026 FIFA World Cup soccer competition. The matches will attract hundreds of thousands of fans to our region and bring unprecedented attention to Seattle and the state of Washington as a whole. In recognition of the economic benefit to the state, the legislature intends to provide assistance in making the capital improvements necessary to host this event.

(2) The stadium world cup capital account is created in the state treasury for the purpose of advancing moneys to the Washington state public stadium authority for capital improvements required to host the 2026 World Cup. Moneys in the account may be spent only after appropriation.

(3) The department of commerce must enter into a loan agreement with the Washington state public stadium authority to advance funds for capital improvements necessary to host the 2026 World Cup. The department must work with the state treasurer to record distributions from the stadium world cup capital account and calculate the repayment obligation for amounts expended. Loan terms shall include interest at a rate that is 0.5 percent higher than the interest rate that the account would have earned without the transfer, with funds to be repaid no later than September 30, 2026.

(4) It is the intent of the legislature that loan funds be repaid from admissions taxes collected from World Cup events hosted at the stadium and deposited into the stadium and exhibition center account created in RCW 43.99N.060. If not earlier paid, on September 30, 2026, the director of the office of financial management shall direct the state treasurer to transfer any amounts due from the stadium and exhibition center account to the general fund.

Sec. 10. RCW 43.79A.040 and 2023 c 389 s 8, 2023 c 387 s 2, 2023 c 380 s 6, 2023 c 213 s 9, 2023 c 170 s 19, and 2023 c 12 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the Billy Frank Jr. national statutory hall collection fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works

account, the county 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the Fern Lodge maintenance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation account, the medication for people living with HIV rebate revenue account, the homeowner recovery account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the pollution liability insurance program trust account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account, the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 11. RCW 43.79A.040 and 2023 c 389 s 8, 2023 c 387 s 2, 2023 c 380 s 6, 2023 c 213 s 9, and 2023 c 12 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Gina Grant Bull memorial legislative page scholarship account, the Rosa Franklin legislative internship program scholarship account, the Washington advanced college tuition payment program account, the Washington college

savings program account, the accessible communities account, the Washington achieving a better life experience program account, the Washington career and college pathways innovation challenge program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the behavioral health loan repayment program account, the Billy Frank Jr. national statuary hall collection fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county 911 excise tax account, the county road administration board emergency loan account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the energy facility site evaluation council account, the fair fund, the family and medical leave insurance account, the Fern Lodge maintenance account, the fish and wildlife federal lands revolving account, the natural resources federal lands revolving account, the food animal veterinarian conditional scholarship account, the forest health revolving account, the fruit and vegetable inspection account, the educator conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the Washington history day account, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the low-income home rehabilitation account, the medication for people living with HIV rebate revenue account, the homeowner recovery account, the multiagency permitting team account, the northeast Washington wolf-livestock management account, the produce railcar pool account, the public use general aviation airport loan revolving account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state library-archives building account, the reduced cigarette ignition propensity account, the center for deaf and hard of hearing youth account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, the school employees' benefits board insurance reserve fund, the public employees' and retirees' insurance account,

the school employees' insurance account, the long-term services and supports trust account, the radiation perpetual maintenance fund, the Indian health improvement reinvestment account, the department of licensing tuition recovery trust fund, the student achievement council tuition recovery trust fund, the tuition recovery trust fund, the industrial insurance premium refund account, the mobile home park relocation fund, the natural resources deposit fund, the Washington state health insurance pool account, the federal forest revolving account, and the library operations account.

(c) The following accounts and funds must receive 80 percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advance right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 12. RCW 43.84.092 and 2023 c 435 s 14, 2023 c 431 s 10, 2023 c 389 s 10, 2023 c 377 s 7, 2023 c 340 s 10, 2023 c 110 s 3, 2023 c 73 s 10, and 2023 c 41 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall

occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, ~~((the brownfield redevelopment trust fund account,))~~ the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the clean fuels credit account, the clean fuels transportation investment account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the covenant homeownership account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the opioid abatement settlement account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids

account, the family medicine workforce development account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the higher education retirement plan supplemental benefit fund, the Washington student loan account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 5 bridge replacement project account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the reserve officers' relief and pension principal fund, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the second injury fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state hazard mitigation revolving loan account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the

teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 13. RCW 43.84.092 and 2023 c 435 s 14, 2023 c 431 s 10, 2023 c 389 s 10, 2023 c 377 s 7, 2023 c 340 s 10, 2023 c 110 s 3, 2023 c 73 s 10, and 2023 c 41 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account,

which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, ~~((the brownfield redevelopment trust fund account,))~~ the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal, and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the clean fuels credit account, the clean fuels transportation investment account, the cleanup settlement account, the climate active transportation account, the climate transit programs account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county

criminal justice assistance account, the covenant homeownership account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community services account, the diesel idle reduction account, the opioid abatement settlement account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the fair start for kids account, the family medicine workforce development account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the higher education retirement plan supplemental benefit fund, the Washington student loan account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 5 bridge replacement project account, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the move ahead WA account, the move ahead WA flexible account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account,

the reserve officers' relief and pension principal fund, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the second injury fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state hazard mitigation revolving loan account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the JUDY transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not

statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 14. The Washington sexual assault kit account was created in section 9, chapter 173, Laws of 2016, with an expiration date of June 30, 2022. Any residual balance of funds remaining in the Washington sexual assault kit account as of the date of the account's expiration must be transferred by the state treasurer to the fingerprint identification account no later than June 1, 2024.

NEW SECTION. Sec. 15. Any residual balance of funds remaining in any account abolished in this act on June 30, 2024, shall be transferred by the state treasurer to the state general fund.

NEW SECTION. Sec. 16. Except for sections 4 through 13 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 2024.

NEW SECTION. Sec. 17. (1) Sections 4 through 10 and 12 of this act take effect July 1, 2024.

(2) Section 11 of this act takes effect July 1, 2030.

(3) Section 13 of this act takes effect July 1, 2028.

NEW SECTION. Sec. 18. (1) Section 10 of this act expires July 1, 2030.

(2) Section 12 of this act expires July 1, 2028."

Correct the title.

Signed by Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Berg; Callan; Chopp; Davis; Dye; Fitzgibbon; Harris; Lekanooff; Pollet; Riccelli; Rude; Ryu; Sandlin; Schmick; Senn; Simmons; Springer; Stonier and Tharinger.

March 5, 2024

SSB 6316

Prime Sponsor, Transportation: Concerning the state route number 520 corridor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.01 RCW to read as follows:

(1)(a) The department may apply for deferral of state and local sales and use taxes on the site preparation for, the construction of, the acquisition of any related machinery and equipment that will become a part of, and the rental of equipment for use in, the state route number 520 corridor improvements - west end project.

(b) The application must be made to the department of revenue in a form and manner prescribed by the department of revenue. The application must contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within 60 days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes imposed or authorized under chapters 82.08, 82.12, and 82.14 RCW and RCW 81.104.170 on the project. No new deferral certificates may be issued once the project is operationally complete as described in subsection (3) of this section.

(3) If the department is granted a tax deferral under this section, the department must begin paying the deferred taxes in the 24th year after the date certified by the department of revenue as the date on which the project is operationally complete. The project, which completes corridor improvements between Interstate 5 and the west high rise, is operationally complete under this section when the department notifies the department of revenue in writing that all projects qualifying for a deferral under this section are operationally complete. The first payment is due on December 31st of the 24th calendar year after the certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal 10 percent of the deferred tax.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of the department granted a deferral under this section.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of any private entity granted a deferral under this section.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

NEW SECTION. Sec. 2. The provisions of RCW 82.32.805 and 82.32.808 do not apply to section 1 of this act.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2024."

Correct the title.

Signed by Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry; Bronoske; Chapman; Cortes; Dent; Doglio; Duerr; Entenman; Goehner; Griffey; Hackney; Klicker; Mena; Nance; Orcutt; Ramel; Ramos; Schmidt; Volz; Walsh and Wylie.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

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

THIRD READING

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248, with the following amendment(s): 1248-S.E AMS EDU S5362.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that school bus drivers play a crucial role in ensuring students' safe passage to and from school, preventing absences, and extending a positive school climate beyond the classroom. By delivering this essential service, school bus drivers provide a significant time and convenience benefit to thousands of Washington families, remove cars from the road, reduce overall emissions, and increase traffic safety. However, a recent national survey revealed that 94 percent of bus contractors experience driver shortages, with 21 percent reporting their shortages as severe. With this act, the state of Washington intends to encourage the retention of bus drivers who provide vital services to local communities.

Sec. 2. RCW 28A.160.140 and 1990 c 33 s 140 are each amended to read as follows:

(1) As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after July 26, 1987.

(2)(a) A school district may only enter into, renew, or extend a pupil transportation services contract with a private nongovernmental entity if that

entity provides the following to, or on behalf of, its employees who choose to opt in for coverage:

(i) An employer health benefits contribution equal to the employer payment dollar amount in effect for the first year of the contract for health care benefit rates (cockle rates), published annually by the health care authority, for the school employees' benefits board program for school employees; and

(ii) An amount equivalent to the salaries of the employees of the private nongovernmental entity multiplied by the employer normal cost contribution rate determined under the entry age cost method for the school employees' retirement system, as published in the most recent actuarial valuation report from the office of the state actuary for the first year of the contract.

(b) All pupil transportation service contracts entered into or modified after the effective date of this section must include a detailed explanation of any contract cost increase by year, expenditure type, and amount, including any increases in cost that result from providing the benefits required under this section.

(c) For contracts entered into, renewed, or extended in the 2024 calendar year, the benefits required under this section must be provided to employees by the beginning of the 2025-26 school year.

(3) As used in this section:

((41)) (a) "Employees" means in-state employees of the private nongovernmental entity working sufficient compensated hours performing services pursuant to the contract with the school district to meet the eligibility requirements for the school employees' benefits board program if the employees were directly employed by a school district;

(b) "Open competitive process" means either one of the following, at the choice of the school district:

((4a)) (i) The solicitation of bids or quotations and the award of contracts under RCW 28A.335.190; or

((4b)) (ii) The competitive solicitation of proposals and their evaluation consistent with the process and criteria recommended or required, as the case may be, by the office of financial management for state agency acquisition of personal service contractors;

((42)) (c) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; and

((43)) (d) "School bus" means a motor vehicle as defined in RCW 46.04.521 and under the rules of the superintendent of public instruction.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.160 RCW to read as follows:

(1) A school district that experiences an increase in costs to a pupil transportation services contract as compared to prior year contract costs as a result of the provisions in RCW 28A.160.140 is eligible for supplemental transportation allocations as described in this section.

(2) Beginning September 1, 2024, school districts that provide pupil transportation through a contract with a nongovernmental entity under RCW 28A.160.140 must annually provide the office of the superintendent of public instruction with the following information:

(a) A breakdown of the total contract cost increase, including a detailed explanation of the increase by expenditure type demonstrating dollar equivalency as required in RCW 28A.160.140(2)(a)(i) and percentage equivalency as required in RCW 28A.160.140(2)(a)(ii), as defined by the office of the superintendent of public instruction, and amount;

(b) A breakdown of cost from the contractor that shows the cost to provide health care and pension benefits to employees prior to the effective date of this section and the cost to provide health care and pension benefits to employees after the implementation of benefits as described in RCW 28A.160.140;

(c) The amount of funding received through transportation allocations under RCW 28A.160.150 through 28A.160.192 prior to the implementation of school employee benefits under chapter 41.05 RCW and the amount of funding received through the same transportation allocations for the period immediately following the implementation of school employee benefits under chapter 41.05 RCW, to determine the amount of funding for health care that is already being included in allocations.

(3) The office of the superintendent of public instruction may suspend the reporting requirements under subsection (2) of this section on or after September 1, 2027, for districts that do not request supplemental transportation allocations under this section.

(4) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must reimburse a school district for the increased cost that is directly attributable to increased benefits as required under this act, using the following formula: The total contract cost increase, less any amounts not attributable to benefits required under RCW 28A.160.140, less the amount the allocation was increased based on the actual cost increase through the transportation funding formula."

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 28A.160.140; adding a new section to chapter 28A.160 RCW; and creating a new section."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Rude spoke against the passage of the bill.

MOTIONS

On motion of Representative Griffey, Representative Wilcox was excused.

On motion of Representative Ramel, Representative Ramos was excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1248, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1248, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 37; Absent, 0; Excused, 3

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

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

Excused: Representatives Chandler, Ramos and Wilcox

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Tuesday, February 27, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1300, with the following amendment(s): 1300-S.E AMS ENGR S5295.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.36.031 and 2013 c 256 s 1 are each amended to read as follows:

(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful

apprehension or detention of himself, herself, or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver, the immediate supervisor of a transit operator or driver, a mechanic, or a security officer, by a public or private transit company or a contracted transit service provider, while that person is performing his or her official duties at the time of the assault; or

(c) Assaults a school bus driver, the immediate supervisor of a driver, a mechanic, or a security officer, employed by a school district transportation service or a private company under contract for transportation services with a school district, while the person is performing his or her official duties at the time of the assault; or

(d) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(e) Assaults a firefighter or other employee of a fire department, county fire marshal's office, county fire prevention bureau, or fire protection district who was performing his or her official duties at the time of the assault; or

(f) With criminal negligence, causes bodily harm accompanied by substantial pain that extends for a period sufficient to cause considerable suffering; or

(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault; or

(h) Assaults a peace officer with a projectile stun gun; or

(i) Assaults a nurse, physician, or health care provider who was performing his or her nursing or health care duties at the time of the assault. For purposes of this subsection: "Nurse" means a person licensed under chapter 18.79 RCW; "physician" means a person licensed under chapter 18.57 or 18.71 RCW; and "health care provider" means a person certified under chapter 18.71 or 18.73 RCW who performs emergency medical services or a person regulated under Title 18 RCW and employed by, or contracting with, a hospital licensed under chapter 70.41 RCW; or

(j) Assaults a judicial officer, court-related employee, county clerk, or county clerk's employee, while that person is performing his or her official duties at the time of the assault or as a result of that person's employment within the judicial system. For purposes of this subsection, "court-related employee" includes bailiffs, court reporters, judicial assistants, court managers, court managers' employees, and any other employee, regardless of title, who is engaged in equivalent functions; or

(k) Assaults a person located in a courtroom, jury room, judge's chamber, or any waiting area or corridor immediately adjacent to a courtroom, jury room, or judge's chamber. This section shall apply only: (i) During the times when a courtroom, jury room, or judge's chamber is being used for judicial purposes during court proceedings; and (ii) if signage was posted

in compliance with RCW 2.28.200 at the time of the assault; or

(1) Is a licensed health care provider who implants or causes another to implant the provider's own gametes or reproductive material into a patient during an assisted reproduction procedure. For the purposes of this subsection, "gamete" means sperm, egg, or any part of a sperm or egg, and "reproductive material" means a human gamete or a human organism at any stage of development from fertilized ovum to embryo.

(2) Assault in the third degree is a class C felony.

Sec. 2. RCW 18.130.180 and 2023 c 192 s 2 and 2023 c 122 s 4 are each reenacted and amended to read as follows:

Except as provided in RCW 18.130.450, the following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

(5) Suspension, revocation, or restriction of the individual's license to practice any health care profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers, documents, records, or other items;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing reasonable and timely access for authorized representatives of the disciplining authority seeking to perform practice reviews at facilities utilized by the license holder;

(9) Failure to comply with an order issued by the disciplining authority or a stipulation for informal disposition entered into with the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Violations of rules established by any health agency;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(19) The willful betrayal of a practitioner-patient privilege as recognized by law;

(20) Violation of chapter 19.68 RCW or a pattern of violations of RCW 41.05.700(8), 48.43.735(8), 48.49.020, 48.49.030, 71.24.335(8), or 74.09.325(8);

(21) Interference with an investigation or disciplinary proceeding by willful misrepresentation of facts before the disciplining authority or its authorized

representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action, or by the use of financial inducements to any patient or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary proceeding;

(22) Current misuse of:

(a) Alcohol;

(b) Controlled substances; or

(c) Legend drugs;

(23) Abuse of a client or patient or sexual contact with a client or patient;

(24) Acceptance of more than a nominal gratuity, hospitality, or subsidy offered by a representative or vendor of medical or health-related products or services intended for patients, in contemplation of a sale or for use in research publishable in professional journals, where a conflict of interest is presented, as defined by rules of the disciplining authority, in consultation with the department, based on recognized professional ethical standards;

(25) Violation of RCW 18.130.420;

(26) Performing conversion therapy on a patient under age eighteen;

(27) Violation of RCW 18.130.430;

(28) Violation of RCW 18.130.460; or

(29) Implanting the license holder's own gametes or reproductive material into a patient."

On page 1, line 1 of the title, after "reproduction;" strike the remainder of the title and insert "amending RCW 9A.36.031; reenacting and amending RCW 18.130.180; and prescribing penalties."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1300 and advanced the bill, as amended by the Senate, to final passage.

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

MOTION

On motion of Representative Griffey, Representative Maycumber was excused.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1300, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1300, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye,

Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goeher, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1300, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1870, with the following amendment(s): 1870-S AMS WM S5547.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Washington ranks poorly among all states in the amount of federal grants received relative to income taxes collected from its residents.

The legislature also finds that many of Washington's communities, particularly in slow-growing rural areas, face an economic development "chicken and egg" dilemma in which they need to secure matching dollars in order to obtain federal economic development dollars that would increase the local tax base, local revenue, and local employment and incomes.

The legislature further finds that recent federal legislation provides funding for economic development clusters that Washington state has invested in as part of its economic development strategy, including broadband and clean energy, buildings, and transportation. The federal legislation includes the infrastructure investment and jobs act, P.L. 117-58, the creating helpful incentives to produce semiconductors and science act, P.L. 117-167, and the inflation reduction act, P.L. 117-169.

The legislature further finds that increasing the availability of federal grant dollars in local communities provides a benefit of a reasonably general character to a significant part of the public.

Therefore, the legislature intends to continue and expand its efforts to increase the capacity of the department of commerce to assist local communities in successfully applying for federal grant dollars including through providing local communities with state matching funds for securing federal grants.

Sec. 2. RCW 43.330.070 and 1993 c 280 s 10 are each amended to read as follows:

(1) The department shall work closely with local communities to increase their capacity to respond to economic, environmental, and social problems and

challenges. The department shall coordinate the delivery of development services and technical assistance to local communities or regional areas. It shall promote partnerships between the public and private sectors and between state and local officials to encourage appropriate economic growth and opportunity in communities throughout the state. The department shall promote appropriate local development by: Supporting the ability of communities to develop and implement strategic development plans; assisting businesses to start up, maintain, or expand their operations; encouraging public infrastructure investment and private and public capital investment in local communities; supporting efforts to manage growth and provide affordable housing and housing services; providing for the identification and preservation of the state's historical and cultural resources; and expanding employment opportunities.

(2) The department shall define a set of services including training and technical assistance that it will make available to local communities, community-based nonprofit organizations, regional areas, or businesses. The department shall simplify access to these programs by providing more centralized and user-friendly information and referral. The department shall coordinate community and economic development efforts to minimize program redundancy and maximize accessibility. The department shall develop a set of criteria for targeting services to local communities. To the extent funding is made available for this purpose, the department shall provide technical assistance or enter into contracts to provide technical assistance to assist local communities in developing competitive applications for federal funding.

(3) The department shall develop a coordinated and systematic approach to providing training to community-based nonprofit organizations, local communities, and businesses. The approach shall be designed to increase the economic and community development skills available in local communities by providing training and funding for training for local citizens, nonprofit organizations, and businesses. The department shall emphasize providing training in those communities most in need of state assistance.

Sec. 3. RCW 43.330.088 and 2023 c 311 s 2 are each amended to read as follows:

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

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

(3) Associate development organizations that receive awards under this section must provide information on the use of the funds,

including a description of the associate development organization's recruiting and hiring efforts and, if applicable, the number and types of grants applied for by the grant writers funded by the state, in their annual reports to the department required under RCW 43.330.082.

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

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

Sec. 4. RCW 43.330.260 and 2006 c 314 s 2 are each amended to read as follows:

(1) The department shall make available, within existing resources, an inventory of grant opportunities for state agencies, local governments, and other community organizations engaged in economic development activities.

(2) In developing the inventory of economic development grant opportunities, the department may:

(a) Regularly review the federal register for opportunities to apply for grants, research projects, and demonstration projects;

(b) Maintain an inventory of grant opportunities with private foundations and businesses; ~~((and))~~

(c) Provide a resource guide for applicants for federal grants, including links to federal applications and relevant resources, and contact information for department assistance; and

(d) Consult with federal officials, including but not limited to those in the small business administration, the department of labor, the department of commerce, the department of agriculture, the department of ecology, as well as private foundations and businesses, on the prospects for obtaining federal and private funds for economic development purposes in Washington state.

(3) The department may also facilitate joint efforts between agencies and between local organizations and state agencies that will increase the likelihood of success in grant seeking and the attraction of major events.

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."

On page 1, line 2 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 43.330.070, 43.330.088, and 43.330.260; and creating new sections."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1870 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1870, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1870, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

SUBSTITUTE HOUSE BILL NO. 1870, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed HOUSE BILL NO. 2032, with the following amendment(s): 2032 AMS HUNT S5377.1

On page 3, line 38, after "that" strike "the sponsor's name and address, and" and insert "~~((the sponsor's name and address, and))~~"

On page 3, line 40, after "42.17A.350" strike "," and insert "~~((,))~~"

On page 4, beginning on line 6, after "than" strike all material through "18 inches" on line 7 and insert "eight feet by four feet"

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2032 and advanced the bill, as amended by the Senate, to final passage.

Representatives Cheney and Stearns spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of House Bill No. 2032, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2032, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; Nays, 4; Absent, 0; Excused, 4

Voting Yea: Representatives Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Abbarno, Caldier, Jacobsen and Walsh

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

HOUSE BILL NO. 2032, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Wednesday, February 28, 2024

Mme. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2124, with the following amendment(s): 2124-S2 AMS EDU S5369.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.216.136 and 2023 c 294 s 1 and 2023 c 222 s 3 are each reenacted and amended to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. These policies shall focus on supporting school readiness for young learners. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures established by the department and the standards established in this section intended to promote stability, quality, and continuity of early care and education programming.

(2) As recommended by P.L. 113-186, authorizations for the working connections child care subsidy are effective for 12 months beginning July 1, 2016.

(a) A household's 12-month authorization begins on the date that child care is expected to begin.

(b) If a newly eligible household does not begin care within 12 months of being

determined eligible by the department, the household must reapply in order to qualify for subsidy.

(3) (a) The department shall establish and implement policies in the working connections child care program to allow eligibility for families with children who:

(i) In the last six months have:

(A) Received child protective services as defined and used by chapters 26.44 and 74.13 RCW;

(B) Received child welfare services as defined and used by chapter 74.13 RCW;

(C) Received services through a family assessment response as defined and used by chapter 26.44 RCW; or

(D) A parent or guardian participating in a specialty court or therapeutic court or who is a listed victim in a case in a specialty court or therapeutic court;

(ii) Have been referred for child care as part of the family's case management as defined by RCW 74.13.020 or as part of the specialty court or therapeutic court's proceedings; and

(iii) Are residing with a biological parent or guardian.

(b) Families who are eligible for working connections child care pursuant to this subsection do not have to keep receiving services or keep participating in a specialty court or therapeutic court identified in this subsection to maintain 12-month authorization.

(4) (a) Beginning July 1, 2021, and subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is in a state registered apprenticeship program or is a full-time student of a community, technical, or tribal college and is enrolled in:

(i) A vocational education program that leads to a degree or certificate in a specific occupation; or

(ii) An associate degree program.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if the applicant or consumer meets the college's definition of a full-time student.

(c) Nothing in this subsection is intended to change how applicants or consumers are prioritized when applicants or consumers are placed on a waitlist for working connections child care benefits.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department may extend the provisions of this subsection (4) to full-time students who are enrolled in a bachelor's degree program or applied baccalaureate degree program.

(5) The department may not consider the immigration status of an applicant or consumer's child when determining eligibility for working connections child care benefits.

(6) The department must consider an applicant or consumer's participation in the birth to three early childhood education and assistance program or the early head start program as an approved activity when

determining eligibility for working connections child care benefits.

(7)(a) An applicant or consumer is eligible to receive working connections child care benefits for the care of one or more eligible children for the first 12 months of the applicant's or consumer's enrollment in a state registered apprenticeship program under chapter 49.04 RCW when:

(i) The applicant or consumer's household annual income adjusted for family size does not exceed 75 percent of the state median income at the time of application, or, beginning July 1, 2027, does not exceed 85 percent of the state median income if funds are appropriated for the purpose of RCW 43.216.1368(4);

(ii) The child receiving care is: (A) Less than 13 years of age; or (B) less than 19 years of age and either has a verified special need according to department rule or is under court supervision; and

(iii) The household meets all other program eligibility requirements.

(b) The department must adopt a copayment model for benefits granted under this subsection, which must align with any copayment identified or adopted for households with the same income level under RCW 43.216.1368.

~~((7))~~ (8)(a) The department must extend the homeless grace period, as adopted in department rule as of January 1, 2020, from a four-month grace period to a 12-month grace period.

(b) For the purposes of this section, "homeless" means being without a fixed, regular, and adequate nighttime residence as described in the federal McKinney-Vento homeless assistance act (42 U.S.C. Sec. 11434a) as it existed on January 1, 2020.

~~((9))~~ (9) For purposes of this section, "authorization" means a transaction created by the department that allows a child care provider to claim payment for care. The department may adjust an authorization based on a household's eligibility status.

Sec. 2. RCW 43.216.1364 and 2023 c 222 s 2 are each amended to read as follows:

(1) Beginning October 1, 2023, a family is eligible for working connections child care when the household's annual income is at or below 85 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision;

(b) The applicant or consumer is employed ~~((in a licensed child care center or family home provider))~~, as verified in the agency's electronic workforce registry, in a:

(i) Licensed or certified child care center or family home provider;

(ii) Early childhood education and assistance program or birth to three early childhood education and assistance program; or

(iii) Head start or early head start program or a successor federal program; and

(c) The household meets all other program eligibility requirements.

(2) The department must waive the copayment to the extent allowable under federal law; otherwise, a maximum of \$15 for any applicant or consumer that meets the requirements under this section.

Sec. 3. RCW 43.216.775 and 2021 c 199 s 106 are each amended to read as follows:

~~((Beginning July 1, 2023, and subject to the availability of amounts appropriated for this specific purpose, rates))~~ (1) Rates paid under RCW ~~((43.216.579, 43.216.585, 43.216.592 ((, and 43.216.578))~~ must be adjusted every two years according to an inflationary increase. The inflationary increase must be calculated by applying the rate of the increase in the inflationary adjustment index to the rates established ~~((in RCW 43.216.579, 43.216.585,)) pursuant to RCW 43.216.592 ((, and 43.216.578. Any)).~~

(2) Subject to the availability of amounts appropriated for this specific purpose, rates paid under RCW 43.216.579, 43.216.585, and 43.216.578 must be adjusted every two years according to an inflationary increase. The inflationary increase must be calculated by applying the rate of the increase in the inflationary adjustment index to the rates established pursuant to RCW 43.216.579, 43.216.585, and 43.216.578.

(3) Inflationary increases under subsection (1) of this section and any funded inflationary increase under subsection (2) of this section must be included in the rate used to determine inflationary increases in subsequent years.

(4) For the purposes of this section, "inflationary adjustment index" means the implicit price deflator averaged for each fiscal year, using the official current base rate, compiled by the bureau of economic analysis, United States department of commerce.

Sec. 4. RCW 43.216.--- and 2024 c ... (HB 2111) s 4 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department may not require an applicant or consumer to meet work requirements as a condition of receiving working connections child care benefits when the applicant or consumer is in a state registered apprenticeship program or is a full-time student of a community, technical, or tribal college and is enrolled in:

(i) A vocational education program that leads to a degree or certificate in a specific occupation; or

(ii) An associate degree program.

(b) An applicant or consumer is a full-time student for the purposes of this subsection if the applicant or consumer meets the college's definition of a full-time student.

~~((2))~~ (c) Subject to the availability of amounts appropriated for this specific purpose, the department may extend the provisions of this subsection to full-time students who are enrolled in a bachelor's degree program or applied baccalaureate degree program.

(2) The department must consider an applicant or consumer's participation in the

birth to three early childhood education and assistance program or the early head start program as an approved activity when determining eligibility for working connections child care benefits.

NEW SECTION. Sec. 5. This act takes effect November 1, 2024.

NEW SECTION. Sec. 6. (1) Section 4 of this act is null and void if chapter . . . (House Bill No. 2111), Laws of 2024 is not enacted by November 1, 2024.

(2) Section 1 of this act is null and void if section 4 of this act takes effect.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.216.1364, 43.216.775, and 43.216.---; reenacting and amending RCW 43.216.136; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2124 and advanced the bill, as amended by the Senate, to final passage.

Representatives Eslick and Senn spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2124, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2124, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 7; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chambers, Chapman, Cheney, Chopp, Connors, Corry, Cortes, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Hackney, Harris, Klicker, Kloba, Kretz, Leavitt, Lekanooff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Waters, Wylie, Ybarra and Mme. Speaker

Voting Nay: Representatives Caldier, Christian, Couture, Griffey, Hutchins, Jacobsen and Walsh

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

SECOND SUBSTITUTE HOUSE BILL NO. 2124, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2207, with the following amendment(s): 2207-S.E AMS WM S5562.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that, despite a modern waste disposal infrastructure, the occurrences of unlawful solid waste dumping are an increasing problem on open spaces such as privately and publicly owned forestlands. This irresponsible waste dumping, which often includes hazardous materials, asbestos, derelict boats, junk vehicles, appliances, furniture, and household garbage not only creates significant costs for the landowner, but also creates immediate, and sometimes lasting, environmental and habitat damage and degradation of recreational and aesthetic opportunities.

(2) The legislature further finds that the current enforcement system, which relies on the criminalization of illegal dumping, may not be the most effective, efficient, or just penalty system. Converting all but the most egregious illegal dumping from a criminal act to a civil infraction creates a system of deterrence and penalties that better reflects the magnitude of the act, avoids criminal records for individuals who may be unable to afford appropriate waste management options, and reduces the burden on local criminal justice systems and infrastructures.

Sec. 2. RCW 70A.200.060 and 2003 c 337 s 3 are each amended to read as follows:

(1) It is a violation of this section to ~~((abandon))~~:

~~((a) Abandon a junk vehicle upon any property ((. In addition, no person shall throw))~~;

~~((b) Throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forestland, recreational area, trailer park, highway, road, street, or alley except:~~

~~((+a))~~ ~~((i))~~ When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

~~((+b))~~ ~~((ii))~~ Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements

upon any part of the private or public property or waters.

(2)(a) Except as provided in subsection ~~((4))~~(5) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than ~~((one cubic yard. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half))~~ 10 cubic yards. A violation of this subsection may alternatively be punished with a notice of a natural resource infraction under chapter 7.84 RCW.

(c) It is a gross misdemeanor for a person to litter more than 10 cubic yards.

(d)(i) A person found liable or guilty under this section shall, in addition to the penalties provided for misdemeanors, gross misdemeanors, or for natural resource infractions as provided in RCW 7.84.100, also pay a litter clean-up restitution payment equal to four times the actual cost of cleanup for natural resource infractions and misdemeanors and two times the actual cost of cleanup for gross misdemeanors. The court shall distribute an amount of the litter clean-up restitution payment that equals the actual cost of cleanup to the landowner where the littering incident occurred and the remainder of the restitution payment to the law enforcement agency investigating the incident.

(ii) The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property.

(iii) The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

~~((c) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.~~

~~((d))~~(3) If a junk vehicle is abandoned in violation of this section, RCW 46.55.230 governs the vehicle's removal, disposal, and

sale, and the penalties that may be imposed against the person who abandoned the vehicle.

~~((3))~~(4) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform ~~((twenty-four))~~ 24 hours of community restitution in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW 79A.05.050.

~~((4))~~(5) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, potentially dangerous litter in any amount.

Sec. 3. RCW 7.84.100 and 2020 c 268 s 1 are each amended to read as follows:

(1) A person found to have committed an infraction shall be assessed a monetary penalty. No penalty may exceed ~~((five hundred dollars))~~ \$500 for each offense unless specifically authorized by statute.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated infractions. The legislature requests the supreme court to adjust this schedule every two years for inflation. ~~((The))~~ Except as otherwise provided, the maximum penalty imposed by the schedule shall be ~~((five hundred dollars))~~ \$500 per infraction and the minimum penalty imposed by the schedule shall be ~~((ten dollars))~~ \$10 per infraction. This schedule may be periodically reviewed by the legislature and is subject to its revision.

(3) Penalties for violations of RCW 70A.200.060 that are natural resource infractions are as follows:

(a) Up to \$250 for a person found liable of littering between one cubic foot and one cubic yard of material;

(b) Up to \$750 for a person found liable of littering more than one cubic yard and less than seven cubic yards of material;

(c) Up to \$1,000 for a person found liable of littering between seven and 10 cubic yards of material.

(4) Whenever a monetary penalty is imposed by a court under this chapter, it is immediately payable. If the person is unable to pay at that time, the court may, in its discretion, grant an extension of the period in which the penalty may be paid.

~~((4))~~(5)(a) The county treasurer shall remit ~~((seventy-five))~~ 75 percent of the money received under RCW 79A.80.080(5) to the state treasurer.

(b) Money remitted under this subsection to the state treasurer must be deposited in the recreation access pass account established under RCW 79A.80.090. The balance of the noninterest money received by the county treasurer must be deposited in the county current expense fund.

Sec. 4. RCW 7.84.140 and 2011 c 320 s 13 are each amended to read as follows:

(1) The director chosen by the state parks and recreation commission, the commissioner of public lands, and the director of the department of fish and wildlife are each authorized to delegate and accept enforcement authority over natural

resource infractions to or from the other agencies through an agreement entered into under the interlocal cooperation act, chapter 39.34 RCW.

(2) Any person specified in RCW 70A.200.050 may initiate enforcement of RCW 70A.200.060 for those infractions that are natural resource infractions under this chapter, with or without an interlocal agreement under this section.

Sec. 5. RCW 7.84.020 and 2012 c 176 s 2 are each amended to read as follows:

The definition in this section applies throughout this chapter unless the context clearly requires otherwise.

"Infraction" means an offense which, by the terms of Title 76, 77, 79, or 79A RCW or RCW 7.84.030(2)(b) or 70A.200.060, and rules adopted under these titles and sections, is declared not to be a criminal offense or a civil infraction and is subject to the provisions of this chapter."

On page 1, line 2 of the title, after "dumping;" strike the remainder of the title and insert "amending RCW 70A.200.060, 7.84.100, 7.84.140, and 7.84.020; creating a new section; and prescribing penalties."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2207 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2207, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2207, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2207, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2236, with the following amendment(s): 2236-S.E AMS EDU S5363.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that career and technical education core plus programs have demonstrated innovation and success in providing meaningful benefits to students and employers through collaborative partnerships that serve as a model for work-integrated learning in Washington. For more than a decade, these programs, and the rigorous career and technical education curricula they incorporate, have prepared students for structured pathways to employment, and presented employers with an expanded pool of candidates with relevant skills and abilities.

(2) Career and technical education core plus programs have been established in three high-demand economic sectors that provide numerous livable wage employment opportunities: Aerospace and advanced manufacturing; construction; and maritime. These programs, which were originally based in manufacturing, but have evolved in response to ever-changing education and economic needs, have been strongly supported by leaders in vital Washington industries, have provided unprecedented education and work-integrated learning opportunities to students. The legislature finds that these successes should be expanded to include an allied health professions program, with a curriculum that is inherently different from that of previously established career and technical education core plus programs, and that related efforts should consider options for future programs that reflect student, teacher, community, and employer needs, including programs in the information technology and natural resources sectors.

(3) Regardless of the sector, continual collaboration between education and industry partners has guided the establishment and operation of career and technical education core plus programs. These joint efforts, and the corresponding financial support from the state and industry partners, have: Focused on developing age-appropriate and developmentally appropriate curricula that is technically focused and academically rigorous; featured employer-supported professional development for teachers; and featured employer-provided worksite-based learning experiences for students and teachers. These elements are instrumental to the success of ongoing programs and offer a strong framework for establishing programs in other industry sectors.

(4) The legislature, therefore, intends to initiate a process for: (a) Soliciting expert recommendations for a career and technical education core plus model framework that can guide: The establishment and operation of successful programs in other high-demand sectors with livable wages and entry-level employment opportunities; and the expansion of operational programs; and (b) establishing a career and technical education program for allied health professions that is responsive to the needs of students, teachers, employers, and communities.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.700 RCW to read as follows:

(1)(a) The office of the superintendent of public instruction, in collaboration with the state board for community and technical colleges, the department of health, the health workforce council convened by the workforce training and education coordinating board, a statewide organization representing career and technical education, representatives from the allied health industry, and representatives from labor organizations representing allied health professions, shall develop an allied health professions career and technical education program for providing instruction to students who are pursuing industry-recognized nondegree credentials that: (i) Lead to entry level positions in allied health professions; and (ii) lead or articulate to either related, recognized nondegree credentials or two or four-year degrees, or both. The program may include career and technical education courses offered prior to January 1, 2024, and courses developed or modified specifically for the program.

(b) Curriculum and other instructional materials for the program, that reflect consideration of the provisions in section 3(3)(c)(i) through (x) of this act, must be available for optional use in school districts and skill centers beginning in the 2027-28 school year.

(2) In meeting the requirements of this section, the office of the superintendent of public instruction shall:

(a) Consult with representatives from allied health profession employers and labor organizations representing allied health employees for the purpose of promoting industry sector partnerships, developing relationships with employers that are committed to hiring students who have completed the program, and soliciting recommendations for the establishment of the program on the following topics:

- (i) Promotion of student input and awareness of the program, including its instructional offerings and potential work placement opportunities;
- (ii) Curriculum;
- (iii) Courses and course sequencing;
- (iv) Development, maintenance, and expansion of industry, labor, and community partnerships;
- (v) Program credentials;
- (vi) Professional development for teachers; and

(vii) Other issues deemed necessary by the office of the superintendent of public instruction and the entities with which it must collaborate with as required in subsection (1)(a) of this section;

(b) Implement a process for soliciting comments about the program's establishment and operation from teachers and students, including students' parents or guardians; and

(c) Consider any preliminary or final recommendations of the statewide career and technical education task force established in section 3 of this act.

(3) Following the establishment of the program, the office of the superintendent of public instruction shall convene and collaborate with an advisory committee consisting of industry leadership from the allied health sector, representatives from a statewide entity representing businesses in the sector, and representatives from labor organizations representing employees in allied health professions for the purpose of:

- (a) Informing the administration and continual improvement of the program;
- (b) Reviewing data and outcomes;
- (c) Recommending program improvements;
- (d) Ensuring that the program reflects needed industry competencies; and
- (e) Identifying appropriate program credentials.

(4) The office of the superintendent of public instruction may adopt and revise rules as necessary for the implementation of this section.

NEW SECTION. Sec. 3. (1) The statewide career and technical education task force is established in the office of the superintendent of public instruction. The members of the task force are as follows:

(a) The superintendent of public instruction or the superintendent's designee;

(b) Two representatives from a statewide organization representing career and technical education, at least one of whom must be a career and technical education core plus classroom instructor;

(c) A representative of career and technical education core plus aerospace and advanced manufacturing selected by an organization representing aerospace or advanced industrial manufacturers;

(d) A representative of career and technical education core plus construction selected by an organization representing general contractors;

(e) A representative of career and technical education core plus maritime selected by an organization representing maritime interests;

(f) A representative from the state board for community and technical colleges selected by the state board for community and technical colleges;

(g) A representative from a skill center as selected by the Washington state skill center association;

(h) A representative from the allied health industry; and

(i) A representative from the workforce training and education coordinating board selected by the workforce training and education coordinating board.

(2) The superintendent of public instruction or the superintendent's designee shall chair the task force, and staff support for the task force must be provided by the office of the superintendent of public instruction.

(3) The task force shall develop recommendations for:

(a) Expanding and strengthening the accessibility, stability, and uniformity of secondary work-integrated learning opportunities, including career and technical education, career connected learning, regional apprenticeship programs, career and technical education core plus programs, work-based learning, internships and externships, and other types of work-integrated learning. Recommendations required by this subsection (3)(a) should address governance, operations, and codification, and must be in the form of draft legislation. The legislature does not intend for recommendations required by this subsection (3)(a) to modify the operation of career and technical education core plus programs established prior to January 1, 2024;

(b) The successful administration and operation of career and technical education core plus programs through appropriate collaboration with industry sector leadership from program areas to inform the administration and continual improvement of the programs, review data outcomes, recommend program improvements, ensure that the programs reflect applicable industry competencies, and identify appropriate program credentials; and

(c) A career and technical education core plus model framework that can be used to guide the expansion, establishment, and operation of career and technical education core plus programs. In making recommendations in accordance with this subsection (3)(c), the task force must consider, at a minimum, the following:

(i) Curricula and instructional hours that lead or articulate to industry-recognized nondegree credentials;

(ii) Curricula provided without cost to educators;

(iii) Academic course equivalencies;

(iv) Courses and course sequencing;

(v) The development, maintenance, and expansion of industry, labor, and community partnerships;

(vi) Program credentials;

(vii) Training and professional development for educators and counselors;

(viii) Alignment with postsecondary education and training programs;

(ix) The promotion of student, family, and community awareness of career and technical education core plus programs, including instructional offerings and potential work placement opportunities; and

(x) The development and expansion of a cohort of employers willing to hire and place students that have successfully completed career and technical education core plus programs.

(4) The task force, in accordance with RCW 43.01.036, shall report its findings and recommendations to the governor, the appropriate fiscal and policy committees of the legislature, and the state board of education by November 15, 2025.

(5) This section expires June 30, 2026."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 28A.700 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2236 and advanced the bill, as amended by the Senate, to final passage.

Representatives Shavers and Rude spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2236, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2236, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2236, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2247, with the following amendment(s): 2247-S2.E AMS HLTC S5107.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.19.020 and 2023 c 425 s 13 are each amended to read as follows:

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

(1) "Agency" means (a) an agency or facility operated, licensed, or certified by the state of Washington; (b) a federally recognized Indian tribe located within the state; ~~((or))~~ (c) a county; or (d) a federally qualified health center.

(2) "Agency affiliated counselor" means a person registered, certified, or licensed under this chapter who is employed by an agency or is a student intern, as defined by the department.

(3) "Certified adviser" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in RCW 18.19.200.

(4) "Certified agency affiliated counselor" means a person certified under this chapter who is engaging in counseling to the extent authorized in RCW 18.19.215.

(5) "Certified counselor" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in RCW 18.19.200.

(6) "Client" means an individual who receives or participates in counseling or group counseling.

(7) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

(8) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

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

(10) "Hypnotherapist" means a person registered under this chapter who is practicing hypnosis as a modality.

(11) "Licensed agency affiliated counselor" means a person licensed under this chapter who is engaged in counseling to the extent authorized in RCW 18.19.215.

(12) "Mental health professional" has the same definition as under RCW 71.05.020.

(13) "Private practice counseling" means the practice of counseling by a certified counselor or certified adviser as specified in RCW 18.19.200.

(14) "Psychotherapy" means the practice of counseling using diagnosis of mental disorders according to the fourth edition of the diagnostic and statistical manual of mental disorders, published in 1994, and the development of treatment plans for counseling based on diagnosis of mental disorders in accordance with established practice standards.

(15) "Registered agency affiliated counselor" means a person registered under this chapter who is engaged in counseling to the extent authorized in RCW 18.19.215. This includes juvenile probation counselors who are employees of the juvenile court under RCW 13.04.035 and 13.04.040 and juvenile court employees providing functional family therapy, aggression replacement training, or other evidence-based programs approved by the department of children, youth, and families. A student intern as defined by the department may be a registered agency affiliated counselor.

(16) "Secretary" means the secretary of the department or the secretary's designee.

Sec. 2. RCW 18.83.020 and 1986 c 27 s 1 are each amended to read as follows:

(1) To safeguard the people of the state of Washington from the dangers of unqualified and improper practice of psychology, it is unlawful for any person to whom this chapter applies to represent himself or herself to be a psychologist or a licensed psychological associate without first obtaining a license as provided in this chapter.

(2) A person represents himself or herself to be a psychologist or a licensed psychological associate when the person adopts or uses any title or any description of services which incorporates one or more of the following terms: "psychology," "psychological," "psychologist," or any term of like import.

(3) A licensed psychological associate shall provide each client or patient, during the first professional contact, with a disclosure form disclosing that the licensed psychological associate is an associate under the supervision of an approved supervisor.

Sec. 3. RCW 18.83.050 and 2004 c 262 s 8 are each amended to read as follows:

(1) The board shall adopt such rules as it deems necessary to carry out its functions.

(2) The board shall examine the qualifications of applicants for licensing under this chapter, to determine which applicants are eligible for licensing under this chapter and shall forward to the secretary the names of applicants so eligible.

(3) The board shall administer examinations to qualified applicants on at least an annual basis. The board shall determine the subject matter and scope of the examination, except as provided in RCW 18.83.170. The board may allow applicants to take the examination upon the granting of their doctoral degree before completion of their internship for supervised experience.

(4) The board shall keep a complete record of its own proceedings, of the questions given in examinations, of the names and qualifications of all applicants, and the names and addresses of all licensed psychologists and licensed psychological associates. The examination paper of such applicant shall be kept on file for a period of at least one year after examination.

(5) The board shall, by rule, adopt a code of ethics for psychologists and licensed psychological associates which is designed to protect the public interest.

(6) The board may require that persons licensed under this chapter as psychologists or licensed psychological associates obtain and maintain professional liability insurance in amounts determined by the board to be practicable and reasonably available.

Sec. 4. RCW 18.83.080 and 1996 c 191 s 66 are each amended to read as follows:

The board shall forward to the secretary the name of each applicant entitled to a license under this chapter. The secretary shall promptly issue to such applicant a license authorizing such applicant to use the title "psychologist" ~~((or))~~ or "licensed psychological associate." Each licensed psychologist or licensed psychological associate shall keep his or her license displayed in a conspicuous place in his or her principal place of business.

Sec. 5. RCW 18.83.105 and 1996 c 191 s 69 are each amended to read as follows:

~~(1) The board ((may issue certificates of qualification with appropriate title to applicants who meet all the licensing requirements except the possession of the degree of Doctor of Philosophy or its equivalent in psychology from an accredited educational institution. These certificates of qualification certify that the holder has been examined by the board and is deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board. Such functions will be specified on the certificate issued by the board. Such applicant shall comply with administrative procedures, administrative requirements, and fees determined under RCW 43.70.250 and 43.70.280. Upon petition by a holder the board of examiners may grant authority to function without immediate supervision.)) shall issue a licensed psychological associate license to an applicant who:~~

~~(a) Is:~~

~~(i) Currently enrolled in a doctor of philosophy, doctor of psychology program, or its equivalent in psychology at an accredited educational institution; or~~

~~(ii) Participating in a postdoctoral residency, postdoctoral fellowship, or another supervised postdoctoral experience;~~

~~(b) Has been deemed competent by the director of clinical training or postdoctoral supervisor to practice psychology under the supervision of a licensed supervisor subject to rules adopted by the board; and~~

~~(c) Has complied with administrative procedures, administrative requirements, and fees determined under RCW 43.70.250 and 43.70.280.~~

~~(2)(a) A holder of a licensed psychological associate license may only practice under the supervision of a licensed supervisor pursuant to rules adopted by the board.~~

(b) An applicant for a licensed psychological associate license under this section may practice without a license under the direct supervision of a licensed supervisor for 120 days after the department receives the applicant's completed application or the applicant's license is issued or denied, whichever is sooner.

Sec. 6. RCW 18.83.110 and 2020 c 302 s 116 are each amended to read as follows:

Confidential communications between a client and a psychologist or licensed psychological associate shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 71.05.217 (6) and (7).

Sec. 7. RCW 18.83.115 and 1986 c 27 s 9 are each amended to read as follows:

(1) Psychologists and licensed psychological associates licensed under this chapter shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the board, which will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information provided by the psychologist or licensed psychological associate, the receipt of which shall be acknowledged in writing by the psychologist or licensed psychological associate and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the board may require by rule.

(2) In inpatient settings, the health facility shall provide clients with the disclosure statement at the commencement of any program of treatment, and shall post the statement in a conspicuous location accessible to the client.

(3) The board shall provide for modification of the guidelines as appropriate in cases where the client has been referred by the court, a state agency, or other governmental body to a particular provider for specified evaluation or treatment.

Sec. 8. RCW 18.83.135 and 2000 c 93 s 7 are each amended to read as follows:

In addition to the authority prescribed under RCW 18.130.050, the board shall have the following authority:

(1) To maintain records of all activities, and to publish and distribute to all psychologists and licensed psychological associates at least once each year abstracts of significant activities of the board;

(2) To obtain the written consent of the complaining client or patient or their legal

representative, or of any person who may be affected by the complaint, in order to obtain information which otherwise might be confidential or privileged; and

(3) To apply the provisions of the uniform disciplinary act, chapter 18.130 RCW, to all persons licensed as psychologists or licensed psychological associates under this chapter.

Sec. 9. RCW 18.83.170 and 2023 c 425 s 1 are each amended to read as follows:

(1)(a) Upon compliance with administrative procedures, administrative requirements, and fees determined under RCW 43.70.250 and 43.70.280, the board may grant a license, without oral examination, to any applicant who has not previously failed any examination held by the board of psychology of the state of Washington and furnishes evidence satisfactory to the board that the applicant:

((a)) (i) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and

((b-i)) (ii) (A) Is licensed or certified to practice psychology in another state or country in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to those required by this chapter and the rules and regulations of the board. Such individuals must have been licensed or certified in another state for a period of at least two years; or

((ii)) (B) Is a diplomate in good standing of the American Board of Examiners in Professional Psychology; or

((iii)) (C) Is a member of a professional organization and holds a certificate deemed by the board to meet standards equivalent to this chapter.

(b) The board may adopt rules waiving any of the requirements of this subsection (1) for an applicant who has continuously held a license to practice psychology in good standing in another state, territory, or country for a period of time that, in the judgment of the board, renders the waived requirements duplicative or unnecessary.

(2)(a)(i) The department shall establish a reciprocity program for applicants for licensure as a psychologist in Washington.

(ii) The reciprocity program applies to applicants for a license as a psychologist who:

(A) Hold or have held within the past twelve months a credential in good standing from another state or territory of the United States which has a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter; and

(B) Have no disciplinary record or disqualifying criminal history.

(b) The department shall issue a probationary license to an applicant who meets the requirements of (a)(ii)(B) of this subsection. The department must determine what deficiencies, if any, exist between the education and experience requirements of the other state's credential and, after consideration of the experience and capabilities of the applicant, determine

whether it is appropriate to require the applicant to complete additional education or experience requirements to maintain the probationary license and, within a reasonable time period, transition to a full license. The department may place a reasonable time limit on a probationary license and may, if appropriate, require the applicant to pass a jurisprudential examination.

(c) The department must maintain and publish a list of credentials in other states and territories that the department has determined to have a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter. The department shall prioritize identifying and publishing the department's determination for the five states or territories that have historically had the most applicants for reciprocity under subsection (1) of this section with a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter.

Sec. 10. RCW 18.83.180 and 1987 c 150 s 55 are each amended to read as follows:

It shall be a gross misdemeanor and unlicensed practice for any person to:

(1) Use in connection with his or her name any designation tending to imply that he or she is a licensed psychologist or licensed psychological associate unless duly licensed under or specifically excluded from the provisions of this chapter;

(2) Practice as a licensed psychologist or licensed psychological associate during the time his or her license issued under the provisions of this chapter is suspended or revoked.

Sec. 11. RCW 18.83.190 and 1991 c 3 s 203 are each amended to read as follows:

If any person represents himself or herself to be a psychologist or licensed psychological associate, unless the person is exempt from the provisions of this chapter, without possessing a valid license, certificated qualification, or a temporary permit to do so, or if he or she violates any of the provisions of this chapter, any prosecuting attorney, the secretary, or any citizen of the same county may maintain an action in the name of the state to enjoin such person from representing himself or herself as a psychologist or licensed psychological associate. The injunction shall not relieve the person from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of his or her license.

Sec. 12. RCW 18.83.210 and 1965 c 70 s 25 are each amended to read as follows:

Nothing in this chapter shall be construed as prohibiting any individual from offering counseling or guidance provided that such individuals do not hold themselves

forth as psychologists or licensed psychological associates.

Sec. 13. RCW 18.205.095 and 2021 c 165 s 1 and 2021 c 57 s 1 are each reenacted and amended to read as follows:

(1) The secretary shall issue a trainee certificate to any applicant who demonstrates to the satisfaction of the secretary that he or she is working toward the education and experience requirements in RCW 18.205.090.

(2) A trainee certified under this section shall submit to the secretary for approval a declaration, in accordance with rules adopted by the department, which shall be updated with the trainee's annual renewal, that he or she is actively pursuing the experience requirements under RCW 18.205.090 and is enrolled in:

(a) An approved education program; or

(b) An apprenticeship program reviewed by the substance use disorder certification advisory committee, approved by the secretary, and registered and approved under chapter 49.04 RCW.

(3) A trainee certified under this section may practice only under the supervision of a certified substance use disorder professional. The first 50 hours of any face-to-face client contact must be under direct observation. All remaining experience must be under supervision in accordance with rules adopted by the department.

(4) A certified substance use disorder professional trainee provides substance use disorder assessments, counseling, and case management ~~((with a state regulated agency))~~ and can provide clinical services to patients consistent with his or her education, training, and experience as approved by his or her supervisor.

(5) ~~((A trainee certification may only be renewed four times, unless the secretary finds that a waiver to allow additional renewals is justified due to barriers to testing or training resulting from a governor-declared emergency.))~~ A person whose trainee certification was not renewed due to the person exceeding the four-renewal limit in place prior to the effective date of this section shall be treated as if the person's certification expired. The secretary shall allow such a person to return the person's trainee certification to active status pursuant to standard rules and procedures in place for returning an expired credential to active status.

(6) Applicants are subject to denial of a certificate or issuance of a conditional certificate for the reasons set forth in chapter 18.130 RCW.

(7) A person certified under this chapter holding the title of chemical dependency professional trainee is considered to hold the title of substance use disorder professional trainee until such time as the person's present certification expires or is renewed.

Sec. 14. RCW 18.225.090 and 2023 c 425 s 3 and 2023 c 58 s 16 are each reenacted and amended to read as follows:

(1) The secretary shall issue a license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following education and experience requirements for the applicant's practice area.

(a) Licensed social work classifications:

(i) Licensed advanced social worker:

(A) Graduation from a master's social work educational program accredited by the council on social work education or a social work doctorate program at a university accredited by a recognized accrediting organization, and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The supervised experience requirement consists of a minimum of 3,200 hours with supervision by an approved supervisor who has been licensed for at least two years. Of those supervised hours:

(I) At least 90 hours must include direct supervision as specified in this subsection by a licensed independent clinical social worker, a licensed advanced social worker, or an equally qualified licensed mental health professional. Of those hours of directly supervised experience at least 40 hours must be in one-to-one supervision and 50 hours may be in one-to-one supervision or group supervision; and

(II) 800 hours must be in direct client contact; and

(D) Successful completion of continuing education requirements ~~((of 36 hours, with six))~~ established in rule by the secretary in consultation with the committee, including a minimum number of hours in professional ethics.

(ii) Licensed independent clinical social worker:

(A) Graduation from a master's level social work educational program accredited by the council on social work education or a social work doctorate program at a university accredited by a recognized accrediting organization, and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The supervised experience requirement consists of a minimum of 3,000 hours of experience, over a period of not less than two years, with supervision by an approved supervisor who has been licensed for at least two years and, as specified in this subsection, may be either a licensed independent clinical social worker who has had at least one year of experience in supervising the clinical social work of others or an equally qualified licensed mental health practitioner. Of those supervised hours:

(I) At least 1,000 hours must be direct client contact; and

(II) Hours of direct supervision must include:

(1) At least 100 hours by a licensed mental health practitioner;

(2) At least 70 hours of supervision with a licensed independent clinical social

worker meeting the qualifications under this subsection (1)(a)(ii)(C); the remaining hours may be supervised by an equally qualified licensed mental health practitioner; and

(3) At least 60 hours must be in one-to-one supervision and the remaining hours may be in one-to-one supervision or group supervision; and

(D) Successful completion of continuing education requirements ~~((of 36 hours, with six*))~~ established in rule by the secretary in consultation with the committee, including a minimum number of hours in professional ethics.

(b) Licensed mental health counselor:

(i)(A) Graduation from a master's or doctoral level educational program in counseling that consists of at least 60 semester hours or 90 quarter hours, or includes at least 60 semester hours or 90 quarter hours of graduate coursework that includes the following topic areas:

(I) Mental health counseling orientation and ethical practice;

(II) Social and cultural diversity;

(III) Human growth and development;

(IV) Career development;

(V) Counseling and helping relationships;

(VI) Group counseling and group work;

(VII) Diagnosis and treatment;

(VIII) Assessment and testing; and

(IX) Research and program evaluation; or

(B) Graduation from a master's or doctoral level educational program in a related discipline from a college or university approved by the secretary based upon nationally recognized standards. An applicant who satisfies the educational requirements for licensure under this subsection (1)(b)(i)(B) is not qualified to exercise the privilege to practice under the counseling compact established in chapter 18.17 RCW unless the master's or doctoral level educational program in a related discipline consists of at least 60 semester hours or 90 quarter hours, or includes at least 60 semester hours or 90 quarter hours of graduate coursework that includes the topic areas specified in ~~((subsection (1)))~~ (b)(i)(A)(I) through (IX) of this ~~((section (b)(i)(A)(I) through (IX) of this subsection))~~ subsection;

(ii) Successful completion of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of 36 months full-time counseling or 3,000 hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor or equally qualified licensed mental health practitioner, in an approved setting. The 3,000 hours of required experience includes a minimum of 100 hours spent in immediate supervision with the qualified licensed mental health counselor, and includes a minimum of 1,200 hours of direct counseling with individuals, couples, families, or groups; and

(iv) Successful completion of continuing education requirements ~~((of 36 hours, with six*))~~ established in rule by the secretary in consultation with the committee, including a

minimum number of hours in professional ethics.

(c) Licensed marriage and family therapist:

(i) Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards;

(ii) Successful passage of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of 3,000 hours of marriage and family therapy. Of the total supervision, 100 hours must be with a licensed marriage and family therapist with at least ~~((five))~~ two years' clinical experience; the other 100 hours may be with an equally qualified licensed mental health practitioner. Total experience requirements include:

(A) 1,000 hours of direct client contact; at least 500 hours must be gained in diagnosing and treating couples and families; plus

(B) At least 200 hours of qualified supervision with a supervisor. At least 100 of the 200 hours must be one-on-one supervision, and the remaining hours may be in one-on-one or group supervision.

Applicants who have completed a master's program accredited by the commission on accreditation for marriage and family therapy education of the American association for marriage and family therapy may be credited with 500 hours of direct client contact and 100 hours of formal meetings with an approved supervisor; and

(iv) Successful completion of continuing education requirements ~~((of 36 hours, with six*))~~ established in rule by the secretary in consultation with the committee, including a minimum number of hours in professional ethics.

(2) The department shall establish by rule what constitutes adequate proof of meeting the criteria. Only rules in effect on the date of submission of a completed application of an associate for her or his license shall apply. If the rules change after a completed application is submitted but before a license is issued, the new rules shall not be reason to deny the application.

(3) In addition, applicants shall be subject to the grounds for denial of a license or issuance of a conditional license under chapter 18.130 RCW.

Sec. 15. RCW 18.225.145 and 2021 c 57 s 2 are each amended to read as follows:

(1) The secretary shall issue an associate license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements for the applicant's practice area and submits a declaration that the applicant is working toward full licensure in that category:

(a) Licensed social worker associate—advanced or licensed social worker associate

—independent clinical: Graduation from a master's degree or doctoral degree educational program in social work accredited by the council on social work education and approved by the secretary based upon nationally recognized standards.

(b) Licensed mental health counselor associate: Graduation from a master's degree or doctoral degree educational program in mental health counseling or a related discipline from a college or university approved by the secretary based upon nationally recognized standards.

(c) Licensed marriage and family therapist associate: Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards.

(2) Associates may not provide independent social work, mental health counseling, or marriage and family therapy for a fee, monetary or otherwise. Associates must work under the supervision of an approved supervisor. Beginning October 1, 2025, an applicant for an associate license under this section may practice without a license under the direct supervision of an approved supervisor for 120 days after the department receives the applicant's completed application or the applicant's license is issued or denied, whichever is sooner.

(3) Associates shall provide each client or patient, during the first professional contact, with a disclosure form according to RCW 18.225.100, disclosing that he or she is an associate under the supervision of an approved supervisor.

(4) The department shall adopt by rule what constitutes adequate proof of compliance with the requirements of this section.

(5) Applicants are subject to the denial of a license or issuance of a conditional license for the reasons set forth in chapter 18.130 RCW.

(6) (a) ~~((Except as provided in (b) of this subsection, an))~~ An associate license may be renewed ((no more than six times, provided that)). Until October 1, 2025, the applicant for renewal ((has)) must have successfully completed eighteen hours of continuing education in the preceding year. After October 1, 2025, the applicant for renewal must have successfully completed, in the preceding year, continuing education requirements established in rule by the secretary in consultation with the committee. Beginning with the second renewal, ((at least six of)) the continuing education requirements established in rule by the secretary in consultation with the committee must require the applicant to complete a minimum number of continuing education hours in the preceding two years ((must be)) in professional ethics.

(b) ~~((If the secretary finds that a waiver to allow additional renewals is justified due to barriers to testing or training resulting from a governor-declared~~

~~emergency, additional renewals may be approved.))~~ A person whose associate license was not renewed due to the person exceeding the six-renewal limit in place prior to the effective date of this section shall be treated as if the person's license expired. The secretary shall allow such a person to return the person's associate license to active status pursuant to standard rules and procedures in place for returning an expired credential to active status.

Sec. 16. RCW 18.225.180 and 2023 c 425 s 7 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, by October 1, 2023, the department shall develop a program to facilitate placement of associates with clinical supervision services. The program must include a database of license holders with the required qualifications who are willing to serve as approved supervisors and agencies or facilities that offer supervision services through their facilities to associates seeking to satisfy supervised experience requirements under RCW 18.225.090.

(b) The department shall adopt, by rule, minimum qualifications for supervisors or facilities to be included in the database and minimum standards for adequate supervision of associates. The department may not include in the database any person who, or facility that, does not meet the minimum qualifications. The department shall periodically audit the list to remove persons who, or facilities that, no longer meet the minimum qualifications or fail to meet the minimum standards.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a stipend program to ~~((defray the out-of-pocket expenses incurred by))~~ offset the costs incurred when providing supervision for associates completing supervised experience requirements under RCW 18.225.090.

(a) ~~((Out-of-pocket expenses eligible for defrayment under this section include costs incurred in order to obtain supervised experience, such as fees or charges imposed by the individual or entity providing supervision, and any other expenses deemed appropriate by the department.))~~ To be eligible for the stipend program under this subsection (2), a supervisor must:

(i) Meet all requirements of a qualified supervisor in this chapter and chapter 246-809 WAC; and

(ii) Be actively providing supervision to at least one associate completing supervised experience requirements under RCW 18.225.090.

(b) ~~((Associates))~~ Supervisors participating in the stipend program established in this section shall document their ~~((out-of-pocket))~~ incurred expenses attributable to each supervised associate and time spent supervising each associate under their supervision in a manner specified by the department.

(c) ~~((When adopting the stipend program, the department shall consider defraying out-~~

~~of pocket expenses associated with unpaid internships that are part of an applicant's educational program.)) (i) Supervisors receiving a stipend under this section are eligible for up to \$2,000 per year per associate if the supervisor maintains the supervisory relationship for the entire year and subject to the availability of funds. If the supervisor does not provide supervision for an entire year, the department shall prorate the stipend amount accordingly.~~

~~((ii) If a participating supervisor's documented expenses attributable to a supervised associate exceed the stipend the supervisor receives under (c)(i) of this subsection for supervising that associate, the participating supervisor may charge the associate a fee to recoup the excess expenses attributable to that associate. In no case may a fee charged to an individual associate under this subsection (2)(c)(ii) exceed \$1,600 per year. The supervisor shall report any fees charged to the associate to the department.~~

~~(d) The department shall establish the stipend program no later than July 1, ((2024))2025.~~

~~((e))((3)) The department may adopt any rules necessary to implement this section.~~

Sec. 17. RCW 71.05.020 and 2023 c 433 s 3 and 2023 c 425 s 20 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) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025;

(2) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(5) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(7) "Authority" means the Washington state health care authority;

(8) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined

in this section, or a co-occurring mental disorder and substance use disorder;

(9) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(10) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(11) "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;

(12) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(14) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual;

(15) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(16) "Department" means the department of health;

(17) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(18) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(19) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(20) "Developmental disability" means that condition defined in RCW 71A.10.020(6);

(21) "Director" means the director of the authority;

(22) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(23) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(24) "Evaluation and treatment facility" means any facility which 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. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(25) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(26) "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;

(27) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(28) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(29) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(30) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(31) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person 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 discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(32) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(34) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(35) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(36) "Licensed physician" means a person licensed to practice medicine or osteopathic

medicine and surgery in the state of Washington;

(37) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(38) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(39) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(40) "Mental health professional" means an individual practicing within the mental health professional's statutory scope of practice who is:

(a) A psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, as defined in this chapter and chapter 71.34 RCW;

(b) A mental health counselor, mental health counselor associate, marriage and family therapist, or marriage and family therapist associate, as defined in chapter 18.225 RCW; ~~((or))~~

(c) A certified or licensed agency affiliated counselor, as defined in chapter 18.19 RCW; or

(d) A licensed psychological associate as described in chapter 18.83 RCW;

(41) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(42) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(43) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(44) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and

such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(45) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(46) "Psychiatrist" means a person having a license 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;

(47) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(48) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(49) "Release" means legal termination of the commitment under the provisions of this chapter;

(50) "Resource management services" has the meaning given in chapter 71.24 RCW;

(51) "Secretary" means the secretary of the department of health, or his or her designee;

(52) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(53) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(54) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(55) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(56) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(57) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 18. RCW 71.05.020 and 2023 c 433 s 4 and 2023 c 425 s 21 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) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025;

(2) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(5) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(7) "Authority" means the Washington state health care authority;

(8) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(9) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(10) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(11) "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;

(12) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(14) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual;

(15) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(16) "Department" means the department of health;

(17) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(18) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(19) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(20) "Developmental disability" means that condition defined in RCW 71A.10.020(6);

(21) "Director" means the director of the authority;

(22) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(23) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(24) "Evaluation and treatment facility" means any facility which 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. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(25) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(26) "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;

(27) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(28) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(29) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(30) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(31) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person 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 discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(32) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(34) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(35) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(36) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(37) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(38) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(39) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(40) "Mental health professional" means an individual practicing within the mental health professional's statutory scope of practice who is:

(a) A psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric

advanced registered nurse practitioner, psychiatric nurse, or social worker, as defined in this chapter and chapter 71.34 RCW;

(b) A mental health counselor, mental health counselor associate, marriage and family therapist, or marriage and family therapist associate, as defined in chapter 18.225 RCW; ~~((or))~~

(c) A certified or licensed agency affiliated counselor, as defined in chapter 18.19 RCW; or

(d) A licensed psychological associate as described in chapter 18.83 RCW;

(41) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(42) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(43) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(44) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(45) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(46) "Psychiatrist" means a person having a license 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;

(47) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(48) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(49) "Release" means legal termination of the commitment under the provisions of this chapter;

(50) "Resource management services" has the meaning given in chapter 71.24 RCW;

(51) "Secretary" means the secretary of the department of health, or his or her designee;

(52) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Include security measures sufficient to protect the patients, staff, and community; and

(c) Be licensed or certified as such by the department of health;

(53) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

(54) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(55) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances;

(56) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(57) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(58) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(59) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(60) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

NEW SECTION. Sec. 19. The health care authority shall ensure that all services provided by associate licenses under chapters 18.225 and 18.83 RCW are included in the state medicaid program, including filing any necessary state plan amendments by January 1, 2025.

NEW SECTION. Sec. 20. The examining board of psychology may adopt any rules necessary to implement sections 2 through 12 of this act. The secretary of health may adopt any rules necessary to implement sections 1 and 13 through 16 of this act.

NEW SECTION. Sec. 21. (1) The secretary of health shall study and make recommendations on changing the disciplining authority for professions regulated under chapter 18.225 RCW from the secretary of health to separate boards or commissions for each profession.

(2) The secretary of health's findings and recommendations must, at a minimum, include the following:

(a) Whether the disciplining authority for each profession should be a board or a commission;

(b) The recommended membership of each board or commission, which must include:

(i) A majority of members who are members of the regulated professions; and

(ii) At least one public member;

(c) An estimate of the fiscal impact of changing the disciplining authority for the professions; and

(d) A transition plan for changing the disciplining authorities, including recommended statutory changes.

(3) When formulating the findings and recommendations, the secretary of health must consult with organizations representing the professions regulated under chapter 18.225 RCW.

(4) The secretary of health shall report the findings and recommendations to the appropriate committees of the legislature no later than July 1, 2025.

(5) This section expires August 1, 2025.

NEW SECTION. **Sec. 22.** 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. 23.** (1) Section 1 of this act takes effect January 1, 2028.

(2) Sections 2 through 12, 14, and 16 of this act take effect October 1, 2025.

NEW SECTION. **Sec. 24.** Section 17 of this act expires when section 18 of this act takes effect.

NEW SECTION. **Sec. 25.** Section 18 of this act takes effect when the contingency in section 26, chapter 433, Laws of 2023 takes effect."

On page 1, line 2 of the title, after "shortages;" strike the remainder of the title and insert "amending RCW 18.19.020, 18.83.020, 18.83.050, 18.83.080, 18.83.105, 18.83.110, 18.83.115, 18.83.135, 18.83.170, 18.83.180, 18.83.190, 18.83.210, 18.225.145, and 18.225.180; reenacting and amending RCW 18.205.095, 18.225.090, 71.05.020, and 71.05.020; creating new sections; providing effective dates; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2247 and advanced the bill, as amended by the Senate, to final passage.

Representatives Bateman and Hutchins spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2247, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2247, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatte, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2247, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2301, with the following amendment(s): 2301-S2.E AMS ENGR S5569.E

Strike everything after the enacting clause and insert the following:

"PART 1 INTENT

NEW SECTION. **Sec. 101.** INTENT. (1) The legislature finds:

(a) Washington is now experiencing the effects of a climate crisis: Hotter summers with record-breaking temperatures, devastating fires, drought conditions, and rising sea levels that erode our coastlines and are causing some communities to move upland;

(b) Methane is a potent greenhouse gas and landfills are documented by the United States environmental protection agency to be the 3rd largest human-made source, with food, yard waste, and other plant-based organic material degrading in landfills to methane;

(c) Food waste is a major issue in the United States and globally, that, according to the food and agriculture organization of the United Nations, unwanted and discarded food squanders resources, including water, land, energy, labor, and capital, estimated that one-third of the food produced in the world for human consumption, about 1,300,000,000 tons, is lost or wasted every year, and the food loss and waste in

industrialized countries equates to a value of approximately \$680,000,000,000;

(d) The Harvard University food law and policy clinic has estimated that 40 percent of the food supply in the United States is not eaten and that according to the United States environmental protection agency and the United States department of agriculture, food loss and waste is the single largest component of disposed municipal solid waste in the United States;

(e) In 2015, that the administrator of the United States environmental protection agency and the secretary of the United States department of agriculture announced a national goal of reducing food waste by 50 percent by the year 2030. In 2019, Washington established the same goal in RCW 70A.205.715;

(f) Compost and other products of organic material management facilities have beneficial applications and can improve soil health, water quality, and other environmental outcomes. However, in order for the products of organic material management facilities to lead to improved environmental outcomes and for the economics of the operations of these facilities to pencil out, it is important that inbound sources of organic material waste are free of plastic contamination, pesticides, and other materials that will reduce compost quality; and

(g) Farmers, processors, retailers, and food banks in Washington are leaders in addressing this issue, and in 2022, with the enactment of chapter 180, Laws of 2022 (Engrossed Second Substitute House Bill No. 1799), Washington took significant steps towards the improvement of organic material management systems.

(2) It is the legislature's intent to provide additional tools and financial resources to build on this progress in coming years by:

(a) Creating a variety of grant programs to support food waste reduction, food rescue, and other organic material management system improvements, including grants to support the implementation of new policy requirements related to organic material management;

(b) Amending solid waste management requirements in support of improved organic material management outcomes, including through the statewide standardization of colors and labels for organic, recycling, and garbage bins, and amending the organic material management service requirements in local jurisdictions and that apply to businesses;

(c) Making changes to product degradability labeling requirements; and

(d) Continuing to discuss how to maximize donations of food from generators of unwanted edible food.

(3) It is the legislature's intent for the following management option preferences to apply to the management of food under this act, including the provisions of law being amended by this act, in order of most preferred to least preferred:

(a) Prevents wasted food;

(b) Donates or upcycles food;

(c) Feeds animals or leaves food unharvested;

(d) Composts or anaerobically digests materials with beneficial use of the compost, digestate, or biosolids;

(e) Anaerobically digests materials with the disposal of digestate or biosolids, or applies material to the land; and

(f) Sends materials down the drain, to landfills, or incinerates material, with or without accompanying energy recovery.

PART 2 FUNDING FOR SUSTAINABLE FOOD MANAGEMENT PRIORITIES

NEW SECTION. **Sec. 201.** A new section is added to chapter 70A.207 RCW to read as follows:

CENTER FOR SUSTAINABLE FOOD MANAGEMENT GRANTS. (1) The department, through the center, must develop and administer grant programs to support activities that reduce emissions from landfills and waste-to-energy facilities through the diversion of organic materials and food waste prevention, rescue, and recovery. The department must seek stakeholder input in the design, criteria, and logistics associated with each grant program. The department must allocate grant funding across the eligible categories specified in subsection (2) of this section in a manner consistent with legislative appropriations, and that achieves the following priorities:

(a) Maximizing greenhouse gas emission reductions;

(b) Eliminating barriers to the rescue and consumption of edible food that would otherwise be wasted;

(c) Developing stable funding programs for the department to administer and stable funding opportunities for potential fund recipients to be aware of; and

(d) Preferences the following management options, in order of most preferred to least preferred:

(i) Prevents wasted food;

(ii) Donates or upcycles food;

(iii) Feeds animals or leaves food unharvested;

(iv) Composts or anaerobically digests materials with beneficial use of the compost, digestate, or biosolids;

(v) Anaerobically digests materials with the disposal of digestate or biosolids, or applies material to the land;

(vi) Sends materials down the drain, to landfills, or incinerates material, with or without accompanying energy recovery.

(2) Subject to the availability of amounts appropriated for this specific purpose, grants under this section may be awarded to the following categories of activities:

(a) Projects to prevent the surplus of unsold, uneaten food from food businesses or to standardize and improve the operating procedures associated with food donations, including efforts to standardize collection bins, provide staff training for food donors or food rescue organizations, or make other changes to increase the efficiency or efficacy of food donation procedures. Local governments, federally recognized Indian tribes and federally recognized Indian tribal government entities, nonprofit

organizations, and generators of unwanted edible food are eligible applicants for grants under this subsection. Equipment and infrastructure purchases, training costs, costs associated with the development and deployment of operating protocols, and employee staff time reimbursement are eligible uses of grant funding under this subsection;

(b)(i) Projects to improve and reduce the transportation of donated foods and management of cold chains across the donated food supply chain, including through food rescue organizations. Local governments, federally recognized Indian tribes and federally recognized Indian tribal government entities, nonprofit organizations, transporters of unwanted edible food, and generators of unwanted edible food are eligible applicants for grants under this subsection. Eligible uses of grant funding under this subsection include the acquisition of vehicles, cold-storage equipment, real estate, and technology to support donated food storage and transportation system improvements.

(ii) Grants under this subsection (2)(b) may not be used for the purchase or lease of equipment that relies on a fuel source other than electricity or the purchase or lease of vehicles other than zero-emission vehicles;

(c)(i) Grant programs to support the establishment and expansion of wasted food reduction programs to benefit vulnerable communities. This grant program must be developed in consultation with the department of health and food policy stakeholders.

(ii) Nonprofit organizations, businesses, associations, federally recognized Indian tribes and federally recognized Indian tribal government entities, and local governments are eligible to receive grants under this subsection. Eligible uses of the funds may include community food hub development projects, cold food storage capacity, refrigerated transport capacity, convenings to inform innovation in wasted food reduction in retail and food service establishments, and pilot projects to reduce wasted food. No more than 20 percent of funds allocated under this subsection (2)(c) may be awarded to a single grant recipient; and

(d) Food waste tracking and analytics pilot project grants. Local governments, federally recognized Indian tribes and federally recognized Indian tribal government entities, nonprofit organizations, transporters of unwanted edible food, and generators of unwanted edible food are eligible applicants for grants under this subsection. Eligible uses of grant funding under this subsection include staff time and technology to improve food waste prevention or improve tracking of food donations through the food supply chain and to provide data useful to enabling more efficient and effective outcomes for the provision of food available for rescue.

(3) The department may establish additional eligibility criteria or application process requirements beyond those described in subsection (2) of this section for a category or categories of activity. The department may, as a condition

of the award of a grant under this section, require the reporting of information to the department regarding the outcomes of the funded activities.

(4) The department may award grants to eligible applicants meeting the minimum qualifying criteria on a competitive basis, or to applicants on a noncompetitive basis, or both. Within each category of activity described in subsection (2) of this section, the department must prioritize grant applications that benefit overburdened communities as defined in RCW 70A.02.010 as identified by the department in accordance with RCW 70A.02.050.

NEW SECTION. Sec. 202. A new section is added to chapter 70A.207 RCW to read as follows:

SUSTAINABLE FOOD MANAGEMENT POLICY IMPLEMENTATION GRANTS. (1) The department, through the center, must develop and administer grant programs to support the implementation of the requirements of this act and chapter 180, Laws of 2022, with priority given to grants that support the implementation of RCW 70A.205.540 and 70A.205.545. Eligible recipients of grants under this section may include businesses that are subject to organic material management requirements, local governments, federally recognized Indian tribes and federally recognized Indian tribal government entities, nonprofit organizations, or organic material management facilities. Eligible expenses by grant recipients include education, outreach, technical assistance, indoor and outdoor infrastructure, transportation and processing infrastructure, and enforcement costs.

(2) The department may not require, as a condition of financial assistance under this section, that matching funds be made available by a local government recipient. The department must provide assistance to each local government that demonstrates eligibility for grant assistance under this section.

Sec. 203. RCW 70A.207.020 and 2022 c 180 s 402 are each amended to read as follows:

CENTER FOR SUSTAINABLE FOOD MANAGEMENT DUTIES. (1) The Washington center for sustainable food management is established within the department (~~(to begin operations by January 1, 2024)~~).

(2) The purpose of the center is to help coordinate statewide food waste reduction.

(3) The center may perform the following activities:

(a) Coordinate the implementation of the plan;

(b) Draft plan updates and measure progress towards actions, strategies, and the statewide goals established in RCW 70A.205.007 and 70A.205.715(1);

(c) Maintain a website with current food waste reduction information and guidance for food service establishments, consumers, food processors, hunger relief organizations, and other sources of food waste;

(d) Provide staff support to multistate food waste reduction initiatives in which the state is participating;

(e) Maintain the consistency of the plan and other food waste reduction activities with the work of the Washington state conservation commission's food policy forum;

(f) Facilitate and coordinate public-private and nonprofit partnerships focused on food waste reduction, including through voluntary working groups;

(g) Collaborate with federal, state, and local government partners on food waste reduction initiatives;

(h) Develop and maintain maps or lists of locations of the food systems of Washington that identify food flows, where waste occurs, and opportunities to prevent food waste;

(i)(i) Collect and maintain data on food waste and wasted food in a manner that is generally consistent with the methods of collecting and maintaining such data used by federal agencies or in other jurisdictions, or both, to the greatest extent practicable;

(ii) Develop measurement methodologies and tools to uniformly track food donation data, food waste prevention data, and associated climate impacts resultant from food waste reduction efforts;

(j) Research and develop emerging organic materials and food waste reduction markets;

(k)(i) Develop and maintain statewide food waste reduction and food waste contamination reduction campaigns, in consultation with other state agencies and other stakeholders, including the development of waste prevention and food waste recovery promotional materials for distribution. These promotional materials may include online information, newsletters, bulletins, or handouts that inform food service establishment operators about the protections from civil and criminal liability under federal law and under RCW 69.80.031 when donating food; and

(ii) Develop guidance to support the distribution of promotional materials, including distribution by:

(A) Local health officers, at no cost to regulated food service establishments, including as part of normal, routine inspections of food service establishments; and

(B) State agencies, including the department of health and the department of agriculture, in conjunction with their statutory roles and responsibilities in regulating, monitoring, and supporting safe food supply chains and systems;

(l) Distribute and monitor grants dedicated to food waste prevention, rescue, and recovery, which must include the programs described in sections 201 and 202 of this act; ((and))

(m) Provide staff support to the work group created in section 701 of this act; and

(n) Research and provide education, outreach, and technical assistance to local governments in support of the adoption of solid waste ordinances or policies that establish a financial disincentive for the generation of organic waste and for the ultimate disposal of organic materials in landfills.

(4) The department may enter into an interagency agreement with the department of health, the department of agriculture, or other state agencies as necessary to fulfill the responsibilities of the center.

(5) The department may adopt any rules necessary to implement this chapter including, but not limited to, measures for the center's performance.

NEW SECTION. Sec. 204. A new section is added to chapter 43.23 RCW to read as follows:

WASHINGTON COMMODITIES DONATION GRANT PROGRAM. (1) The department must implement the Washington commodities donation grant program established in this section. The purpose of the program is to procure Washington grown produce, grains, and protein otherwise at risk of ending up as food waste for distribution to hunger relief organizations for use in Washington state.

(2) The program established in this section must, to the extent practicable:

(a) Rely upon existing infrastructure and similar grant programs currently being implemented in Washington, in order to maximize the beneficial impacts of the program in the short-term, and to expeditiously enable the distribution of grants under this section;

(b) Be designed to achieve efficiencies of scale by the grant recipients carrying out food acquisitions and distributions and to target large volume food acquisition opportunities;

(c) Give priority to recipient organizations that have at least five years of experience coordinating the collection and transportation of donated agricultural products to food bank distributors, food bank distribution centers, or both, for redistribution to local hunger relief agencies; and

(d) Provide for equitable benefits experienced from the program by food producers of varying sizes and types, including minority and vulnerable farmers, including veterans, women, and federally recognized Indian tribes.

(3) The department must issue grants under this section to one or more nonprofit organizations to acquire food directly from food producers located in Washington. A recipient nonprofit organization may use funds under this section to compensate food producers donating commodities for pick and pack out costs incurred associated with the production of a food product, including costs of food product inputs and harvest, and for their marginal postharvest logistical and administrative costs that facilitate the acquisition and distribution of the food product by grant recipients.

(4) An organization that receives funds under this section must report the results of the project to the department in a manner prescribed by the department.

Sec. 205. RCW 70A.214.100 and 2008 c 178 s 1 are each amended to read as follows:

WASTE NOT WASHINGTON AWARDS. (1) The office of waste reduction shall develop, in consultation with the superintendent of public instruction, an awards program to

achieve waste reduction and recycling in public schools, and to encourage waste reduction and recycling in private schools, grades kindergarten through high school. The office shall develop guidelines for program development and implementation. Each public school shall, and each private school may, implement a waste reduction and recycling program conforming to guidelines developed by the office.

(2) For the purpose of granting awards, the office may group all participating schools into not more than three classes, based upon student population, distance to markets for recyclable materials, and other criteria, as deemed appropriate by the office. Except as otherwise provided, five or more awards may be granted to each of the three classes. Each award shall be no more than ~~((five thousand dollars))~~ \$5,000 until 2026, and no more than \$10,000 beginning January 1, 2026. Awards shall be granted each year to the schools that achieve the greatest levels of waste reduction and recycling. A single award of not less than ~~((five thousand dollars))~~ \$5,000 until 2026 or \$10,000 beginning in 2026 may be presented to the school having the best recycling program as measured by the total amount of materials recycled, including materials generated outside of the school. A single award of not less than ~~((five thousand dollars))~~ \$5,000 until 2026 or \$10,000 beginning in 2026 may be presented to the school having the best waste reduction program as determined by the office.

(3) The superintendent of public instruction shall distribute guidelines and other materials developed by the office to implement programs to reduce and recycle waste generated in administrative offices, classrooms, laboratories, cafeterias, and maintenance operations.

PART 3 AMENDMENTS TO SOLID WASTE LAWS

Sec. 301. RCW 70A.205.540 and 2022 c 180 s 102 are each amended to read as follows:

MANDATED ORGANICS MANAGEMENT. (1) ~~((Beginning January 1, 2027, in))~~ Except as provided in subsection (3) of this section, in each jurisdiction that implements a local solid waste plan under RCW 70A.205.040:

(a) ~~((Source-separated))~~ Beginning April 1, 2027, source-separated organic solid waste collection services ~~((must))~~ are required to be provided ~~((at least every other week or at least 26 weeks annually))~~ year-round to:

(i) All single-family residents; and
(ii) Nonresidential customers that generate more than .25 cubic yards per week of organic materials for management; ~~((and))~~

(b)(i) The department may, by waiver, reduce the collection frequency requirements in (a) of this subsection for the collection of dehydrated food waste or to address food waste managed through other circumstances or technologies that will reduce the volume or odor, or both, of collected food waste.

(ii) All organic solid waste collected from single-family residents and businesses

under ~~((a) or (f))~~ this subsection must be managed through organic materials management;

(c) Beginning April 1, 2030, the source-separated organic solid waste collection services specified in (a) of this subsection must be provided to customers on a nonelective basis, except that a jurisdiction may grant an exemption to a customer that certifies to the jurisdiction that the customer is managing organic material waste on-site or self-hauling its own organic material waste for organic materials management;

(d) Beginning April 1, 2030, each jurisdiction's source-separated organic solid waste collection service must include the acceptance of food waste year-round. The jurisdiction may choose to collect food waste source-separated from other organic materials or may collect food waste commingled with other organic materials; and

(e) Beginning April 1, 2030, all persons, when using curbside collection for disposal, may use only source-separated organic solid waste collection services to discard unwanted organic materials. By January 1, 2027, the department must develop guidance under which local jurisdictions may exempt persons from this requirement if organic materials will be managed through an alternative mechanism that provides equal or better environmental outcomes. Nothing in this section precludes the ability of a person to use on-site composting, the diversion of organic materials to animal feed, self-haul organic materials to a facility, or other means of beneficially managing unwanted organic materials. For the purposes of this subsection (1)(e), "person" or "persons" does not include multifamily residences.

(2) A jurisdiction may charge and collect fees or rates for the services provided under subsection (1) of this section, consistent with the jurisdiction's authority to impose fees and rates under chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

(3)(a) Except as provided in ~~((d))~~ (e) of this subsection, the requirements of this section do not apply in a jurisdiction if the department determines that the following apply:

(i) The jurisdiction disposed of less than 5,000 tons of solid waste in the most recent year for which data is available; or

(ii) The jurisdiction has a total population of less than 25,000 people; ~~((or~~

~~((iii) The jurisdiction has a total population between 25,000 and 50,000 people and curbside organic solid waste collection services are not offered in any area within the jurisdiction, as of July 1, 2022)).~~

(b) The requirements of this section do not apply:

(i) In census tracts that have a population density of less than 75 people per square mile that are serviced by the jurisdiction and located in unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW; ~~((and))~~

(ii) In census tracts that have a population density of greater than 75 people per square mile, where the census tract includes jurisdictions that meet any of the

conditions in (a)(i) and (ii) of this subsection, that are serviced by the jurisdiction and located in unincorporated portions of a county, as determined by the department, in counties not planning under chapter 36.70A RCW;

(iii) Outside of urban growth areas designated pursuant to RCW 36.70A.110 in unincorporated portions of a county planning under chapter 36.70A RCW;

(iv) Inside of unincorporated urban growth areas for jurisdictions planning under chapter 36.70A RCW that meet any of the conditions in (a)(i) and (ii) of this subsection; and

(v) In unincorporated urban growth areas in counties with an unincorporated population of less than 25,000 people.

(c) ((In addition to the exemptions in (a) and (b))) A jurisdiction that collects organic materials, but that does not collect organic materials on a year-round basis as of January 1, 2024, is not required to provide year-round organic solid waste collection services if it provides those services at least 26 weeks annually.

(d) In addition to the exemptions in (a) through (c) of this subsection, the department may issue a renewable waiver to jurisdictions or portions of a jurisdiction under this subsection for up to five years, based on consideration of factors including the distance to organic materials management facilities, the sufficiency of the capacity to manage organic materials at facilities to which organic materials could feasibly and economically be delivered from the jurisdiction, and restrictions in the transport of organic materials under chapter 17.24 RCW. The department may adopt rules to specify the type of information that a waiver applicant must submit to the department and to specify the department's process for reviewing and approving waiver applications.

((+d+)) (e) Beginning January 1, 2030, the department may adopt a rule to require that the provisions of this section apply in the jurisdictions identified in (b) ((and (e))) through (d) of this subsection, but only if the department determines that the goals established in RCW 70A.205.007(1) have not or will not be achieved.

(4) Any city that newly begins implementing an independent solid waste plan under RCW 70A.205.040 after July 1, 2022, must meet the requirements of subsection (1) of this section.

(5) Nothing in this section affects the authority or duties of the department of agriculture related to pest and noxious weed control and quarantine measures under chapter 17.24 RCW.

(6) No penalty may be assessed on an individual or resident for the improper disposal of organic materials under subsection (1) of this section in a noncommercial or residential setting.

(7) The department must adopt new rules or amend existing rules adopted under this chapter establishing permit requirements for organic materials management facilities requiring a solid waste handling permit addressing contamination associated with incoming food waste feedstocks and finished products, for environmental benefit.

Sec. 302. RCW 70A.205.545 and 2022 c 180 s 201 are each amended to read as follows:

BUSINESS DIVERSION. (1)(a) Beginning July 1, 2023, and each July 1st thereafter, the department must determine which counties and any cities preparing independent solid waste management plans:

(i) Provide for businesses to be serviced by providers that collect food waste and organic material waste for delivery to solid waste facilities that provide for the organic materials management of organic material waste and food waste; and

(ii) Are serviced by solid waste facilities that provide for the organic materials management of organic material waste and food waste and have year-round capacity to process and are willing to accept increased volumes of organic materials deliveries.

(b)(i) The department must determine and designate that the restrictions of this section apply to businesses in a jurisdiction unless the department determines that the businesses in some or all portions of the city or county have:

(A) No available businesses that collect and deliver organic materials to solid waste facilities that provide for the organic materials management of organic material waste and food waste; or

(B) No available capacity at the solid waste facilities to which businesses that collect and deliver organic materials could feasibly and economically deliver organic materials from the jurisdiction.

(ii)(A) In the event that a county or city provides a written ((notification)) request and supporting evidence to the department ((indicating)) determining that the criteria of (b)(i)(A) of this subsection are met, and the department confirms this determination, then the restrictions of this section apply only in those portions of the jurisdiction that have available service-providing businesses.

(B) In the event that a county or city provides a written ((notification)) request and supporting evidence to the department ((indicating)) determining that the criteria of (b)(i)(B) of this subsection are met, and the department confirms this determination, then the restrictions of this section do not apply to the jurisdiction.

(c) The department must make the result of the annual determinations required under this section available on its website.

(d) The requirements of this section may be enforced by jurisdictional health departments consistent with this chapter, except that:

(i) A jurisdictional health department may not charge a fee to permit holders to cover the costs of the jurisdictional health department's administration or enforcement of the requirements of this section; and

(ii) Prior to issuing a penalty under this section, a jurisdictional health department must provide at least two written notices of noncompliance with the requirements of this section to the owner or operator of a business subject to the requirements of this section.

(2)(a)(i) Beginning January 1, 2024, a business that generates at least eight cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste;

(ii) Beginning January 1, 2025, a business that generates at least four cubic yards of organic material waste per week must arrange for organic materials management services specifically for organic material waste; and

(iii) Beginning January 1, 2026, a business that generates at least ~~((four cubic yards of solid))~~ 96 gallons of organic material waste per week shall arrange for organic materials management services specifically for organic material waste, unless the department determines, by rule, that additional reductions in the landfilling of organic materials would be more appropriately and effectively achieved, at reasonable cost to regulated businesses, through the establishment of a different volumetric threshold of ~~((solid waste or))~~ organic waste material ((waste)) than the threshold of ~~((four cubic yards of solid))~~ 96 gallons of organic material waste per week.

(b) The following wastes do not count for purposes of determining waste volumes in (a) of this subsection:

(i) Wastes that are managed on-site by the generating business;

(ii) Wastes generated from the growth and harvest of food or fiber that are managed off-site by another business engaged in the growth and harvest of food or fiber;

(iii) Wastes that are managed by a business that enters into a voluntary agreement to sell or donate organic materials to another business for off-site use; ~~((and))~~

(iv) Wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event; and

(v) Wastes generated as a result of a food safety event, such as a product recall, that is due to foreign material or adverse biological activity that requires landfill destruction rather than organic material management.

(3) A business may fulfill the requirements of this section by:

(a) Source separating organic material waste from other waste, subscribing to a service that includes organic material waste collection and organic materials management, and using such a service for organic material waste generated by the business;

(b) Managing its organic material waste on-site or self-hauling its own organic material waste for organic materials management;

(c) Qualifying for exclusion from the requirements of this section consistent with subsection (1)(b) of this section; or

(d) For a business engaged in the growth, harvest, or processing of food or fiber, entering into a voluntary agreement to sell or donate organic materials to another business for off-site use.

(4)(a) A business generating organic material waste shall arrange for any services required by this section in a manner that is consistent with state and

local laws and requirements applicable to the collection, handling, or recycling of solid and organic material waste.

(b) Nothing in this section requires a business to dispose of materials in a manner that conflicts with federal or state public health or safety requirements. Nothing in this section requires businesses to dispose of wastes generated in exceptional volumes as a result of a natural disaster or other infrequent and unpreventable event through the options established in subsection (3) of this section. Nothing in this section prohibits a business from disposing of nonfood organic materials that are not commingled with food waste by using the services of an organic materials management facility that does not accept food waste.

(5) When arranging for gardening or landscaping services, the contract or work agreement between a business subject to this section and a gardening or landscaping service must require that the organic material waste generated by those services be managed in compliance with this chapter.

(6)(a) This section does not limit the authority of a local governmental agency to adopt, implement, or enforce a local organic material waste recycling requirement, or a condition imposed upon a self-hauler, that is more stringent or comprehensive than the requirements of this chapter.

(b) This section does not modify, limit, or abrogate in any manner any of the following:

(i) A franchise granted or extended by a city, county, city and county, or other local governmental agency;

(ii) A contract, license, certificate, or permit to collect solid waste previously granted or extended by a city, county, city and county, or other local governmental agency;

(iii) The right of a business to sell or donate its organic materials; and

(iv) A certificate of convenience and necessity issued to a solid waste collection company under chapter 81.77 RCW.

(c) Nothing in this section modifies, limits, or abrogates the authority of a local jurisdiction with respect to land use, zoning, or facility siting decisions by or within that local jurisdiction.

(d) Nothing in this section changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this section change or limit the authority of a city or town to provide the service itself or by contract under RCW 81.77.020.

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

(a)(i) "Business" means a commercial or public entity including, but not limited to, a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity.

(ii) "Business" does not include a multifamily residential entity.

(b) "Food waste" has the same meaning as defined in RCW 70A.205.715.

**PART 4
STATUS ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES**

NEW SECTION. Sec. 401. STATUS ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES.

(1) The department of ecology, in consultation with the department of agriculture, must carry out a study and submit a brief summary report to the legislature by September 1, 2025, addressing the status of produce sticker technologies, including produce sticker options that do not contain plastic stickers or adhesives or that otherwise meet compostability standards.

(2) The study required under this section must, at minimum, compare and consider the following features of produce stickers and adhesives:

(a) Compostability, including toxic or hazardous substance content;

(b) Performance;

(c) Printability; and

(d) Cost.

(3) In carrying out the study, input and information must be solicited and evaluated from:

(a) Produce producers and packers;

(b) Sticker and adhesive producers;

(c) Other states, countries, or subnational jurisdictions that have adopted standards restricting plastic produce stickers; and

(d) Other technical experts.

**PART 5
PRODUCT DEGRADABILITY RESTRICTIONS**

Sec. 501. RCW 70A.455.040 and 2022 c 180 s 803 are each amended to read as follows:

FIBER-BASED SUBSTRATES. (1) A product labeled as "compostable" that is sold, offered for sale, or distributed for use in Washington by a producer must meet at least one of the following equivalent standard specifications:

(a) ~~((Meet))~~ ASTM standard specification D6400;

(b) ~~((Meet))~~ ASTM standard specification D6868; ~~((or))~~

(c) ASTM standard specification D8410;

(d) ISO standard specification 17088;

(e) EN standard specification 13432;

(f) A standard specification that is substantially similar to those provided in (a) through (e) of this subsection, as determined by the department; or

(g) Be comprised only of wood, which includes renewable wood, or a fiber-based substrate ~~((only))~~ that contains:

(i) Greater than 98 percent fiber by dry weight; and

(ii) No plastic, plastic polymer or wax additives, or plastic or wax coatings.

(2) A product described in subsection (1)

(a) ~~((or (b)))~~ through (f) of this section must:

(a) Meet labeling requirements established under the United States federal trade commission's guides; and

(b) Feature labeling that:

(i) Meets industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;

(ii) Uses a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ~~((ASTM))~~ applicable standard specification;

(iii) Displays the word "compostable," where possible, indicating the product has been tested by a recognized third-party independent body and meets the ~~((ASTM))~~ applicable standard specification; and

(iv) Uses green, beige, or brown labeling, color striping, or other green, beige, or brown symbols, colors, tinting, marks, or design patterns that help differentiate compostable items from noncompostable items.

Sec. 502. RCW 70A.455.070 and 2022 c 180 s 806 are each amended to read as follows:

FILM TINTING. (1) A producer of plastic film bags sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.050 is:

(a) Prohibited from using tinting, color schemes, labeling, or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.050;

(b) Discouraged from using labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable products are compostable; and

(c) Encouraged to use labeling, images, and terms to help consumers identify noncompostable bags as either: (i) Suitable for recycling; or (ii) necessary to dispose as waste.

(2) A producer of food service products, or plastic film products other than plastic film bags subject to subsection (1) of this section, sold, offered for sale, or distributed for use in Washington that does not meet the applicable ASTM standard specifications provided in RCW 70A.455.060 is:

(a) Prohibited from using labeling, or terms that are required of products that meet the applicable ASTM standard specifications under RCW 70A.455.060;

(b) Discouraged from using labeling, images, and terms that may reasonably be anticipated to confuse consumers into believing that noncompostable products are compostable; and

(c) Encouraged to use tinting, coloration, labeling, images, and terms to help consumers identify film products and food service packaging as either: (i) Suitable for recycling; or (ii) necessary to dispose as waste.

(3) For the purposes of this section only:

(a) "Tinting" means the addition of color to a film, usually by means of dye or stain, that filters light and makes the film appear a certain color; and

(b)(i) The prohibition in subsection (1)(a) of this section on "color schemes" on plastic film bags does not preclude the use of:

(A) Green, brown, or beige stripes that are smaller than .25 inch wide and used as visual aids; and

(B) Green, brown, or beige lettering or logos that are used solely for brand identity purposes.

(ii) The prohibition in subsection (1)(a) of this section on color schemes on plastic film bags does prohibit the use of botanical motifs, such as leaves or vines that are colored green, brown, or beige, or any combination of these colors or shapes.

NEW SECTION. Sec. 503. A new section is added to chapter 70A.455 RCW to read as follows:

HOME COMPOSTABLE LABELING. A producer may only label a product as being "home compostable" if:

(1) The product has been tested and meets ASTM standards D6400 or D6868 for industrial composting settings;

(2) A third-party certifier has verified that the product meets ASTM standards for industrial composting;

(3) The product is otherwise labeled in a manner consistent with the requirements of this chapter, including RCW 70A.455.030, 70A.455.040, or 70A.455.050, as appropriate;

(4) The product is not labeled "home compostable only" or in a manner that otherwise implies that the product is not capable of being composted in industrial compost settings; and

(5) The producer has valid and reproducible scientific evidence to support their claim that a product is home compostable, consistent with federal trade commission guidelines.

Sec. 504. RCW 70A.455.090 and 2022 c 180 s 808 are each amended to read as follows:

CONCURRENT ENFORCEMENT OF DEGRADABILITY LABELING REQUIREMENTS BY CITIES AND COUNTIES. (1)(a) The department and cities and counties have concurrent authority to enforce this chapter and to issue and collect civil penalties for a violation of this chapter, subject to the conditions in this section and RCW 70A.455.100. An enforcing government entity may impose a civil penalty in the amount of up to \$2,000 for the first violation of this chapter, up to \$5,000 for the second violation of this chapter, and up to \$10,000 for the third and any subsequent violation of this chapter. If a producer has paid a prior penalty for the same violation to a different government entity with enforcement authority under this subsection, the penalty imposed by a government entity is reduced by the amount of the payment.

(b) The enforcement of this chapter must be based primarily on complaints filed with the department and cities and counties. The department must establish a forum for the filing of complaints. Cities, counties, or any person may file complaints with the department using the forum, and cities and counties may review complaints filed with

the department via the forum. The forum established by the department may include a complaint form on the department's website, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department, in collaboration with the cities and counties, must provide education and outreach activities to inform retail establishments, consumers, and producers about the requirements of this chapter.

(c) A city or county that chooses to enforce the requirements of this chapter within their jurisdiction must notify the department with a letter of intent that includes:

(i) The start and any end date of the local jurisdiction's enforcement activities;

(ii) The geographic boundaries within which the enforcement activities are planned; and

(iii) Any technical assistance, education, or enforcement tools that the city or county would like to request from the department in support of local enforcement activities.

(2) Penalties issued by the department are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(3) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other consumer protection laws, if applicable.

(4) In addition to penalties recovered under this section, the enforcing city or county may recover reasonable enforcement costs and attorneys' fees from the liable producer.

PART 6 COMPOST PURCHASES

Sec. 601. RCW 15.04.420 and 2022 c 180 s 502 are each amended to read as follows:

COMPOST REIMBURSEMENT PROGRAM ELIGIBILITY AMENDMENT. (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department must establish and implement a compost reimbursement program to reimburse farming operations in the state for purchasing and using compost products that were not generated by the farming operation, including transportation, spreading equipment, labor, fuel, and maintenance costs associated with spreading equipment. The grant reimbursements under the program begin July 1, 2023.

(b) For the purposes of this program, "farming operation" means: A commercial agricultural, silvicultural, or aquacultural facility or pursuit, including the care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; the planting, cultivating, harvesting, and processing of crops; and the farming or ranching of any plant or animal species in a controlled salt, brackish, or freshwater environment.

(2) To be eligible to participate in the reimbursement program, a farming operation

must complete an eligibility review with the department prior to transporting or applying any compost products for which reimbursement is sought under this section. The purpose of the review is for the department to ensure that the proposed transport and application of compost products is consistent with the department's agricultural pest control rules established under chapter 17.24 RCW. A farming operation must also verify that it will allow soil sampling to be conducted by the department upon request before compost application and until at least 10 years after the last grant funding is used by the farming operation, as necessary to establish a baseline of soil quality and carbon storage and for subsequent department evaluations to assist the department's reporting requirements under subsection (8) of this section.

(3) The department must create a form for eligible farming operations to apply for cost reimbursement for costs from purchasing and using compost from facilities with solid waste handling permits or that are permit exempt, including transportation, equipment, spreading, and labor costs. Compost must meet the applicable requirements for compost established by the department of ecology under chapter 70A.205 RCW. The department must prioritize applicants who purchase and use compost containing food waste feedstocks, where it is practicable for the applicant to purchase and use compost containing food waste feedstocks. All applications for cost reimbursement must be submitted on the form along with invoices, receipts, or other documentation acceptable to the department of the costs of purchasing and using compost products for which the applicant is requesting reimbursement, as well as a brief description of what each purchased item will be used for. The department may request that an applicant provide information to verify the source, size, sale weight, or amount of compost products purchased and the cost of transportation, equipment, spreading, and labor. The applicant must also declare that it is not seeking reimbursement for purchase or labor costs for:

(a) Its own compost products; or

(b) Compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation.

(4) A farming operation may submit only one application per fiscal year in which the program is in effect for purchases made and usage costs incurred during the fiscal year that begins on July 1st and ends on June 30th. Applications for reimbursement must be filed before the end of the fiscal year in which purchases were made and usage costs incurred.

(5) The department must distribute reimbursement funds, subject to the following limitations:

(a) A farming operation is not eligible to receive reimbursement if the farming operation's application was not found eligible for reimbursement by the department under subsection (2) of this section prior to the transport or use of compost;

(b) A farming operation is not eligible to receive reimbursement for more than 50

percent of the costs it incurs each fiscal year for the purchase and use of compost products, including transportation, equipment, spreading, and labor costs;

~~(c) ((A farming operation is not eligible to receive more than \$10,000 per fiscal year))~~ The department must attempt to achieve fair distribution of reimbursement funding across different farm size categories, based on acreage categories determined by the department, and which is not to exceed a maximum of \$20,000 per fiscal year for the largest farming operation category determined by the department;

(d) A farming operation is not eligible to receive reimbursement for its own compost products or compost products that it has transferred, or intends to transfer, to another individual or entity, whether or not for compensation; and

(e) A farming operation is not eligible to receive reimbursement for compost products that were not purchased from a facility with a solid waste handling permit or a permit-exempt facility.

(6) The applicant shall indemnify and hold harmless the state and its officers, agents, and employees from all claims arising out of or resulting from the compost products purchased that are subject to the compost reimbursement program under this section.

(7) There is established within the department a compost reimbursement program manager position. The compost reimbursement program manager must possess knowledge and expertise in the area of program management necessary to carry out the duties of the position, which are to:

(a) Facilitate the division and distribution of available costs for reimbursement; and

(b) Manage the day-to-day coordination of the compost reimbursement program.

(8) In compliance with RCW 43.01.036, the department must submit an annual report to the appropriate committees of the legislature by January 15th of each year of the program in which grants have been issued or completed. The report must include:

(a) The amount of compost for which reimbursement was sought under the program;

(b) The qualitative or quantitative effects of the program on soil quality and carbon storage; and

(c) A periodically updated evaluation of the benefits and costs to the state of expanding or furthering the strategies promoted in the program.

Sec. 602. RCW 43.19A.150 and 2022 c 180 s 701 are each amended to read as follows:

COMPOST PROCUREMENT REPORTING AMENDMENT.

(1) By January 1, 2023, the following cities or counties shall adopt a compost procurement ordinance to implement RCW 43.19A.120:

(a) Each city or county with a population greater than 25,000 residents as measured by the office of financial management using the most recent population data available; and

(b) Each city or county in which organic material collection services are provided under chapter 70A.205 RCW.

(2) A city or county that newly exceeds a population of 25,000 residents after January 1, 2023, as measured by the office of financial management, must adopt an ordinance under this subsection no later than 12 months after the office of financial management's determination that the local government's population has exceeded 25,000.

(3) In developing a compost procurement ordinance, each city and county shall plan for the use of compost in the following categories:

- (a) Landscaping projects;
- (b) Construction and postconstruction soil amendments;
- (c) Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and
- (d) Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

(4) Each city or county that adopts an ordinance under subsection (1) or (2) of this section must develop strategies to inform residents about the value of compost and how the jurisdiction uses compost in its operations in the jurisdiction's comprehensive solid waste management plan pursuant to RCW 70A.205.045.

(5) By ~~((December))~~ March 31, ~~((2024))~~ 2025, and each ~~((December))~~ March 31st ~~((of even-numbered years))~~ thereafter, each city or county that adopts an ordinance under subsection (1) or (2) of this section must submit a report covering the previous year's compost procurement activities to the department of ecology that contains the following information:

(a) The total tons of organic material diverted throughout the year and the facility or facilities used for processing;

(b) The volume and cost of compost purchased throughout the year; and

(c) The source or sources of the compost.

(6) Cities and counties that are required to adopt an ordinance under subsection (1) or (2) of this section shall give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

(7) Cities and counties may enter into collective purchasing agreements if doing so is more cost-effective or efficient.

(8) Nothing in this section requires a compost processor to:

- (a) Enter into a purchasing agreement with a city or county;
- (b) Sell finished compost to meet this requirement; or
- (c) Accept or process food waste or compostable products.

PART 7 MISCELLANEOUS

NEW SECTION. **Sec. 701.** WORK GROUP TO STUDY FOOD DONATION BY BUSINESSES. (1) The

department of ecology's center for sustainable food management created in chapter 70A.207 RCW must convene a work group to address mechanisms to improve the rescue of edible food waste from commercial generators, including food service, retail establishments, and processors that generate excess supply of edible food. The work group must consider:

(a) Logistics to phase in edible food donation programs, including incentives;

(b) The food recovery network systems necessary to support increased donation of edible food by commercial generators;

(c) Assess asset gaps and food infrastructure development needs. The work group must also facilitate the creation of networks and partnerships to address gaps and needs and develop innovative partnerships and models where appropriate; and

(d) Actions taken, costs, and lessons learned by other jurisdictions in the United States that have enacted policies focused on reducing edible commercially generated food waste and from voluntary pilot projects carried out by commercial generators of food waste.

(2) The department of ecology must submit a report to the legislature by September 1, 2025, containing the recommendations of the work group. The work group shall make recommendations using consensus-based decision making. All meetings of the work group must be carried out in a virtual-only format. The report must include recommendations where general stakeholder consensus has been achieved and note varied opinions where stakeholder consensus has not been achieved.

(3) The department of ecology must select at least one member to the work group from each of the following:

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

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

(c) An environmental nonprofit organization that specializes in waste and recycling issues;

(d) A statewide organization representing hospitality businesses;

(e) A retail grocery association;

(f) The department of ecology;

(g) Two different nonprofit organizations that specialize in food recovery and hunger issues;

(h) Three different hunger relief organizations that represent diverse needs from throughout the state;

(i) The department of agriculture;

(j) The office of the superintendent of public instruction;

(k) The department of health;

(l) One large and one small food distribution company;

(m) An organization representing food processors;

(n) An organization representing food producers;

(o) A technology company currently focused on food rescue in Washington; and
 (p) Two open seats for appointed members of the work group to nominate for department of ecology appointment if gaps in membership are identified.

NEW SECTION. Sec. 702. SEVERABILITY CLAUSE. 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. 703. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 70A.207.020, 70A.214.100, 70A.205.540, 70A.205.545, 70A.455.040, 70A.455.070, 70A.455.090, 15.04.420, and 43.19A.150; adding new sections to chapter 70A.207 RCW; adding a new section to chapter 43.23 RCW; adding a new section to chapter 70A.455 RCW; and creating new sections."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2301 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Dye spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2301, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2301, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 36; Absent, 0; Excused, 4

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

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

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2301, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384, with the following amendment(s): 2384-S.E AMS ENGR S5627.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.63 RCW to read as follows:

The definitions in this section apply throughout this section and sections 2 through 6 of this act unless the context clearly requires otherwise.

(1) "Automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the front or rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device. "Automated traffic safety camera" also includes a device used to detect stopping at intersection or crosswalk violations; stopping when traffic obstructed violations; public transportation only lane violations; stopping or traveling in restricted lane violations; and public transportation bus stop zone violations detected by a public transportation vehicle-mounted system.

(2) "Hospital speed zone" means the marked area within hospital property and extending 300 feet from the border of the hospital property (a) consistent with hospital use; and (b) where signs are posted to indicate the location is within a hospital speed zone, where "hospital" has the same meaning as in RCW 70.41.020.

(3) "Public park speed zone" means the marked area within public park property and extending 300 feet from the border of the public park property (a) consistent with active park use; and (b) where signs are posted to indicate the location is within a public park speed zone.

(4) "Public transportation vehicle" means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes. "Transit authority" has

the same meaning as provided in RCW 9.91.025.

(5) "Roadway work zone" means an area of any city roadway, including state highways that are also classified as city streets under chapter 47.24 RCW, or county road as defined in RCW 46.04.150, with construction, maintenance, or utility work with a duration of 30 calendar days or more. A roadway work zone is identified by the placement of temporary traffic control devices that may include signs, channelizing devices, barriers, pavement markings, and/or work vehicles with warning lights. A roadway work zone extends from the first warning sign or high intensity rotating, flashing, oscillating, or strobe lights on a vehicle to the end road work sign or the last temporary traffic control device or vehicle.

(6) "School speed zone" has the same meaning as described in RCW 46.61.440 (1) and (2).

(7) "School walk zone" means a roadway identified under RCW 28A.160.160 or roadways within a one-mile radius of a school that students use to travel to school by foot, bicycle, or other means of active transportation.

NEW SECTION. Sec. 2. A new section is added to chapter 46.63 RCW to read as follows:

(1) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(2) Any city or county may authorize the use of automated traffic safety cameras and must adopt an ordinance authorizing such use through its local legislative authority.

(3) The local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located before adding traffic safety cameras to a new location or relocating any existing camera to a new location within the jurisdiction. The analysis must include equity considerations including the impact of the camera placement on livability, accessibility, economics, education, and environmental health when identifying where to locate an automated traffic safety camera. The analysis must also show a demonstrated need for traffic cameras based on one or more of the following in the vicinity of the proposed camera location: Travel by vulnerable road users, evidence of vehicles speeding, rates of collision, reports showing near collisions, and anticipated or actual ineffectiveness or infeasibility of other mitigation measures.

(4) Automated traffic safety cameras may not be used on an on-ramp to a limited access facility as defined in RCW 47.52.010.

(5) A city may use automated traffic safety cameras to enforce traffic ordinances in this section on state highways that are also classified as city streets under chapter 47.24 RCW. A city government must notify the department of transportation when it installs an automated traffic safety

camera to enforce traffic ordinances as authorized in this subsection.

(6)(a) At a minimum, a local ordinance adopted pursuant to this section must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties must also post such restrictions and other automated traffic safety camera policies on the city's or county's website. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to adopt an authorizing ordinance.

(b)(i) Cities and counties using automated traffic safety cameras must post an annual report on the city's or county's website of the number of traffic crashes that occurred at each location where an automated traffic safety camera is located, as well as the number of notices of infraction issued for each camera. Beginning January 1, 2026, the annual report must include the percentage of revenues received from fines issued from automated traffic safety camera infractions that were used to pay for the costs of the automated traffic safety camera program and must describe the uses of revenues that exceeded the costs of operation and administration of the automated traffic safety camera program by the city or county.

(ii) The Washington traffic safety commission must provide an annual report to the transportation committees of the legislature, and post the report to its website for public access, beginning July 1, 2026, that includes aggregated information on the use of automated traffic safety cameras in the state that includes an assessment of the impact of their use, information required in city and county annual reports under (b)(i) of this subsection, and information on the number of automated traffic safety cameras in use by type and location, with an analysis of camera placement in the context of area demographics and household incomes. To the extent practicable, the commission must also provide in its annual report the number of traffic accidents, speeding violations, single vehicle accidents, pedestrian accidents, and driving under the influence violations that occurred at each location where an automated traffic safety camera is located in the five years before each camera's authorization and after each camera's authorization. Cities and counties using automated traffic safety cameras must provide the commission with the data it requests for the report required under this subsection in a form and manner specified by the commission.

(7) All locations where an automated traffic safety camera is used on roadways or intersections must be clearly marked by placing signs at least 30 days prior to activation of the camera in locations that clearly indicate to a driver either that: (a) The driver is within an area where automated traffic safety cameras are authorized; or (b) the driver is entering an area where violations are enforced by an automated traffic safety camera. The signs must be readily visible to a driver

approaching an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW. All public transportation vehicles utilizing a vehicle-mounted system must post a sign on the rear of the vehicle indicating to drivers that the vehicle is equipped with an automated traffic safety camera to enforce bus stop zone violations.

(8) Automated traffic safety cameras may only record images of the vehicle and vehicle license plate and only while an infraction is occurring. The image must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to record images of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties must consider installing automated traffic safety cameras in a manner that minimizes the impact of camera flash on drivers.

(9) A notice of infraction must be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name and address under subsection (17) of this section. The notice of infraction must include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(10) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (17) of this section. If appropriate under the circumstances, a renter identified under subsection (17)(a) of this section is responsible for an infraction.

(11) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this section are for the exclusive use of authorized city or county employees, as specified in RCW 46.63.030(1)(d), in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image, or any other personally

identifying data may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section. Transit authorities must provide to the appropriate local jurisdiction that has authorized traffic safety camera use under section 6(2) of this act any images or evidence collected establishing that a violation of stopping, standing, or parking in a bus stop zone has occurred for infraction processing purposes consistent with this section.

(12) If a county or city has established an automated traffic safety camera program as authorized under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment. If the contract between the city or county and manufacturer or vendor of the equipment does not provide for performance or quality control measures regarding camera images, the city or county must perform a performance audit of the manufacturer or vendor of the equipment every three years to review and ensure that images produced from automated traffic safety cameras are sufficient for evidentiary purposes as described in subsection (9) of this section.

(13)(a) Except as provided in (d) of this subsection, a county or a city may only use revenue generated by an automated traffic safety camera program as authorized under this section for:

(i) Traffic safety activities related to construction and preservation projects and maintenance and operations purposes including, but not limited to, projects designed to implement the complete streets approach as defined in RCW 47.04.010, changes in physical infrastructure to reduce speeds through road design, and changes to improve safety for active transportation users, including improvements to access and safety for road users with mobility, sight, or other disabilities; and

(ii) The cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions.

(b) Except as provided in (d) of this subsection:

(i) The automated traffic safety camera program revenue used by a county or city with a population of 10,000 or more for purposes described in (a)(i) of this subsection must include the use of revenue in census tracts of the city or county that have household incomes in the lowest quartile determined by the most currently available census data and areas that experience rates of injury crashes that are above average for the city or county. Funding contributed from traffic safety program revenue must be, at a minimum, proportionate to the share of the population of the county or city who are residents of these low-income communities and communities experiencing high injury crash rates. This share must be directed to investments that provide direct and meaningful traffic safety benefits to these communities. Revenue used

to administer, install, operate, and maintain automated traffic safety cameras, including the cost of processing infractions, are excluded from determination of the proportionate share of revenues under this subsection (13)(b); and

(ii) The automated traffic safety camera program revenue used by a city or county with a population under 10,000 for traffic safety activities under (a)(i) of this subsection must be informed by the department of health's environmental health disparities map.

(c) Except as provided in (d) of this subsection, beginning four years after an automated traffic safety camera authorized under this section is initially placed and in use after the effective date of this section, 25 percent of the noninterest money received for infractions issued by such cameras in excess of the cost to administer, install, operate, and maintain the cameras, including the cost of processing infractions, must be deposited into the Cooper Jones active transportation safety account created in RCW 46.68.480.

(d)(i)(A) Jurisdictions with an automated traffic safety camera program in effect before January 1, 2024, may continue to allocate revenue generated from automated traffic safety cameras authorized under sections 3 and 5(2)(c) of this act as determined by the jurisdiction, as well as for the purposes established in (a) through (c) of this subsection, by:

(I) Up to a 10 percent increase in the number of traffic safety camera locations authorized to detect violations for automated traffic safety cameras authorized under section 3 of this act; and

(II) Up to a 10 percent increase in the number of traffic safety camera locations authorized to detect violations for automated traffic safety cameras authorized under section 5(2)(c) of this act.

(B)(I) Any automated traffic safety camera program in effect before January 1, 2024, with fewer than 10 traffic safety camera locations for automated traffic safety cameras authorized under section 3 of this act, which adds automated traffic safety cameras to one additional location for the use of cameras authorized under section 3 of this act, may continue to allocate revenue generated from automated traffic safety cameras authorized under section 3 of this act as determined by the jurisdiction, as well as for the purposes established in (a) through (c) of this subsection.

(II) Any automated traffic safety camera program in effect before January 1, 2024, with fewer than 10 traffic safety camera locations for automated traffic safety cameras authorized under section 5(2)(c) of this act as of January 1, 2024, which adds automated traffic safety cameras to one additional location for the use of cameras authorized under section 5(2)(c) of this act, may continue to allocate revenue generated from automated traffic safety cameras authorized under section 5(2)(c) of this act as determined by the jurisdiction, as well as for the purposes established in (a) through (c) of this subsection.

(C) For the purposes of this subsection (13)(d)(i), a location is:

(I) An intersection for automated traffic safety cameras authorized under section 3 of this act where cameras authorized under section 3 of this act are in use; and

(II) A school speed zone for automated traffic safety cameras authorized under section 5(2)(c) of this act where cameras authorized under section 5(2)(c) of this act are in use.

(ii) The revenue distribution requirements under (a) through (d)(i) of this subsection do not apply to automated traffic safety camera programs in effect before January 1, 2024, for which an ordinance in effect as of January 1, 2024, directs the manner in which revenue generated from automated traffic safety cameras authorized under section 3 or 5(2)(c) of this act must be used.

(14) A county or city may adopt the use of an online ability-to-pay calculator to process and grant requests for reduced fines or reduced civil penalties for automated traffic safety camera violations.

(15) Except as provided in this subsection, registered owners of vehicles who receive notices of infraction for automated traffic safety camera-enforced infractions and are recipients of public assistance under Title 74 RCW or participants in the Washington women, infants, and children program, and who request reduced penalties for infractions detected through the use of automated traffic safety camera violations, must be granted reduced penalty amounts of 50 percent of what would otherwise be assessed for a first automated traffic safety camera violation and for subsequent automated traffic safety camera violations issued within 21 days of issuance of the first automated traffic safety camera violation. Eligibility for Medicaid under RCW 74.09.510 is not a qualifying criterion under this subsection. Registered owners of vehicles who receive notices of infraction must be provided with information on their eligibility and the opportunity to apply for a reduction in penalty amounts through the mail or internet.

(16) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section must be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera may not exceed \$145, as adjusted for inflation by the office of financial management every five years, beginning January 1, 2029, based upon changes in the consumer price index during that time period, but may be doubled for a school speed zone infraction generated through the use of an automated traffic safety camera.

(17) If the registered owner of the vehicle is a rental car business, the issuing agency must, before a notice of

infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within 18 days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. Timely mailing of this statement to the issuing agency relieves a rental car business of any liability under this chapter for the notice of infraction.

NEW SECTION. Sec. 3. A new section is added to chapter 46.63 RCW to read as follows:

(1) Automated traffic safety cameras may be used to detect stoplight violations, subject to section 2 of this act.

(2) Automated traffic safety cameras used to detect stoplight violations are restricted to intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera.

NEW SECTION. Sec. 4. A new section is added to chapter 46.63 RCW to read as follows:

(1) Automated traffic safety cameras may be used to detect railroad grade crossing violations, subject to section 2 of this act.

(2) Automated traffic safety cameras at railroad grade crossings may be used only to detect instances when a vehicle fails to stop when facing an activated railroad grade crossing control signal.

NEW SECTION. Sec. 5. A new section is added to chapter 46.63 RCW to read as follows:

(1) Automated traffic safety cameras may be used to detect speed violations, subject to section 2 of this act.

(2) Automated traffic safety cameras may be used to detect speed violations within the following locations:

- (a) Hospital speed zones;
- (b) Public park speed zones;
- (c) School speed zones;
- (d) School walk zones;

(e) Roadway work zones, except that a notice of infraction may only be issued if an automated traffic safety camera captures a speed violation when workers are present; and

(f) State highways within city limits that are classified as city streets under chapter 47.24 RCW.

(3) In addition to the automated traffic safety cameras that may be authorized for specified zones or roads in subsection (2) of this section, the local legislative authority may authorize the use of one additional automated traffic safety camera per 10,000 population to detect speed violations in locations deemed by the local legislative authority to experience higher crash risks due to excessive vehicle speeds. For automated traffic safety cameras authorized to detect speed violations as part of a pilot program prior to the effective date of this section, the location must be deemed by a local legislative authority to have experienced higher crash risks due to excessive vehicle speeds prior to installation of the automated traffic safety camera.

(4) Notices of infraction for automated traffic safety camera-detected speed violations may not be issued to the registered vehicle owner of:

(a) A marked fire engine equipped with emergency lights and siren; or

(b) An ambulance licensed by the department of health and equipped with emergency lights and siren.

NEW SECTION. Sec. 6. A new section is added to chapter 46.63 RCW to read as follows:

(1)(a) Subject to section 2 of this act and as limited in this subsection, automated traffic safety cameras may be used in cities with populations of more than 500,000 residents to detect one or more of the following violations:

(i) Stopping when traffic obstructed violations;

(ii) Stopping at intersection or crosswalk violations;

(iii) Public transportation only lane violations; or

(iv) Stopping or traveling in restricted lane violations.

(b) Use of automated traffic safety cameras as authorized in this subsection (1) is restricted to the following locations only: Intersections as described in section 3(2) of this act; railroad grade crossings; school speed zones; school walk zones; public park speed zones; hospital speed zones; and midblock on arterials. The use of such automated traffic safety cameras is further limited to the following:

(i) The portion of state and local roadways in downtown areas of the city used for office and commercial activities, as well as retail shopping and support services, and that may include mixed residential uses;

(ii) The portion of state and local roadways in areas in the city within one-half mile north of the boundary of the area described in (b)(i) of this subsection;

(iii) Portions of roadway systems in the city that travel into and out of (b)(ii) of this subsection that are designated by the Washington state department of transportation as noninterstate freeways for up to four miles; and

(iv) Portions of roadway systems in the city connected to the portions of the noninterstate freeways identified in (b) (iii) of this subsection that are designated by the Washington state department of transportation as arterial roadways for up to one mile from the intersection of the arterial roadway and the noninterstate freeway.

(2) Subject to section 2 of this act, automated traffic safety cameras may also be used in cities with a bus rapid transit corridor or routes to detect public transportation only lane violations.

(3) Subject to section 2 of this act, automated traffic safety cameras that are part of a public transportation vehicle-mounted system may be used by a transit authority within a county with a population of more than 1,500,000 residents to detect stopping, standing, or parking in bus stop zone violations if authorized by the local legislative authority with jurisdiction over the transit authority.

(4) Subject to section 2 of this act, and in consultation with the department of transportation, automated traffic safety cameras may be used to detect ferry queue violations under RCW 46.61.735.

(5) A transit authority may not take disciplinary action regarding a warning or infraction issued pursuant to subsections (1) through (3) of this section against an employee who was operating a public transportation vehicle at the time the violation that was the basis of the warning or infraction was detected.

Sec. 7. RCW 46.16A.120 and 2012 c 83 s 5 are each amended to read as follows:

(1) Each court and government agency located in this state having jurisdiction over standing, stopping, and parking violations, the use of a photo toll system under RCW 46.63.160, the use of automated traffic safety cameras under ((RCW 46.63.170)) sections 2 through 6 of this act, and the use of automated school bus safety cameras under RCW 46.63.180 may forward to the department any outstanding:

(a) Standing, stopping, and parking violations;

(b) Civil penalties for toll nonpayment detected through the use of photo toll systems issued under RCW 46.63.160;

(c) Automated traffic safety camera infractions issued under RCW 46.63.030(1) (d); and

(d) Automated school bus safety camera infractions issued under RCW 46.63.030(1) (e).

(2) Violations, civil penalties, and infractions described in subsection (1) of this section must be reported to the department in the manner described in RCW 46.20.270(3).

(3) The department shall:

(a) Record the violations, civil penalties, and infractions on the matching vehicle records; and

(b) Send notice approximately ((one hundred twenty))120 days in advance of the current vehicle registration expiration date to the registered owner listing the dates and jurisdictions in which the violations,

civil penalties, and infractions occurred, the amounts of unpaid fines and penalties, and the surcharge to be collected. Only those violations, civil penalties, and infractions received by the department ((one hundred twenty))120 days or more before the current vehicle registration expiration date will be included in the notice. Violations, civil penalties, and infractions received by the department later than ((one hundred twenty))120 days before the current vehicle registration expiration date that are not satisfied will be delayed until the next vehicle registration expiration date.

(4) The department, county auditor or other agent, or subagent appointed by the director shall not renew a vehicle registration if there are any outstanding standing, stopping, and parking violations, and other civil penalties issued under RCW 46.63.160 for the vehicle unless:

(a) The outstanding standing, stopping, or parking violations and civil penalties were received by the department within ((one hundred twenty))120 days before the current vehicle registration expiration;

(b) There is a change in registered ownership; or

(c) The registered owner presents proof of payment of each violation, civil penalty, and infraction provided in this section and the registered owner pays the surcharge required under RCW 46.17.030.

(5) The department shall:

(a) Forward a change in registered ownership information to the court or government agency who reported the outstanding violations, civil penalties, or infractions; and

(b) Remove the outstanding violations, civil penalties, and infractions from the vehicle record.

Sec. 8. RCW 46.63.030 and 2023 c 17 s 1 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence, except as provided in RCW 46.09.485;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed;

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction;

(d) When the infraction is detected through the use of an automated traffic safety camera under ((RCW 46.63.170)) sections 2 through 6 of this act. A trained and authorized civilian employee of a general authority Washington law enforcement agency, as defined in RCW 10.93.020, or an employee of a local public works or transportation department performing under the supervision of a qualified traffic engineer and as designated by a city or county, has the authority to review infractions detected through the use of an automated traffic safety camera under sections 2 through 6 of this act and to

issue notices of infraction consistent with section 2(9) of this act. These employees must be sufficiently trained and certified in reviewing infractions and issuing notices of infraction by qualified peace officers or by traffic engineers employed in the jurisdiction's public works or transportation department. Nothing in this subsection impairs decision and effects collective bargaining rights under chapter 41.56 RCW;

(e) When the infraction is detected through the use of an automated school bus safety camera under RCW 46.63.180. A trained and authorized civilian employee of a general authority Washington law enforcement agency, as defined in RCW 10.93.020, or an employee of a local public works or transportation department performing under the supervision of a qualified traffic engineer and as designated by a city or county, has the authority to review infractions detected through the use of an automated school bus safety camera under RCW 46.63.180 and to issue notices of infraction consistent with RCW 46.63.180(1)(b). These employees must be sufficiently trained and certified in reviewing infractions and issuing notices of infraction by qualified peace officers or by traffic engineers employed in the jurisdiction's public works or transportation department. Nothing in this subsection impairs decision and effects collective bargaining rights under chapter 41.56 RCW; or

(f) When the infraction is detected through the use of a speed safety camera system under RCW 46.63.200.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering—Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will

not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

Sec. 9. RCW 46.63.180 and 2013 c 306 s 716 are each amended to read as follows:

(1) School districts may install and operate automated school bus safety cameras on school buses to be used for the detection of violations of RCW 46.61.370(1) if the use of the cameras is approved by a vote of the school district board of directors. School districts are not required to take school buses out of service if the buses are not equipped with automated school bus safety cameras or functional automated safety cameras. Further, school districts shall be held harmless from and not liable for any criminal or civil liability arising under the provisions of this section.

(a) Automated school bus safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(b) A notice of infraction must be mailed to the registered owner of the vehicle within ~~((fourteen))~~ 14 days of the violation, or to the renter of a vehicle within ~~((fourteen))~~ 14 days of establishing the renter's name and address under subsection (2)(a)(i) of this section. The ~~((law enforcement officer issuing the))~~ notice of infraction ~~((shall))~~ must also include a certificate or facsimile of the notice, based upon inspection of photographs, microphotographs, or electronic images produced by an automated school bus safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated school bus safety camera may respond to the notice by mail.

(c) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (2) of this section. If appropriate under the circumstances, a renter identified under subsection (2)(a)(i) of this section is responsible for an infraction.

(d) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of ~~((law enforcement))~~ authorized city or county employees, as specified in RCW 46.63.030(1)(e), in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending

action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(e) If a school district installs and operates an automated school bus safety camera under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment. Further, any repair, replacement, or administrative work costs related to installing or repairing automated school bus safety cameras must be solely paid for by the manufacturer or vendor of the cameras. Before entering into a contract with the manufacturer or vendor of the equipment used under this subsection (1)(e), the school district must follow the competitive bid process as outlined in RCW 28A.335.190(1).

(f) Any revenue collected from infractions detected through the use of automated school bus safety cameras, less the administration and operating costs of the cameras, must be remitted to school districts for school zone safety projects as determined by the school district using the automated school bus safety cameras. The administration and operating costs of the cameras includes infraction enforcement and processing costs that are incurred by local law enforcement or local courts. During the 2013-2015 fiscal biennium, the infraction revenue may also be used for school bus safety projects by those school districts eligible to apply for funding from the school zone safety account appropriation in section 201, chapter 306, Laws of 2013.

(2)(a) If the registered owner of the vehicle is a rental car business, the ~~((law enforcement))~~ issuing agency shall, before a notice of infraction is issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within ~~((eighteen))~~ 18 days of receiving the written notice, provide to the issuing agency by return mail:

(i) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred;

(ii) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection (2)(a)(ii) must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(iii) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

(b) Timely mailing of a statement under this subsection to the issuing ~~((law enforcement))~~ agency relieves a rental car

business of any liability under this chapter for the notice of infraction.

(3) For purposes of this section, "automated school bus safety camera" means a device that is affixed to a school bus that is synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a vehicle at the time the vehicle is detected for an infraction identified in RCW 46.61.370(1).

Sec. 10. RCW 46.63.075 and 2023 c 17 s 2 are each amended to read as follows:

(1) In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera under ~~((RCW 46.63.170))~~ sections 2 through 6 of this act, detected through the use of a speed safety camera system under RCW 46.63.200, or detected through the use of an automated school bus safety camera under RCW 46.63.180, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of sections 2 through 6 of this act or RCW ~~((46.63.170,))~~ 46.63.200~~((r))~~ and 46.63.180, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

(2) This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

Sec. 11. RCW 46.68.480 and 2023 c 431 s 8 are each amended to read as follows:

The Cooper Jones active transportation safety account is created in the state treasury. All receipts from penalties collected under ~~((RCW 46.63.170))~~ section 2(13)(c) of this act and funds designated by the legislature shall be deposited into the account. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvement administered by the Washington traffic safety commission. By December 1, 2024, and every two years thereafter, the commission shall report to the transportation committees of the legislature regarding the activities funded from the account. The account is subject to allotment procedures under chapter 43.88 RCW. Moneys in the account may be spent only after appropriation.

NEW SECTION. **Sec. 12.** RCW 46.63.170 (Automated traffic safety cameras—Definition) and 2022 c 182 s 424, 2022 c 182 s 423, 2020 c 224 s 1, 2015 3rd sp.s. c 44 s 406, 2015 1st sp.s. c 10 s 702, & 2013 c 306 s 711 are each repealed."

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

and insert "amending RCW 46.16A.120, 46.63.030, 46.63.180, 46.63.075, and 46.68.480; adding new sections to chapter 46.63 RCW; and repealing RCW 46.63.170."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384 and advanced the bill, as amended by the Senate, to final passage.

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

Representative Barkis spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2384, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2384, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 55; Nays, 38; Absent, 0; Excused, 4

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Rule, Ryu, Santos, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Walen, Wylie and Mme. Speaker

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

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2441, with the following amendment(s): 2441-S.E AMS WM S5572.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Subject to the amounts appropriated for this specific purpose, the student achievement council shall select a private,

not-for-profit four-year institution as defined in RCW 28B.07.020(4) with a main campus located in Yakima county and who serves rural or underserved communities to participate in a pilot program to offer college in the high school courses at no cost to the students enrolling in the courses.

(2) The student achievement council shall distribute funds to the pilot institution at a rate of \$300 per student, up to a maximum of \$6,000 per college in the high school course administered by the pilot institution.

(3) College in the high school courses shall not include content or instruction that would subject students to religious behavior or conduct by the pilot institution or its faculty.

(4)(a) The pilot institution shall provide the following information to the student achievement council by November 1, 2025, and annually thereafter:

(i) College in the high school courses offered, including:

(A) The name of each course;

(B) The number of courses offered;

(C) The specific locations where the courses are taught; and

(D) Student enrollment information disaggregated by school districts and high schools;

(ii) Data on college in the high school student demographics;

(iii) Awards of postsecondary credit at the pilot institution; and

(iv) The academic performance of students taking the offered college in the high school courses.

(b) The student achievement council shall compile the information provided in (a) of this subsection and provide a report to the legislature by December 1, 2025, and annually thereafter, in compliance with RCW 43.01.036.

(5) As used in this section:

(a) "Course" means a class taught under a contract between an institution and a single high school teacher on an articulated subject in which the student is eligible to receive college credit.

(b) "High school" means a public school, as defined in RCW 28A.150.010, that serves students in any of grades nine through 12.

(6) This section expires December 31, 2030.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) In administering section 1 of this act, the student achievement council shall adopt rules which allow for each institution of higher education to annually sign an affidavit that the institution has adopted policies in compliance with this section. The affidavit must attest to the following nondiscrimination policies:

(a) The institution prohibits discrimination on the basis of race, creed, color, national origin, citizenship or immigration status, sex, veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide

or service animal by a person with a disability;

(b) The institution operates its education program or activity in a manner free of discrimination. No student may be excluded from participation in an education program or activity, denied the benefits of an education program or activity, or subjected to discrimination on the basis of that student's age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon bona fide qualification of the education program; and

(c) The institution, acting in its capacity as an employer, does not:

(i) Refuse to hire, promote, or confer tenure to any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless based upon bona fide occupational qualification. However, the prohibition against discrimination because of a disability in this subsection (1)(c)(i) does not apply if the particular disability prevents the proper performance of the particular work involved. This subsection may not be construed to require an employer to establish employment goals or quotas based on sexual orientation;

(ii) Discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability;

(iii) Discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. However, this section does not prohibit an employer from segregating wash rooms or locker room facilities on the basis of sex, or basing other terms and conditions of employment on the sex of employees where the Washington state human rights commission, created under chapter 49.60 RCW, has by regulation or ruling in a particular instance found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes; or

(iv) Print or circulate, or cause to be printed or circulated, any statement, advertisement, or publication, or use any form of application for employment, or make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age,

sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability; or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification. However, nothing in this subsection prohibits advertising in a foreign language.

(2) Participation in theology academic programs and campus ministry departments, including the employment, promotion, or granting of tenure of faculty members for courses of study in theology, is exempt from the requirements under this section.

(3) Institutions of higher education that take no action regarding the signing of the affidavit are ineligible to participate in the pilot program in section 1 of this act."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "adding new sections to chapter 28B.10 RCW; and providing an expiration date."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2441 and advanced the bill, as amended by the Senate, to final passage.

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2441, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2441, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2441, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

****FORMAT CHANGED TO ACCOMMODATE TEXT****

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2494, with the following amendment(s): 2494-S.E AMS EDU S5365.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that schools are facing increased operating costs to serve students and staff. Some of these increases are beyond inflationary adjustments and reflect the evolving needs and requirements of schools. Therefore, the legislature intends to increase funding for materials, supplies, and operating costs in schools to address evolving operational needs.

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), (8), 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 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:

| | Elementa ry School | Middle School | High School |
|--|--------------------------|------------------|----------------|
| Principals, assistant principals, and other certificated building-level administrators. | 1.253 | 1.353 | 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 |
| Teaching assistance, including any aspect of educational instructional services provided by classified employees. | 0.936 | 0.700 | 0.652 |
| Office support and other noninstructional aides. | 2.012 | 2.325 | 3.269 |
| 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.

(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))~~2023-24 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)) \$178.98 |
| Utilities and insurance. | (((\$355.30)) \$430.26 |
| Curriculum and textbooks. | (((\$140.39)) \$164.48 |
| Other supplies | (((\$278.05)) \$326.54 |
| Library materials. | (((\$20.00)) \$22.65 |
| Instructional professional development for certificated and classified staff. | (((\$21.71)) \$28.94 |
| Facilities maintenance. | (((\$176.01)) \$206.22 |
| Security and central office administration. | (((\$121.94)) \$146.37 |

(b) In addition to the amounts provided in (a) of this subsection, beginning in the ~~((2014-15))~~2023-24 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)) \$44.05 |
| Curriculum and textbooks. | (((\$39.02)) \$48.06 |
| Other supplies | (((\$77.28)) \$94.07 |
| Library materials. | (((\$5.56)) \$6.05 |
| Instructional professional development for certificated and classified staff. | (((\$6.04)) \$8.01 |

(c) The increased allocation amount of \$21 per annual average full-time equivalent student for materials, supplies, and operating costs provided under (a) of this subsection is intended to address growing costs in the enumerated categories and may not be expended for any other purpose.

(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, 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.

NEW SECTION. Sec. 3. The state must provide the full school year amount for materials, supplies, and operating costs 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.

This section expires September 1, 2024.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.150.260; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2494 and advanced the bill, as amended by the Senate, to final passage.

Representatives Bergquist and Rude spoke in favor of the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2494, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2494, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Goehner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger,

Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2494, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2180, with the following amendment(s): 2180-S AMS ROBI S5639.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.150.390 and 2023 c 417 s 3 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(ii) If the enrollment percent exceeds ~~((15))16~~ percent, the excess cost allocation calculated under (b)(i) of this subsection must be adjusted by multiplying the allocation by ~~((15))16~~ percent divided by the enrollment percent.

(3) As used in this section:

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

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

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

NEW SECTION. **Sec. 2.** The state auditor, in consultation with the office of the superintendent of public instruction, shall conduct a review of the prevalence of disabilities and whether the provisions and funding for evaluating students and providing services reflects the prevalence of disabilities, including whether any populations are disparately underevaluated or underserved. The state auditor must report findings and recommendations to the governor and the committees of the legislature with jurisdiction over fiscal matters and special education by November 30, 2025.

This section expires March 30, 2026."

On page 1, line 2 of the title, after "cap;" strike the remainder of the title and insert "amending RCW 28A.150.390; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Sarah Bannister, Secretary

MOTION

Representative Bergquist moved that the House concur with the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2180.

Representative Bergquist spoke in favor of the motion.

Representative Couture spoke against the motion.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the motion to concur with the Senate amendment(s) to Substitute House Bill No. 2180, and the motion passed the House by the following vote: Yeas, 52; Nays, 41; Absent, 0; Excused, 4

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Chapman, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Walen, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Callan, Chambers, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, McClintock, Mosbrucker, Orcutt, Paul, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Steele, Stokesbary, Timmons, Volz, Walsh, Waters and Ybarra

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

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

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Bronoske presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2180, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2180, as amended by the Senate, and the bill

passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4

Voting Yea: Representatives Abbarno, Alvarado, Barkis, Barnard, Bateman, Berg, Bergquist, Berry, Bronoske, Caldier, Callan, Chambers, Chapman, Cheney, Chopp, Christian, Connors, Corry, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Dye, Entenman, Eslick, Farivar, Fey, Fitzgibbon, Fosse, Gochner, Goodman, Graham, Gregerson, Griffey, Hackney, Harris, Hutchins, Jacobsen, Klicker, Kloba, Kretz, Leavitt, Lekanoff, Low, Macri, McClintock, Mena, Morgan, Mosbrucker, Nance, Orcutt, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Reed, Reeves, Riccelli, Robertson, Rude, Rule, Ryu, Sandlin, Santos, Schmick, Schmidt, Senn, Shavers, Simmons, Slatter, Springer, Stearns, Steele, Stokesbary, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Volz, Walen, Walsh, Waters, Wylie, Ybarra and Mme. Speaker

Excused: Representatives Chandler, Maycumber, Ramos and Wilcox

SUBSTITUTE HOUSE BILL NO. 2180, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510, with the following amendment(s): 1510-S.E AMS ENGR S5550.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

(1) Beginning July 1, 2025, 30 percent of the revenue of the state tax imposed pursuant to RCW 82.08.020(1) on each retail sale occurring at a qualified facility pursuant to this chapter must be deposited into the community preservation and development authority account under RCW 43.167.040. For fiscal year 2026, the maximum amount to be deposited to the account is \$3,000,000. For each fiscal year thereafter, the maximum amount to be deposited to the account must be adjusted based on the consumer price index that is published by November 15th of the previous year for the most recent 12-month period. The adjusted maximum amount must be rounded to the nearest \$1,000. The revenue shall be deposited equally between the operating subaccount and the capital subaccount.

(2)(a) By November 1st and by May 1st of each year, the department must calculate the amount of state sales and use tax collected as the result of retail sales at a qualified facility during the previous six months. The department must determine the appropriate amount to be deposited into the community preservation and development authority accounts based on the provisions of subsection (1) of this section.

(b) The department must notify the state treasurer of the amount of revenue required to be transferred to the community preservation and development authority account by December 1st and by June 1st each year. The treasurer must deposit those funds into the community preservation and

development authority account under RCW 43.167.040 by December 31st and June 30th each year.

(3) For purposes of this section, the following definitions apply.

(a) "Consumer price index" means, for any 12-month period, the average consumer price index for that 12-month period for the Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(b) "Qualified facility" means a facility located in a county with a community preservation and development authority that: (i) Has a seating capacity of at least 68,000 fixed seats in an open-air stadium and has related event space of at least 300,000 square feet; or (ii) has a seating capacity of at least 47,000 seats for its main use and a retractable roof.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of section 1 of this act apply throughout this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 43.167 RCW to read as follows:

(1) It is the legislature's specific public policy objective to provide funding pursuant to section 1 of this act to the community preservation and development authorities, as created in this chapter, to promote and enhance the health, safety, and economic well-being of communities adversely impacted by the construction of, or on-going operation of, multiple major public facilities, public works, and capital projects. It is the intent of the legislature for the joint legislative audit and review committee to conduct a review of the funding and provide its findings to the legislature by December 1, 2033.

(2) The legislature intends to extend the expiration date of this funding if the review finds that the community preservation and development authority:

(a) Increases the economic vitality of the area by providing assistance to struggling small businesses in the area and assisting in the repair of unreinforced masonry that allows businesses to remain in place, increases the safety of residents, and promotes the conversion of unused and underutilized properties to benefit the community;

(b) Enhances the livability of the community by assisting in addressing the litter and debris in streets and alleys and provide remediation to address the impacts of homelessness; and

(c) Addresses housing needs, including funding new low-income and workforce housing units, as well as funding locally based street outreach to support interventions for unhoused residents.

(3) In order to obtain the data necessary to perform the review in subsection (2) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.167 RCW to read as follows:

Any community preservation and development authority organized pursuant to this chapter must submit a biennial report to the appropriate committees of the legislature on their strategic plan, use of funding, and impacts on the community by November 1st of each odd-numbered year.

NEW SECTION. **Sec. 5.** This act expires January 1, 2036."

On page 1, line 3 of the title, after "43.167.060;" strike the remainder of the title and insert "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 43.167 RCW; and providing an expiration date."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1510 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

Thursday, February 29, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2147, with the following amendment(s): 2147-S AMS AWP S5060.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington agriculture is complex and highly diverse, producing more than 300 agricultural commodities on over 35,900 farms. Agricultural production in Washington is highly valued, generating \$12,800,000,000 per year in production value, not including over \$17,000,000,000 in food and agricultural products that pass through Washington's ports annually.

(2) The legislature also finds that the Washington state department of agriculture's statutory duties include monitoring and responding to new, emerging, and transboundary plant and animal pests and diseases. Pest and disease challenges, to the state's food systems, public health, and the environment, have increased in frequency and severity due to changing climate patterns and global trade flows.

(3) In order to better protect Washington's food and agricultural economy, public health, and the environment, the legislature intends to provide more reliable and readily available funding to prevent, quickly detect, and rapidly respond to emerging threats from agricultural pests and diseases.

NEW SECTION. **Sec. 2.** (1) The agricultural pest and disease response account is created in the state treasury. All receipts from moneys received pursuant to section 3 of this act, moneys appropriated to the account by the legislature, or moneys directed to the account from any other lawful source, for the purpose of funding emerging agricultural pest and disease response activities, must be deposited into the account. Moneys in the account may be spent only after appropriation.

(2) Following a declaration of emergency under RCW 17.24.171 or issuance of a quarantine order under RCW 16.36.010 or 17.24.041, expenditures from the account may be used only for activities necessary to respond to emerging agricultural pest and disease threats in order to protect the food and agricultural economy of the state, the public health of the state, or the environment of the state including, but not limited to, actions authorized under this chapter and chapters 15.08, 16.36, 16.38, and 17.24 RCW.

(3) By October 1st following any fiscal year in which expenditures were made from the account, the department must provide the director of the office of financial management with a close-out cost summary of expenditures authorized for that fiscal year.

NEW SECTION. **Sec. 3.** Upon the issuance of a declaration of emergency under RCW 17.24.171 or a quarantine order under RCW 16.36.010 or 17.24.041, the state treasurer shall transfer from the general fund to the agricultural pest and disease response account created in section 2 of this act those amounts necessary to bring the balance of the agricultural pest and disease response account to \$2,000,000, based upon the determination of the transfer amount from the office of financial management. The office of financial management must determine the fund balance of the agricultural pest and disease response account as of the previous fiscal month before the issuance of a declaration of emergency or a quarantine order. The office of financial management must promptly notify the state treasurer and the department of the account balance and the necessary transfer amount once a determination is made. A transfer based on the determination by the office of financial management may be made only once every fiscal year.

Sec. 4. RCW 17.24.171 and 2003 c 314 s 6 are each amended to read as follows:

(1) If the director determines that there exists an imminent danger of an infestation of plant pests or plant diseases that seriously endangers the agricultural or horticultural industries of the state, or that seriously threatens life, health, economic well-being, or the environment, the director shall request the governor to order emergency measures to control the pests or plant diseases under RCW 43.06.010(13). The director's findings shall contain an

evaluation of the affect of the emergency measures on public health.

(2) If an emergency is declared pursuant to RCW 43.06.010(13), the director may appoint a committee to advise the governor through the director and to review emergency measures necessary under the authority of RCW 43.06.010(13) and this section and make subsequent recommendations to the governor. ~~((The committee shall include representatives of the agricultural industries, state and local government, public health interests, technical service providers, and environmental organizations.))~~ Invitations to participate on the committee must include representatives of the affected agricultural industries, state and local government, federally recognized tribes, public health interests, technical service providers, and environmental organizations.

(3) Upon the order of the governor of the use of emergency measures, the director is authorized to implement the emergency measures to prevent, control, or eradicate plant pests or plant diseases that are the subject of the emergency order. Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

(4) Upon the order of the governor of the use of emergency measures, the director is authorized to enter into agreements with individuals, companies, or agencies, to accomplish the prevention, control, or eradication of plant pests or plant diseases, notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any other statute.

(5) The director shall continually evaluate the emergency measures taken and report to the governor at intervals of not less than ~~((ten))~~ 60 days. The director shall immediately advise the governor if he or she finds that the emergency no longer exists or if certain emergency measures should be discontinued.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act are each added to chapter 43.23 RCW."

On page 1, line 1 of the title, after "response;" strike the remainder of the title and insert "amending RCW 17.24.171; adding new sections to chapter 43.23 RCW; and creating a new section."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2147 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2357, with the following amendment(s): 2357-S AMS TRAN S5479.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the Washington state patrol has made strides in its efforts to recruit new troopers and address the unprecedented levels of vacancies within its ranks. The legislature has supported those efforts by providing sign-on bonuses for cadets and lateral hires, retention bonuses for new troopers and lateral hires, and requiring parity of trooper salaries relative to other law enforcement agencies in the state of Washington. The legislature further finds that trooper and sergeant vacancies diminish the staff available to advance up through the ranks of commissioned staff to build the leadership team for the organization. The legislature further finds that increases in retirement-eligible staff, with 122 commissioned staff expected to have 25 years of service or more in 2024, means that more needs to be done in the near term to ensure the success of efforts to rebuild the commissioned ranks of the state patrol. Therefore, the legislature intends to strengthen the Washington state patrol's ability to retain senior, experienced commissioned staff with the establishment of a state patrol longevity bonus pilot program.

NEW SECTION. Sec. 2. A new section is added to chapter 43.43 RCW to read as follows:

(1)(a) The temporary state patrol longevity bonus pilot program is established.

(b) Except as provided in subsection (2) of this section, beginning July 1, 2024, until June 30, 2029, an eligible commissioned employee completing 26 or more years of service shall receive an annual state trooper longevity bonus of \$10,000 on the employee's anniversary date of state employment.

(c) For any longevity bonuses awarded between July 1, 2024, and June 30, 2025, as a condition of receiving the bonus, the employee must agree that the employee will stay employed in a commissioned position with the Washington state patrol in the succeeding 12-month period following receiving the bonus. If the employee fails to stay employed in a commissioned position with the Washington state patrol for the full 12-month period following receiving the bonus amount, the employee will be required to pay back the portion of the bonus at \$833 per month for each month the employee failed to stay employed. This amount must be deducted from the final paycheck of the employee including sick leave buyout, vacation leave buyout, and other separation compensation.

(2)(a) Thirty days following any fiscal quarter in which the Washington state patrol's average filled positions in field force trooper positions is equal to or exceeds the 683 total authorized field force trooper positions, the temporary state patrol longevity bonus pilot program must be

terminated and no further bonuses can be awarded.

(b) Beginning July 15, 2024, and every three months thereafter, the Washington state patrol must submit a report showing the average filled positions in field force trooper positions in comparison to the 683 total authorized field force trooper positions in the prior fiscal quarter. The quarterly reports detailed must be submitted to the office of financial management and the transportation committees of the legislature. The authorized field force trooper level as the basis for this comparison may be adjusted as specified in the omnibus transportation appropriations act.

(c) The determination to terminate the temporary state patrol longevity bonus pilot program must be made by the office of financial management based on the quarterly reports submitted pursuant to (b) of this subsection. Prior to a determination to terminate the temporary state patrol longevity bonus pilot program, the office of financial management must consult with the chairs and ranking members of the transportation committees of the legislature.

(3) This section does not interfere with, impede, or in any way diminish the right of the officers of the Washington state patrol to bargain collectively with the state through the exclusive bargaining representatives as provided for in RCW 41.56.473.

(4) The temporary state patrol longevity bonus pilot program created in this section is a time-limited incentive targeted at retaining senior personnel and is not intended to be included in salary or average final salary for calculation of pension benefits in this chapter.

(5) The benefits provided pursuant to this act are not provided to employees as a matter of contractual right. The legislature retains the right to alter or abolish these benefits at any time and at any time the conditions specified in subsection (2) of this section are met.

(6) For the purposes of this section, "eligible commissioned employee" means a Washington state patrol employee with 26 or more years of service in the Washington state patrol retirement system.

(7) This section expires June 30, 2029.

Sec. 3. RCW 43.43.120 and 2021 c 12 s 8 are each amended to read as follows:

As used in this section and RCW 43.43.130 through 43.43.320, unless a different meaning is plainly required by the context:

(1) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the director.

(2) "Annual increase" means as of July 1, 1999, ~~((seventy-seven))~~77 cents per month per year of service which amount shall be increased each subsequent July 1st by three percent, rounded to the nearest cent.

(3)(a) "Average final salary," for members commissioned prior to January 1, 2003, shall mean the average monthly salary

received by a member during the member's last two years of service or any consecutive two-year period of service, whichever is the greater, as an employee of the Washington state patrol; or if the member has less than two years of service, then the average monthly salary received by the member during the member's total years of service.

(b) "Average final salary," for members commissioned on or after January 1, 2003, shall mean the average monthly salary received by a member for the highest consecutive ~~((sixty))~~60 service credit months; or if the member has less than ~~((sixty))~~60 months of service, then the average monthly salary received by the member during the member's total months of service.

(c) In calculating average final salary under (a) or (b) of this subsection, the department of retirement systems shall include:

(i) Any compensation forgone by the member 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 chief;

(ii) Any compensation forgone by a member 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 chief. Reductions to current pay shall not include elimination of previously agreed upon future salary reductions; and

(iii) Any compensation forgone by a member 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 chief. Reductions to current pay shall not include elimination of previously agreed upon future salary increases.

(4) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(5)(a) "Cadet," for a person who became a member of the retirement system after June 12, 1980, is a person who has passed the Washington state patrol's entry-level oral, written, physical performance, and background examinations and is, thereby, appointed by the chief as a candidate to be a commissioned officer of the Washington state patrol.

(b) "Cadet," for a person who became a member of the retirement system before June 12, 1980, is a trooper cadet, patrol cadet, or employee of like classification, employed for the express purpose of receiving the on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper. "Like classification" includes: Radio operators or dispatchers;

persons providing security for the governor or legislature; patrol officers; drivers' license examiners; weighmasters; vehicle safety inspectors; central wireless operators; and warehouse workers.

(6) "Contributions" means the deduction from the compensation of each member in accordance with the contribution rates established under chapter 41.45 RCW.

(7) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(8) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(9) "Director" means the director of the department of retirement systems.

(10) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.040.

(11) "Employee" means any commissioned employee of the Washington state patrol.

(12) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(13) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(14) "Member" means any person included in the membership of the retirement fund.

(15) "Plan 2" means the Washington state patrol retirement system plan 2, providing the benefits and funding provisions covering commissioned employees who first become members of the system on or after January 1, 2003.

(16) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(17) "Regular interest" means interest compounded annually at such rates as may be determined by the director.

(18) "Retirement board" means the board provided for in this chapter.

(19) "Retirement fund" means the Washington state patrol retirement fund.

(20) "Retirement system" means the Washington state patrol retirement system.

(21)(a) "Salary," for members commissioned prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, or any voluntary overtime, earned on or after July 1, 2001, and prior to July 1, 2017. On or after July 1, 2017, salary shall exclude overtime earnings in excess of ~~((seventy))~~70 hours per year in total related to either RCW 47.46.040 or any voluntary overtime. On or after the effective date of this section, salary shall exclude earnings from the longevity bonus created in section 2 of this act.

(b) "Salary," for members commissioned from July 1, 2001, to December 31, 2002, shall exclude any overtime earnings related to RCW 47.46.040 or any voluntary overtime, earned prior to July 1, 2017, lump sum payments for deferred annual sick leave, or any form of severance pay. On or after July 1, 2017, salary shall exclude overtime earnings in excess of ~~((seventy))~~70 hours per year in total related to either RCW 47.46.040 or any voluntary overtime. On or

after the effective date of this section, salary shall exclude earnings from the longevity bonus created in section 2 of this act.

(c) "Salary," for members commissioned on or after January 1, 2003, shall exclude any overtime earnings related to RCW 47.46.040 or any voluntary overtime, earned prior to July 1, 2017, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, holiday pay, or any form of severance pay. On or after July 1, 2017, salary shall exclude overtime earnings in excess of ~~((seventy))~~70 hours per year in total related to either RCW 47.46.040 or any voluntary overtime. On or after the effective date of this section, salary shall exclude earnings from the longevity bonus created in section 2 of this act.

(d) The addition of overtime earnings related to RCW 47.46.040 or any voluntary overtime earned on or after July 1, 2017, in chapter 181, Laws of 2017 is a benefit improvement that increases the member maximum contribution rate under RCW 41.45.0631(1) by 1.10 percent.

(22)(a) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for ~~((seventy))~~70 or more hours in any given calendar month shall constitute one month of service. An employee who is reinstated in accordance with RCW 43.43.110 shall suffer no loss of service for the period reinstated subject to the contribution requirements of this chapter. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by ~~((twelve))~~12. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(b) Reduction efforts such as furloughs, reduced work hours, mandatory leave without pay, temporary layoffs, or other similar situations as contemplated by subsection (3)(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.

(23) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(24) "State treasurer" means the treasurer of the state of Washington.

Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender.

NEW SECTION. Sec. 4. (1) By November 1, 2028, the joint legislative audit and review committee must conduct a performance review of the state patrol longevity bonus pilot program. The performance review must evaluate, at minimum:

(a) The program's impact on retention of senior commissioned staff of the state patrol;

(b) The change in vacancies in each of the commissioned staff categories over time;

(c) An evaluation of optimal commissioned staffing levels at the state patrol, including a comparison to other states' field force staffing levels;

(d) A description of other factors that may be impacting retention and vacancy rates; and

(e) Recommendations for addressing state patrol staffing levels, which must include whether to continue the state patrol longevity bonus program.

(2) This section expires June 30, 2029.

NEW SECTION. Sec. 5. Section 3 of this act expires June 30, 2029."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "establishment of a temporary state patrol longevity bonus; amending RCW 43.43.120; adding a new section to chapter 43.43 RCW; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2357 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

Monday, March 4, 2024

Mme. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5690 and asks the House to recede therefrom.

and the same is herewith transmitted.

Sarah Bannister, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5690 and asked the Senate to concur therein.

The Speaker (Representative Bronoske presiding) called upon Representative Orwall to preside.

MESSAGE FROM THE SENATE

Friday, March 1, 2024

Mme. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589, with the following amendment(s): 1589-S.E AMS NGUY S5695.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION.

Sec. 1. (1) The legislature finds that the state's gas and electrical companies face transformational change brought on by new technology, emerging opportunities for customers, and state clean energy laws. Chapter 19.405 RCW, the Washington clean energy transformation act, and chapter 70A.65 RCW, the Washington climate commitment act, require these companies to find innovative and creative solutions to equitably serve their customers, provide clean energy, reduce emissions, and keep rates fair, just, reasonable, and sufficient.

(2) Gas companies that serve over 500,000 gas customers in Washington state, which are also electrical companies, or large combination utilities, play an important role in providing affordable and reliable heating and other energy services, and in leading the implementation of state climate policies. As the state transitions to cleaner sources of energy, large combination utilities are an important partner in helping their customers make smart energy choices, including actively supporting the replacement of fossil fuel-based space and water heating equipment and other fossil fuel-based equipment with high-efficiency nonemitting equipment. Programs to accelerate the adoption of efficient, nonemitting appliances have the potential to allow large combination utilities to optimize the use of energy infrastructure, improve the management of energy loads, better manage the integration of variable renewable energy resources, reduce greenhouse gas emissions from the buildings sector, mitigate the environmental impacts of utility operations and power purchases, and improve health outcomes for occupants. Legislative clarity is important for utilities to offer programs and services, including incentives, in the decarbonization of homes and buildings for their customers.

(3) In order to meet the statewide greenhouse gas limits in the energy sectors of the economy, more resources must be directed toward achieving decarbonization of residential and commercial heating loads and other loads that are served with fossil fuels, while continuing to protect all customers, but especially low-income customers, vulnerable populations, highly impacted communities, and overburdened communities. The legislature finds that regulatory innovation may be needed to remove barriers that large combination utilities may face to meet the state's public policy objectives and expectations. The enactment of chapter 188, Laws of 2021 (Engrossed Substitute Senate Bill No. 5295) began that regulatory transition from traditional cost-of-service regulation, with investor-owned gas and electrical companies using forward-looking multiyear rate plans and taking steps toward performance-based regulation. These steps are intended to provide certainty and stability to both customers and to investor-owned gas and electrical companies, aligning public policy objectives with investments, safety, and reliability.

(4) The legislature finds that as Washington transitions to 100 percent clean electricity and as the state implements the

Washington climate commitment act, switching from fossil fuel-based heating equipment and other fossil fuel-based appliances to high-efficiency nonemitting equipment will reduce climate impacts and fuel price risks for customers in the long term. This new paradigm requires a thoughtful transition to decarbonize the energy system to ensure that all customers benefit from the transition, that customers are protected, are not subject to sudden price shocks, and continue to receive needed energy services, with an equitable allocation of benefits and burdens. This transition will require careful and integrated planning by and between utilities, the commission, and customers, as well as new regulatory tools.

(5) It is the intent of the legislature to require large combination utilities to decarbonize their systems by: (a) Prioritizing efficient and cost-effective measures to transition customers off of the direct use of fossil fuels at the lowest reasonable cost to customers; (b) investing in the energy supply, storage, delivery, and demand-side resources that will be needed to serve any increase in electrical demand affordably and reliably; (c) maintaining safety and reliability as the gas system undergoes transformational changes; (d) integrating zero-carbon and carbon-neutral fuels to serve high heat and industrial loads where electrification may not be technically feasible; (e) managing peak demand of the electric system; and (f) ensuring an equitable distribution of benefits to, and reduction of burdens for, vulnerable populations, highly impacted communities, and overburdened communities that have historically been underserved by utility energy efficiency programs, and may be disproportionately impacted by rising fuel and equipment costs or experience high energy burden.

(6) It is the intent of the legislature to support this transition by adopting requirements for large combination utilities to conduct integrated system planning to develop specific actions supporting gas system decarbonization and electrification, and reduction in the gas rate base.

(7) It is the intent of the legislature to encourage a robust competitive wholesale market for generation, storage, and demand-side resources to serve the state's electrical companies, other electric utilities, and end-users that secure their own power supply.

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

(1) "Carbon dioxide equivalent" has the same meaning as provided in RCW 70A.65.010.

(2) "Combined heat and power" has the same meaning as provided in RCW 19.280.020.

(3) "Commission" means the utilities and transportation commission.

(4) "Conservation and efficiency resources" means any reduction in electric or natural gas consumption that results from increases in the efficiency of energy use, production, transmission, transportation, or distribution.

(5) "Cost effective" means that a project or resource is, or is forecast to:

(a) Be reliable and available within the time it is needed; and

(b) Reduce greenhouse gas emissions and meet or reduce the energy demand or supply an equivalent level of energy service to the intended customers at an estimated long-term incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof, including the cost of compliance with chapter 70A.65 RCW, based on the forward allowance ceiling price of allowances approved by the department of ecology under RCW 70A.65.160.

(6) "Costs of greenhouse gas emissions" means the costs of greenhouse gas emissions established in RCW 80.28.395 and 80.28.405.

(7) "Delivery system" includes any power line, pipe, equipment, apparatus, mechanism, machinery, instrument, or ancillary facility used by a large combination utility to deliver electricity or gas for ultimate consumption by a customer of the large combination utility.

(8) "Demand flexibility" means the capacity of demand-side loads to change their consumption patterns hourly or on another timescale.

(9) "Electrical company" has the same meaning as provided in RCW 80.04.010.

(10)(a) "Electrification" means the installation of energy efficient electric end-use equipment.

(b) Electrification programs may include weatherization and conservation and efficiency measures.

(11) "Electrification readiness" means upgrades or changes required before the installation of energy efficient electric end-use equipment to prevent heat loss from homes including, but not limited to: Structural repairs, such as roof repairs, preweatherization, weatherization, and electrical panel and wiring upgrades.

(12) "Emissions baseline" means the actual cumulative greenhouse gas emissions of a large combination utility, calculated pursuant to chapter 70A.65 RCW, for the five-year period beginning January 1, 2015, and ending December 31, 2019.

(13) "Emissions reduction period" means one of five periods of five calendar years each, with the five periods beginning on January 1st of calendar years 2030, 2035, 2040, 2045, and 2050, respectively.

(14) "Emissions reduction target" means a targeted reduction of projected cumulative greenhouse gas emissions of a large combination utility approved by the commission for an emissions reduction period that is at least as stringent as the limits established in RCW 70A.45.020.

(15) "Gas company" has the same meaning as provided in RCW 80.04.010.

(16) "Geographically targeted electrification" means the geographically targeted transition of a portion of gas customers of the large combination utility with an intent to electrify loads of such customers and, in conjunction, to reduce capital and operational costs of gas operations of the large combination utility serving such customers.

(17) "Greenhouse gas" has the same meaning as provided in RCW 70A.45.010.

(18) "Highly impacted community" has the same meaning as provided in RCW 19.405.020.

(19) "Integrated system plan" means a plan that the commission may approve, reject, or approve with conditions pursuant to section 3 of this act.

(20) "Large combination utility" means a public service company that is both an electrical company and a gas company that serves more than 800,000 retail electric customers and 500,000 retail gas customers in the state of Washington as of June 30, 2024.

(21) "Low-income" has the same meaning as provided in RCW 19.405.020.

(22) "Lowest reasonable cost" means the lowest cost mix of demand-side and supply side resources and decarbonization measures determined through a detailed and consistent analysis of a wide range of commercially available resources and measures. At a minimum, this analysis must consider long-term costs and benefits, market-volatility risks, resource uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on the large combination utility and its ratepayers, public policies regarding resource preference adopted by Washington state or the federal government, the cost of risks associated with environmental effects including potential spills and emissions of carbon dioxide, and the need for security of supply.

(23) "Multiyear rate plan" means a multiyear rate plan of a large combination utility filed with the commission pursuant to RCW 80.28.425.

(24) "Natural gas" has the same meaning as provided in RCW 19.405.020.

(25) "Nonemitting electric generation" has the same meaning as provided in RCW 19.405.020.

(26) "Nonpipeline alternative" means activities or investments that delay, reduce, or avoid the need to build, upgrade, or repair gas plant, such as pipelines and service lines.

(27) "Overburdened community" has the same meaning as provided in RCW 70A.65.010.

(28) "Overgeneration event" has the same meaning as provided in RCW 19.280.020.

(29) "Renewable resource" has the same meaning as provided in RCW 19.405.020.

(30) "Supply side resource" means, as applicable: (a) Any resource that can provide capacity, electricity, or ancillary services to the large combination utility's electric delivery system; or (b) any resource that can provide conventional or nonconventional gas supplies to the large combination utility's gas delivery system.

(31) "System cost" means actual direct costs or an estimate of all direct costs of a project or resource over its effective life including, if applicable: The costs of transmission and distribution to the customers; waste disposal costs; permitting, siting, mitigation, and end-of-cycle decommissioning and remediation costs; fuel costs, including projected increases; resource integration and balancing costs; and such quantifiable environmental costs and benefits and other energy and nonenergy

benefits as are directly attributable to the project or resource, including flexibility, resilience, reliability, greenhouse gas emissions reductions, and air quality.

(32) "Vulnerable populations" has the same meaning as provided in RCW 19.405.020.

NEW SECTION.

Sec. 3.

(1) The legislature finds that large combination utilities are subject to a range of reporting and planning requirements as part of the clean energy transition. The legislature further finds that current natural gas integrated resource plans under development might not yield optimal results for timely and cost-effective decarbonization. To reduce regulatory barriers, achieve equitable and transparent outcomes, and integrate planning requirements, the commission may consolidate a large combination utility's planning requirements for both gas and electric operations, including consolidation into a single integrated system plan that is approved by the commission.

(2)(a) By July 1, 2025, the commission shall complete a rule-making proceeding to implement consolidated planning requirements for gas and electric services for large combination utilities that may include plans required under: (i) RCW 19.280.030; (ii) RCW 19.285.040; (iii) RCW 19.405.060; (iv) RCW 80.28.380; (v) RCW 80.28.365; (vi) RCW 80.28.425; and (vii) RCW 80.28.130. The commission may extend the rule-making proceeding for 90 days for good cause shown. The large combination utilities' filing deadline required in subsection (4) of this section will be extended commensurate to the rule-making extension period set by the commission. Subsequent planning requirements for future integrated system plans must be fulfilled on a timeline set by the commission. Large combination utilities that file integrated system plans are no longer required to file separate plans that are required in an integrated system plan. The statutorily required contents of any plan consolidated into an integrated system plan must be met by the integrated system plan.

(b) In its order adopting rules or issuing a policy statement approving the consolidation of planning requirements, the commission shall include a compliance checklist and any additional guidance that is necessary to assist the large combination utility in meeting the minimum requirements of all relevant statutes and rules.

(3) Upon request by a large combination utility, the commission may issue an order extending the filing and reporting requirements of a large combination utility under RCW 19.405.060 and 19.280.030, and requiring the large combination utility to file an integrated system plan pursuant to subsection (4) of this section if the commission finds that the large combination utility has made public a work plan that demonstrates reasonable progress toward meeting the standards under RCW 19.405.040(1) and 19.405.050(1) and achieving equity goals. The commission's approval of an extension of filing and reporting requirements does not relieve the large combination utility from the

obligation to demonstrate progress towards meeting the standards under RCW 19.405.040(1) and 19.405.050(1) and the interim targets approved in its most recent clean energy implementation plan. Commission approval of an extension under this section fulfills the large combination utilities statutory filing deadlines under RCW 19.405.060(1).

(4) By January 1, 2027, and on a timeline set by the commission thereafter, large combination utilities shall file an integrated system plan demonstrating how the large combination utilities' plans are consistent with the requirements of this chapter and any rules and guidance adopted by the commission, and which:

(a) Achieve the obligations of all plans consolidated into the integrated system plan;

(b) Provide a range of forecasts, for at least the next 20 years, of projected customer demand that takes into account econometric data and addresses changes in the number, type, and efficiency of customer usage;

(c) Include scenarios that achieve emissions reductions for both gas and electric operations equal to at least their proportional share of emissions reductions required under RCW 70A.45.020;

(d) Include scenarios with emissions reduction targets for both gas and electric operations for each emissions reduction period that account for the interactions between gas and electric systems;

(e) Achieve two percent of electric load annually with conservation and energy efficiency resources, unless the commission finds that a higher target is cost effective. However, the commission may accept a lower level of achievement if it determines that the requirement in this subsection (4)(e) is neither technically nor commercially feasible during the applicable emissions reduction period;

(f) Assess commercially available conservation and efficiency resources, including demand response and load management, to achieve the conservation and energy efficiency requirements in (e) of this subsection, and as informed by the assessment for conservation potential under RCW 19.285.040 for the planning horizon consistent with (b) of this subsection. Such an assessment may include, as appropriate, opportunities for development of combined heat and power as an energy and capacity resource, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources. The value of recoverable waste heat resulting from combined heat and power must be reflected in analyses of cost effectiveness under this subsection;

(g) Achieve annual demand response and demand flexibility equal to or greater than 10 percent of winter and summer peak electric demand, unless the commission finds that a higher target is cost effective. However, the commission may accept a lower level of achievement if it determines that the requirement in this subsection (4)(g) is neither technically nor commercially

feasible during the applicable emissions reduction period;

(h) Achieve all cost-effective electrification of end uses currently served by natural gas identified through an assessment of alternatives to known and planned gas infrastructure projects, including nonpipeline alternatives, rebates and incentives, and geographically targeted electrification;

(i) Include low-income electrification programs that must:

(i) Include rebates and incentives to low-income customers and customers experiencing high energy burden for the deployment of high-efficiency electric-only heat pumps in homes and buildings currently heating with wood, oil, propane, electric resistance, or gas;

(ii) Provide demonstrated material benefits to low-income participants including, but not limited to, decreased energy burden, the addition of air conditioning, and backup heat sources or energy storage systems, if necessary to protect health and safety in areas with frequent outages, or improved indoor air quality;

(iii) Enroll customers in energy assistance programs or provide bill assistance;

(iv) Provide dedicated funding for electrification readiness;

(v) Include low-income customer protections to mitigate energy burden, if electrification measures will increase a low-income participant's energy burden; and

(vi) Coordinate with community-based organizations in the gas or electrical company's service territory including, but not limited to, grantees of the department of commerce, community action agencies, and community-based nonprofit organizations, to remove barriers and effectively serve low-income customers;

(j) Accept as proof of eligibility for energy assistance enrollment in any means-tested public benefit, or low-income energy assistance program, for which eligibility does not exceed the low-income definition set by the commission pursuant to RCW 19.405.020;

(k) Assess the potential for geographically targeted electrification including, but not limited to, in overburdened communities, on gas plant that is fully depreciated or gas plant that is included in a proposal for geographically targeted electrification that requires accelerating depreciation pursuant to section 7(1) of this act for the gas plant subject to such electrification proposal;

(l) Assess commercially available supply side resources, including a comparison of the benefits and risks of purchasing electricity or gas or building new resources;

(m) Assess nonpipeline alternatives, including geographically targeted electrification and demand response, as an alternative to replacing aging gas infrastructure or expanded gas capacity. Assessments must involve, at a minimum:

(i) Identifying all known and planned gas infrastructure projects, including those without a fully defined scope or cost

estimate, for at least the 10 years following the filing;

(ii) Estimating programmatic expenses of maintaining that portion of the gas system for at least the 10 years following the filing; and

(iii) Ranking all gas pipeline segments for their suitability for nonpipeline alternatives;

(n) Assess distributed energy resources that meets the requirements of RCW 19.280.100;

(o) Provide an assessment and 20-year forecast of the availability of and requirements for regional supply side resource and delivery system capacity to provide and deliver electricity and gas to the large combination utility's customers and to meet, as applicable, the requirements of chapter 19.405 RCW and the state's greenhouse gas emissions reduction limits in RCW 70A.45.020. The delivery system assessment must identify the large combination utility's expected needs to acquire new long-term firm rights, develop new, or expand or upgrade existing, delivery system facilities consistent with the requirements of this section and reliability standards and take into account opportunities to make more effective use of existing delivery facility capacity through improved delivery system operating practices, conservation and efficiency resources, distributed energy resources, demand response, grid modernization, nonwires solutions, and other programs if applicable;

(p) Assess methods, commercially available technologies, or facilities for integrating renewable resources and nonemitting electric generation including, but not limited to, battery storage and pumped storage, and addressing overgeneration events, if applicable to the large combination utility's resource portfolio;

(q) Provide a comparative evaluation of supply side resources, delivery system resources, and conservation and efficiency resources using lowest reasonable cost as a criterion;

(r) Include a determination of resource adequacy metrics for the integrated system plan consistent with the forecasts;

(s) Forecast distributed energy resources that may be installed by the large combination utility's customers and an assessment of their effect on the large combination utility's load and operations;

(t) Identify an appropriate resource adequacy requirement and measurement metric consistent with prudent utility practice in implementing RCW 19.405.030 through 19.405.050;

(u) Integrate demand forecasts, resource evaluations, and resource adequacy requirements into a long-range assessment describing the mix of supply side resources and conservation and efficiency resources that will meet current and projected needs, including mitigating overgeneration events and implementing RCW 19.405.030 through 19.405.050, at the lowest reasonable cost and risk to the large combination utility and its customers, while maintaining and protecting the safety, reliable operation,

and balancing of the energy system of the large combination utility;

(v) Include an assessment, informed by the cumulative impact analysis conducted under RCW 19.405.140, of: Energy and nonenergy benefits and the avoidance and reductions of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits, costs, and risks; and energy security and risk;

(w) Include a 10-year clean energy action plan for implementing RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and at an acceptable resource adequacy standard;

(x) Include an analysis of how the integrated system plan accounts for:

(i) Model load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a large combination utility's service area, including anticipated levels of zero emissions vehicle use in the large combination utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts, which may use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520;

(y) Establish that the large combination utility has:

(i) Consigned to auction for the benefit of ratepayers the minimum required number of allowances allocated to the large combination utility for the applicable compliance period pursuant to RCW 70A.65.130, consistent with the climate commitment act, chapter 70A.65 RCW, and rules adopted pursuant to the climate commitment act; and

(ii) Prioritized, to the maximum extent permissible under the climate commitment act, chapter 70A.65 RCW, revenues derived from the auction of allowances allocated to the utility for the applicable compliance period pursuant to RCW 70A.65.130, first to programs that eliminate the cost burden for low-income ratepayers, such as bill assistance, nonvolumetric credits on ratepayer utility bills, or electrification programs, and second to electrification programs benefiting residential and small commercial customers;

(z) Propose an action plan outlining the specific actions to be taken by the large combination utility in implementing the integrated system plan following submission; and

(aa) Report on the large combination utility's progress towards implementing the recommendations contained in its previously filed integrated system plan.

(5) In evaluating the lowest reasonable cost of decarbonization measures included in an integrated system plan, large combination utilities must apply a risk reduction premium that must account for the applicable allowance ceiling price approved by the department of ecology pursuant to the climate commitment act, chapter 70A.65 RCW.

For the purpose of this chapter, the risk reduction premium is necessary to ensure that a large combination utility is making appropriate long-term investments to mitigate against the allowance and fuel price risks to customers of the large combination utility.

(6) The clean energy action plan must:

(a) Identify and be informed by the large combination utility's 10-year cost-effective conservation potential assessment as determined under RCW 19.285.040, if applicable;

(b) Establish a resource adequacy requirement;

(c) Identify the potential cost-effective demand response and load management programs that may be acquired;

(d) Identify renewable resources, nonemitting electric generation, and distributed energy resources that may be acquired and evaluate how each identified resource may be expected to contribute to meeting the large combination utility's resource adequacy requirement;

(e) Identify any need to develop new, or expand or upgrade existing, bulk transmission and distribution facilities and document existing and planned efforts by the large combination utility to make more effective use of existing transmission capacity and secure additional transmission capacity consistent with the requirements of subsection (4)(o) of this section; and

(f) Identify the nature and possible extent to which the large combination utility may need to rely on alternative compliance options under RCW 19.405.040(1)(b), if appropriate.

(7) A large combination utility shall consider the social cost of greenhouse gas emissions, as determined by the commission pursuant to RCW 80.28.405, when developing integrated system plans and clean energy action plans. A large combination utility must incorporate the social cost of greenhouse gas emissions as a cost adder when:

(a) Evaluating and selecting conservation policies, programs, and targets;

(b) Developing integrated system plans and clean energy action plans; and

(c) Evaluating and selecting intermediate term and long-term resource options.

(8) Plans developed under this section must be updated on a regular basis, on intervals approved by the commission.

(9)(a) To maximize transparency, the commission may require a large combination utility to make the utility's data input files available in a native format. Each large combination utility shall publish its final plan either as part of an annual report or as a separate document available to the public. The report may be in an electronic form.

(b) Nothing in this subsection limits the protection of records containing commercial information under RCW 80.04.095.

(10) The commission shall establish by rule a cost test for emissions reduction measures achieved by large combination utilities to comply with state clean energy and climate policies. The cost test must be used by large combination utilities under this chapter for the purpose of determining

the lowest reasonable cost of decarbonization and electrification measures in integrated system plans, at the portfolio level, and for any other purpose determined by the commission by rule.

(11) The commission must approve, reject, or approve with conditions an integrated system plan within 12 months of the filing of such an integrated system plan. The commission may for good cause shown extend the time by 90 days for a decision on an integrated system plan filed on or before January 1, 2027, as such date is extended pursuant to subsection (2)(a) of this section.

(12) In determining whether to approve the integrated system plan, reject the integrated system plan, or approve the integrated system plan with conditions, the commission must evaluate whether the plan is in the public interest, and includes the following:

(a) The equitable distribution and prioritization of energy benefits and reduction of burdens to vulnerable populations, highly impacted communities, and overburdened communities;

(b) Long-term and short-term public health, economic, and environmental benefits and the reduction of costs and risks;

(c) Health and safety concerns;

(d) Economic development;

(e) Equity;

(f) Energy security and resiliency;

(g) Whether the integrated system plan:

(i) Would achieve a proportional share of reductions in greenhouse gas emissions for each emissions reduction period on the gas and electric systems;

(ii) Would achieve the energy efficiency and demand response targets in subsection (4)(e) and (g) of this section;

(iii) Would achieve cost-effective electrification of end uses as required by subsection (4)(h) of this section;

(iv) Results in a reasonable cost to customers, and projects the rate impacts of specific actions, programs, and investments on customers;

(v) Would maintain system reliability and reduces long-term costs and risks to customers;

(vi) Would lead to new construction career opportunities and prioritizes a transition of natural gas and electricity utility workers to perform work on construction and maintenance of new and existing renewable energy infrastructure; and

(vii) Describes specific actions that the large combination utility plans to take to achieve the requirements of the integrated system plan.

NEW SECTION.

Sec. 4.

Large combination utilities shall work in good faith with other utilities, independent power producers, power marketers, end-use customers, and interested parties in the region to develop market structures and mechanisms that require the sale of wholesale electricity from generating resources in a manner that allows the greenhouse gas attributes of those resources

to be accounted for when they are sold into organized markets.

NEW SECTION. Sec. 5. (1) Concurrent with an application for an integrated system plan pursuant to section 3 of this act, a large combination utility may propose to construct a new renewable or nonemitting electric generation or transmission facility, make a significant investment in an existing renewable or nonemitting electric generation or transmission facility, purchase an existing renewable or nonemitting electric generation or transmission facility, or enter into a power purchase agreement for the purchase of renewable or nonemitting electric energy or capacity for a period of five years or longer. The large combination utility may submit an application to the commission seeking a certificate of necessity for that construction, investment, or purchase, including entering into a power purchase agreement, if that construction, investment, or purchase costs \$100,000,000 or more, requires the utility to begin incurring significant portions of those costs more than five years before the facility is estimated to be in service, and all or a portion of the costs would be allocable to retail customers in this state. A significant investment may include a group of investments undertaken jointly and located on the same site for a singular purpose, such as increasing the capacity of an existing renewable or nonemitting electric generation or transmission plant. Applications must be submitted in conjunction with a large combination utility's integrated system plan. However, a large combination utility may submit an application outside of the integrated system plan process for a time-sensitive project.

(2) A large combination utility submitting an application under this section may request one or more of the following:

(a) A certificate of necessity that the electric energy or capacity to be supplied or transmitted as a result of the proposed construction, investment, or purchase, including entering into a power purchase agreement, is needed;

(b) A certificate of necessity that the size, fuel type, and other design characteristics of the existing or proposed electric generation or transmission facility or the terms of the power purchase agreement represent the most appropriate and reasonable means of meeting that power need;

(c) A certificate of necessity that the estimated purchase or capital costs of and the financing plan for the existing or proposed electric generation or transmission facility including, but not limited to, the costs of siting and licensing a new facility and the estimated cost of power from the new or proposed electric generation facility, or the cost of transmission on the new or proposed electric transmission facility, are reasonable; or

(d) A request to: (i) Recognize, accrue, and defer the allowance for funds used during construction; and (ii) recover financing interest costs in base rates on construction work in progress for capital

improvements approved under this section prior to the assets being considered used and useful.

(3) The commission may approve, reject, or approve with conditions an application under this section if it is in the public interest, and the construction, investment, or purchase, including entering into a power purchase agreement, complies with the commission's administrative rules governing electric resource procurement.

(4) In a certificate of necessity under this section, the commission may specify the estimated costs included for the construction of or significant investment in the electric generation or transmission facility, the estimated price included for the purchase of the existing electric generation or transmission facility, or the estimated price included for the purchase of power pursuant to the terms of the power purchase agreement.

(5) The large combination utility shall file reports to the commission regarding the status of any project for which a certificate of necessity has been granted under this section, including an update concerning the cost and schedule of that project at intervals determined by the commission.

(6) If the commission denies any of the relief requested by a large combination utility, the large combination utility may withdraw its application or proceed with the proposed construction, purchase, investment, or power purchase agreement without a certificate and the assurance granted under this section under its ordinary course of business.

(7) If the assumptions underlying an approved certificate of necessity materially change, a large combination utility shall request, or the commission or potential intervenor on its own motion may initiate, a proceeding to review whether it is reasonable to complete an unfinished project for which a certificate of necessity has been granted. The commission shall list the assumptions underlying an approved certificate in the order approving the certificate. If the commission finds that the completion of the project is no longer reasonable, the commission may modify or cancel approval of the certificate of necessity. The commission may allow recovery of reasonable costs already incurred or committed to by contract. Once the commission finds that completion of the project is no longer reasonable, the commission may limit future cost recovery to those costs that could not be reasonably avoided. Nothing in this subsection may be construed as amending, modifying, or repealing any existing authority of the commission to ascertain and determine the fair value for rate-making purposes of the property of any large combination utility.

(8) A proposed or existing supplier of electric generation capacity that seeks to provide electric generation energy or capacity resources to the large combination utility may submit a written proposal directly to the commission as an alternative to the construction, investment, or purchase, including entering into a power purchase agreement, for which the

certificate of necessity is sought under this section. The entity submitting an alternative proposal under this subsection has standing to intervene and the commission may allow reasonable discovery in the contested case proceeding conducted under this subsection. In evaluating an alternative proposal, the commission may consider the cost of the alternative proposal and the submitting entity's qualifications, technical competence, capability, reliability, creditworthiness, and past performance. In reviewing an application, the commission may consider any alternative proposals submitted under this subsection. This subsection does not limit the ability of any other person to submit to the commission an alternative proposal to the construction, investment, or purchase, including entering into a power purchase agreement, for which a certificate of necessity is sought under this subsection and to petition for and be granted leave to intervene in the contested case proceeding conducted under this subsection under the rules of practice and procedure of the commission. This subsection does not authorize the commission to order or otherwise require a large combination utility to adopt any alternative proposal submitted under this subsection.

NEW SECTION. Sec. 6. (1) Large combination utilities must include the following in calculating the emissions baseline and projected cumulative emissions for an emissions reduction period, consistent with reporting of greenhouse gas emissions pursuant to the Washington clean air act, chapter 70A.15 RCW:

(a) Methane leaked from the transportation and delivery of gas from the gas distribution and service pipelines from the city gate to customer end use;

(b) Greenhouse gas emissions resulting from the combustion of gas by customers not otherwise subject to federal greenhouse gas emissions reporting and excluding all transport customers; and

(c) Emissions of methane resulting from leakage from delivery of gas to other gas companies.

(2) In calculating an emissions reduction target, a large combination utility must show its emissions baseline and projected cumulative greenhouse gas emissions for the applicable emissions reduction period separately and must show that the total emissions reductions are projected to make progress toward the achievement of the emissions reduction targets identified in the applicable integrated system plan. The final calculation must be presented on a carbon dioxide equivalent basis.

(3) All emissions are metric tons of carbon dioxide equivalent as reported to the federal environmental protection agency pursuant to 40 C.F.R. 98, either subpart W (methane) or subpart NN (carbon dioxide), or successor reporting requirements.

NEW SECTION. Sec. 7. (1) In any multiyear rate plan filed by a large combination utility pursuant to RCW 80.28.425 and in accordance with this

chapter, the large combination utility must include an updated depreciation study that reduces the gas rate base consistent with an approved integrated system plan, and the commission may adopt depreciation schedules that accelerate cost recovery and reduce the rate base for any gas plant. The commission shall approve a depreciation schedule that depreciates all gas plants in service as of July 1, 2024, by a date no later than January 1, 2050, in any multiyear rate plan, but the commission may adjust depreciation schedules for gas plants as necessary when considering future multiyear rate plans to address affordability provided all plants in service as of July 1, 2024, are fully depreciated by 2050.

(2) In any multiyear rate plan proposed by a large combination utility, the company may propose a merger of regulated gas and electric operations into a single rate base. The commission may approve the merger of electric and gas rate bases if the commission finds that the proposal will result in a net benefit to customers of the large combination utility and includes reasonable rate protections for low-income natural gas and electric customers.

(3) For a large combination utility that has merged gas and electricity rate bases, the large combination utility must monetize benefits received from any applicable federal and state tax and other incentives for the benefit of customers. These benefits must be separately accounted for and amortized on a schedule designed to mitigate the rate impacts to customers after the rate bases are combined. These credits may not be used for any other purpose, unless directed by the commission.

(4) For the first multiyear rate plan proposed by a large combination utility following commission approval or approval with conditions of the initial integrated system plan identified in section 3 of this act, the commission may for good cause shown extend the deadline for a decision set forth under RCW 80.04.130 by up to 60 days.

NEW SECTION. Sec. 8. (1) Beginning January 1, 2025, no large combination utility may offer any form of rebate, incentive, or other inducement to residential gas customers to purchase any natural gas appliance or equipment. Until January 1, 2031, rebates and incentives for commercial and industrial gas customers are not included in this requirement. Rebates and incentives for electric heat pumps that include natural gas backups may be offered until January 1, 2031.

(2) By November 1, 2025, a large combination utility must initiate and maintain an effort to educate its ratepayers about the benefits of electrification and the availability of rebates, incentives, or other inducements to purchase energy efficient electric appliances and equipment including, but not limited to, the maintenance of an educational website and the inclusion of educational materials in monthly billing statements.

(3) Beginning January 1, 2031, a large combination utility may not include electric

air source heat pumps with gas backups as part of its electrification programs.

Sec. 9. RCW 19.280.030 and 2023 c 229 s 2 are each amended to read as follows:

Each electric utility must develop a plan consistent with this section.

(1) Utilities with more than 25,000 customers that are not full requirements customers must develop or update an integrated resource plan by September 1, 2008. At a minimum, progress reports reflecting changing conditions and the progress of the integrated resource plan must be produced every two years thereafter. An updated integrated resource plan must be developed at least every four years subsequent to the 2008 integrated resource plan. The integrated resource plan, at a minimum, must include:

(a) A range of forecasts, for at least the next 10 years or longer, of projected customer demand which takes into account econometric data and customer usage;

(b) An assessment of commercially available conservation and efficiency resources, as informed, as applicable, by the assessment for conservation potential under RCW 19.285.040 for the planning horizon consistent with (a) of this subsection. Such assessment may include, as appropriate, opportunities for development of combined heat and power as an energy and capacity resource, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources;

(c) An assessment of commercially available, utility scale renewable and nonrenewable generating technologies including a comparison of the benefits and risks of purchasing power or building new resources;

(d) A comparative evaluation of renewable and nonrenewable generating resources, including transmission and distribution delivery costs, and conservation and efficiency resources using "lowest reasonable cost" as a criterion;

(e) An assessment of methods, commercially available technologies, or facilities for integrating renewable resources, including but not limited to battery storage and pumped storage, and addressing overgeneration events, if applicable to the utility's resource portfolio;

(f) An assessment and 20-year forecast of the availability of and requirements for regional generation and transmission capacity to provide and deliver electricity to the utility's customers and to meet the requirements of chapter 288, Laws of 2019 and the state's greenhouse gas emissions reduction limits in RCW 70A.45.020. The transmission assessment must identify the utility's expected needs to acquire new long-term firm rights, develop new, or expand or upgrade existing, bulk transmission facilities consistent with the requirements of this section and reliability standards;

(i) If an electric utility operates transmission assets rated at 115,000 volts

or greater, the transmission assessment must take into account opportunities to make more effective use of existing transmission capacity through improved transmission system operating practices, energy efficiency, demand response, grid modernization, nonwires solutions, and other programs if applicable;

(ii) An electric utility that relies entirely or primarily on a contract for transmission service to provide necessary transmission services may comply with the transmission requirements of this subsection by requesting that the counterparty to the transmission service contract include the provisions of chapter 288, Laws of 2019 and chapter 70A.45 RCW as public policy mandates in the transmission service provider's process for assessing transmission need, and planning and acquiring necessary transmission capacity;

(iii) An electric utility may comply with the requirements of this subsection (1)(f) by relying on and incorporating the results of a separate transmission assessment process, conducted individually or jointly with other utilities and transmission system users, if that assessment process meets the requirements of this subsection;

(g) A determination of resource adequacy metrics for the resource plan consistent with the forecasts;

(h) A forecast of distributed energy resources that may be installed by the utility's customers and an assessment of their effect on the utility's load and operations;

(i) An identification of an appropriate resource adequacy requirement and measurement metric consistent with prudent utility practice in implementing RCW 19.405.030 through 19.405.050;

(j) The integration of the demand forecasts, resource evaluations, and resource adequacy requirement into a long-range assessment describing the mix of supply side generating resources and conservation and efficiency resources that will meet current and projected needs, including mitigating overgeneration events and implementing RCW 19.405.030 through 19.405.050, at the lowest reasonable cost and risk to the utility and its customers, while maintaining and protecting the safety, reliable operation, and balancing of its electric system;

(k) An assessment, informed by the cumulative impact analysis conducted under RCW 19.405.140, of: Energy and nonenergy benefits and the avoidance and reductions of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits, costs, and risks; and energy security and risk;

(l) A 10-year clean energy action plan for implementing RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and at an acceptable resource adequacy standard, that identifies the specific actions to be taken by the utility consistent with the long-range integrated resource plan; and

(m) An analysis of how the plan accounts for:

(i) Modeled load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a utility's service area, including anticipated levels of zero emissions vehicle use in the utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 35.92.450, 54.16.430, and 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts. Electric utilities may, but are not required to, use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520. This subsection (1)(m)(iii) applies only to plans due to be filed after September 1, 2023.

(2) The clean energy action plan must:

(a) Identify and be informed by the utility's 10-year cost-effective conservation potential assessment as determined under RCW 19.285.040, if applicable;

(b) Establish a resource adequacy requirement;

(c) Identify the potential cost-effective demand response and load management programs that may be acquired;

(d) Identify renewable resources, nonemitting electric generation, and distributed energy resources that may be acquired and evaluate how each identified resource may be expected to contribute to meeting the utility's resource adequacy requirement;

(e) Identify any need to develop new, or expand or upgrade existing, bulk transmission and distribution facilities and document existing and planned efforts by the utility to make more effective use of existing transmission capacity and secure additional transmission capacity consistent with the requirements of subsection (1)(f) of this section; and

(f) Identify the nature and possible extent to which the utility may need to rely on alternative compliance options under RCW 19.405.040(1)(b), if appropriate.

(3)(a) An electric or large combination utility shall consider the social cost of greenhouse gas emissions, as determined by the commission for investor-owned utilities pursuant to RCW 80.28.405 and the department for consumer-owned utilities, when developing integrated resource plans and clean energy action plans. An electric utility must incorporate the social cost of greenhouse gas emissions as a cost adder when:

(i) Evaluating and selecting conservation policies, programs, and targets;

(ii) Developing integrated resource plans and clean energy action plans; and

(iii) Evaluating and selecting intermediate term and long-term resource options.

(b) For the purposes of this subsection (3): (i) Gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters must be considered a

nonemitting resource; and (ii) qualified biomass energy must be considered a nonemitting resource.

(4) To facilitate broad, equitable, and efficient implementation of chapter 288, Laws of 2019, a consumer-owned energy utility may enter into an agreement with a joint operating agency organized under chapter 43.52 RCW or other nonprofit organization to develop and implement a joint clean energy action plan in collaboration with other utilities.

(5) All other utilities may elect to develop a full integrated resource plan as set forth in subsection (1) of this section or, at a minimum, shall develop a resource plan that:

(a) Estimates loads for the next five and 10 years;

(b) Enumerates the resources that will be maintained and/or acquired to serve those loads;

(c) Explains why the resources in (b) of this subsection were chosen and, if the resources chosen are not: (i) Renewable resources; (ii) methods, commercially available technologies, or facilities for integrating renewable resources, including addressing any overgeneration event; or (iii) conservation and efficiency resources, why such a decision was made;

(d) By December 31, 2020, and in every resource plan thereafter, identifies how the utility plans over a 10-year period to implement RCW 19.405.040 and 19.405.050; and

(e) Accounts for:

(i) Modeled load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a utility's service area, including anticipated levels of zero emissions vehicle use in the utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 35.92.450, 54.16.430, and 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts. Electric utilities may, but are not required to, use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520. This subsection (5)(e)(iii) applies only to plans due to be filed after September 1, 2023.

(6) Assessments for demand-side resources included in an integrated resource plan may include combined heat and power systems as one of the measures in a conservation supply curve. The value of recoverable waste heat resulting from combined heat and power must be reflected in analyses of cost-effectiveness under this subsection.

(7) An electric utility that is required to develop a resource plan under this section must complete its initial plan by September 1, 2008.

(8) Plans developed under this section must be updated on a regular basis, on intervals approved by the commission or the department, or at a minimum on intervals of two years.

(9)(a) Plans shall not be a basis to bring legal action against electric

utilities. However, nothing in this subsection (9)(a) may be construed as limiting the commission or any party from bringing any action pursuant to Title 80 RCW, this chapter, or chapter 19.405 RCW against any large combination utility related to an integrated system plan submitted pursuant to section 3 of this act.

(b) The commission may approve, reject, or approve with conditions, any integrated system plans submitted by a large combination utility as defined in section 2 of this act.

(10)(a) To maximize transparency, the commission, for investor-owned utilities, or the governing body, for consumer-owned utilities, may require an electric utility to make the utility's data input files available in a native format. Each electric utility shall publish its final plan either as part of an annual report or as a separate document available to the public. The report may be in an electronic form.

(b) Nothing in this subsection limits the protection of records containing commercial information under RCW 80.04.095.

(11) The commission may require a large combination utility as defined in section 2 of this act to incorporate the requirements of this section into an integrated system plan established under section 3 of this act.

NEW SECTION. Sec. 10. (1) When an integrated system plan of a large combination utility proposes geographically targeted electrification of all or a portion of a service area in which the large combination utility provides gas service to such a service area and one or more consumer-owned utilities provide electric service to such a service area, the integrated system plan of the large combination utility must include a process for outreach by the large combination utility to all consumer-owned utilities providing electric service to such a service area. As part of that outreach, the large combination utility shall provide gas delivery data of sufficient granularity for the consumer-owned electric company to assess the sufficiency of the capacity of the electric distribution system to accommodate the additional load from electrification at the circuit level. This data must be provided at least one plan cycle prior to electrification actions by the large combination utility to allow affected consumer-owned electric companies sufficient time to upgrade electrical distribution equipment and materials as needed to preserve system reliability.

(2) Consumer-owned utilities are encouraged to:

(a) Work with large combination utilities providing gas service within their service areas to identify opportunities for electrification and mitigating grid impacts by the large combination utility;

(b) Account for the costs of greenhouse gas emissions, set total energy savings and greenhouse gas emissions reduction goals, and develop and implement electrification programs in collaboration with large combination utilities providing gas service

in service areas of consumer-owned utilities; and

(c) Include an electrification plan or transportation electrification program as part of collaboration with large combination utilities.

(3) Nothing in this section may be construed as expanding or contracting the authority of any electric utility with regard to the designation of the boundaries of adjoining service areas that each electric utility must observe.

NEW SECTION. Sec. 11. (1) For any project in an integrated system plan of a large combination utility that is part of a competitive solicitation and with a cost of more than \$10,000,000, the large combination utility must certify to the commission that any work associated with such a project will be constructed by a prime contractor and its subcontractors in a way that includes community workforce agreements or project labor agreements and the payment of area standard prevailing wages and apprenticeship utilization requirements, provided the following apply:

(a) The project owner and the prime contractor and all of its subcontractors, regardless of tier, have the absolute right to select any qualified and responsible bidder for the award of contracts on a specified project without reference to the existence or nonexistence of any agreements between such a bidder and any party to such a project labor agreement, and only when such a bidder is willing, ready, and able to become a party to, signs a letter of assent, and complies with such an agreement or agreements, should it be designated the successful bidder; and

(b) It is understood that this is a self-contained, stand-alone agreement, and that by virtue of having become bound to such an agreement or agreements, neither the prime contractor nor the subcontractors are obligated to sign any other local, area, or national agreement.

(2) Nothing in this section supersedes RCW 19.28.091 or 19.28.261 or chapter 49.17 RCW, without regard to project cost.

NEW SECTION. Sec. 12. The commission may adopt rules to ensure the proper implementation and enforcement of this act.

Sec. 13. RCW 80.24.010 and 2022 c 159 s 1 are each amended to read as follows:

Every public service company subject to regulation by the commission shall, on or before the date specified by the commission for filing annual reports under RCW 80.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the commission a fee equal to one-tenth of one percent of the first ~~((fifty thousand dollars))~~ \$50,000 of gross operating revenue, plus four-tenths of one percent of any gross operating revenue in excess of ~~((fifty thousand dollars))~~ \$50,000, except that a large combination utility as defined in section 2 of this act

shall pay a fee equal to 0.001 percent of the first \$50,000 of gross operating revenue, plus 0.005 percent of any gross operating revenue in excess of \$50,000: PROVIDED, That the commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section.

The percentage rates of gross operating revenue to be paid in any year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows:

Electrical, gas, water, telecommunications, and irrigation companies shall constitute class one. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

Any payment of the fee imposed by this section made after its due date shall include a late fee of two percent of the amount due. Delinquent fees shall accrue interest at the rate of one percent per month.

Sec. 14. RCW 19.405.060 and 2019 c 288 s 6 are each amended to read as follows:

(1)(a) By January 1, 2022, and every four years thereafter, each investor-owned utility must develop and submit to the commission:

(i) A four-year clean energy implementation plan for the standards established under RCW 19.405.040(1) and 19.405.050(1) that proposes specific targets for energy efficiency, demand response, and renewable energy; and

(ii) Proposed interim targets for meeting the standard under RCW 19.405.040(1) during the years prior to 2030 and between 2030 and 2045.

(b) An investor-owned utility's clean energy implementation plan must:

(i) Be informed by the investor-owned utility's clean energy action plan developed under RCW 19.280.030;

(ii) Be consistent with subsection (3) of this section; and

(iii) Identify specific actions to be taken by the investor-owned utility over the next four years, consistent with the utility's long-range integrated resource plan and resource adequacy requirements, that demonstrate progress toward meeting the standards under RCW 19.405.040(1) and 19.405.050(1) and the interim targets proposed under (a)(i) of this subsection. The specific actions identified must be informed by the investor-owned utility's historic performance under median water conditions and resource capability and by the investor-owned utility's participation in centralized markets. In identifying specific actions in its clean energy implementation plan, the investor-owned utility may also take into consideration any significant and unplanned loss or addition of load it experiences.

(c) The commission, after a hearing, must by order approve, reject, or approve with conditions an investor-owned utility's clean energy implementation plan and interim targets. The commission may, in its order, recommend or require more stringent targets than those proposed by the investor-owned utility. The commission may periodically adjust or expedite timelines if it can be demonstrated that the targets or timelines can be achieved in a manner consistent with the following:

(i) Maintaining and protecting the safety, reliable operation, and balancing of the electric system;

(ii) Planning to meet the standards at the lowest reasonable cost, considering risk;

(iii) Ensuring that all customers are benefiting from the transition to clean energy: Through the equitable distribution of energy and nonenergy benefits and the reduction of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits and reduction of costs and risks; and energy security and resiliency; and

(iv) Ensuring that no customer or class of customers is unreasonably harmed by any resulting increases in the cost of utility-supplied electricity as may be necessary to comply with the standards.

(2)(a) By January 1, 2022, and every four years thereafter, each consumer-owned utility must develop and submit to the department a four-year clean energy implementation plan for the standards established under RCW 19.405.040(1) and 19.405.050(1) that:

(i) Proposes interim targets for meeting the standard under RCW 19.405.040(1) during the years prior to 2030 and between 2030 and 2045, as well as specific targets for energy efficiency, demand response, and renewable energy;

(ii) Is informed by the consumer-owned utility's clean energy action plan developed under RCW 19.280.030(1) or other ten-year plan developed under RCW 19.280.030(5);

(iii) Is consistent with subsection (4) of this section; and

(iv) Identifies specific actions to be taken by the consumer-owned utility over the next four years, consistent with the utility's long-range resource plan and resource adequacy requirements, that demonstrate progress towards meeting the standards under RCW 19.405.040(1) and 19.405.050(1) and the interim targets proposed under (a)(i) of this subsection. The specific actions identified must be informed by the consumer-owned utility's historic performance under median water conditions and resource capability and by the consumer-owned utility's participation in centralized markets. In identifying specific actions in its clean energy implementation plan, the consumer-owned utility may also take into consideration any significant and unplanned loss or addition of load it experiences.

(b) The governing body of the consumer-owned utility must, after a public meeting, adopt the consumer-owned utility's clean energy implementation plan. The clean energy

implementation plan must be submitted to the department and made available to the public. The governing body may adopt more stringent targets than those proposed by the consumer-owned utility and periodically adjust or expedite timelines if it can be demonstrated that such targets or timelines can be achieved in a manner consistent with the following:

(i) Maintaining and protecting the safety, reliable operation, and balancing of the electric system;

(ii) Planning to meet the standards at the lowest reasonable cost, considering risk;

(iii) Ensuring that all customers are benefiting from the transition to clean energy: Through the equitable distribution of energy and nonenergy benefits and reduction of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits and reduction of costs and risks; and energy security and resiliency; and

(iv) Ensuring that no customer or class of customers is unreasonably harmed by any resulting increases in the cost of utility-supplied electricity as may be necessary to comply with the standards.

(3)(a) An investor-owned utility must be considered to be in compliance with the standards under RCW 19.405.040(1) and 19.405.050(1) if, over the four-year compliance period, the average annual incremental cost of meeting the standards or the interim targets established under subsection (1) of this section equals a two percent increase of the investor-owned utility's weather-adjusted sales revenue to customers for electric operations above the previous year, as reported by the investor-owned utility in its most recent commission basis report. All costs included in the determination of cost impact must be directly attributable to actions necessary to comply with the requirements of RCW 19.405.040 and 19.405.050.

(b) If an investor-owned utility relies on (a) of this subsection as a basis for compliance with the standard under RCW 19.405.040(1), then it must demonstrate that it has maximized investments in renewable resources and nonemitting electric generation prior to using alternative compliance options allowed under RCW 19.405.040(1)(b).

(4)(a) A consumer-owned utility must be considered to be in compliance with the standards under RCW 19.405.040(1) and 19.405.050(1) if, over the four-year compliance period, the average annual incremental cost of meeting the standards or the interim targets established under subsection (2) of this section meets or exceeds a two percent increase of the consumer-owned utility's retail revenue requirement above the previous year. All costs included in the determination of cost impact must be directly attributable to actions necessary to comply with the requirements of RCW 19.405.040 and 19.405.050.

(b) If a consumer-owned utility relies on (a) of this subsection as a basis for compliance with the standard under RCW

19.405.040(1), and it has not met eighty percent of its annual retail electric load using electricity from renewable resources and nonemitting electric generation, then it must demonstrate that it has maximized investments in renewable resources and nonemitting electric generation prior to using alternative compliance options allowed under RCW 19.405.040(1)(b).

(5) The commission, for investor-owned utilities, and the department, for consumer-owned utilities, must adopt rules establishing the methodology for calculating the incremental cost of compliance under this section, as compared to the cost of an alternative lowest reasonable cost portfolio of investments that are reasonably available.

(6) The commission may require a large combination utility as defined in section 2 of this act to incorporate the requirements of this section into an integrated system plan established under section 3 of this act.

Sec. 15. RCW 80.28.130 and 2011 c 214 s 22 are each amended to read as follows:

Whenever the commission finds, after hearing had upon its own motion or upon complaint, that repairs or improvements, to, or changes in, any gas plant, electrical plant, system of sewerage, or water system ought to be made, or that any additions or extensions should reasonably be made thereto, in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for manufacturing, distributing or supplying gas, electricity, wastewater company services, or water, the commission may enter an order directing that such reasonable repairs, improvements, changes, additions or extensions of such gas plant, electrical plant, system of sewerage, or water system be made. The commission may require a large combination utility as defined in section 2 of this act to incorporate any existing pipeline safety and replacement plans under this section into an integrated system plan established under section 3 of this act.

Sec. 16. RCW 80.28.365 and 2019 c 287 s 5 are each amended to read as follows:

(1) An electric utility regulated by the utilities and transportation commission under this chapter may submit to the commission an electrification of transportation plan that deploys electric vehicle supply equipment or provides other electric transportation programs, services, or incentives to support electrification of transportation. The plans should align to a period consistent with either the utility's planning horizon under its most recent integrated resource plan or the time frame of the actions contemplated in the plan, and may include:

(a) Any programs that the utility is proposing contemporaneously with the plan filing or anticipates later in the plan period;

(b) Anticipated benefits of transportation electrification, based on a

forecast of electric transportation in the utilities' service territory; and

(c) Anticipated costs of programs, subject to the restrictions in RCW 80.28.360.

(2) In reviewing an electrification of transportation plan under subsection (1) of this section, the commission may consider the following: (a) The applicability of multiple options for electrification of transportation across all customer classes; (b) the impact of electrification on the utility's load, and whether demand response or other load management opportunities, including direct load control and dynamic pricing, are operationally appropriate; (c) system reliability and distribution system efficiencies; (d) interoperability concerns, including the interoperability of hardware and software systems in electrification of transportation proposals; and (e) the benefits and costs of the planned actions.

(3) The commission must issue an acknowledgment of an electrification of transportation plan within six months of the submittal of the plan. The commission may establish by rule the requirements for preparation and submission of an electrification of transportation plan. An electric utility may submit a plan under this section before or during rule-making proceedings.

(4) The commission may require a large combination utility as defined in section 2 of this act to incorporate the requirements of this section into an integrated system plan established under section 3 of this act.

Sec. 17. RCW 80.28.380 and 2019 c 285 s 11 are each amended to read as follows:

(1) Each gas company must identify and acquire all conservation measures that are available and cost-effective. Each company must establish an acquisition target every two years and must demonstrate that the target will result in the acquisition of all resources identified as available and cost-effective. The cost-effectiveness analysis required by this section must include the costs of greenhouse gas emissions established in RCW 80.28.395. The targets must be based on a conservation potential assessment prepared by an independent third party and approved by the commission. Conservation targets must be approved by order by the commission. The initial conservation target must take effect by 2022.

(2) The commission may require a large combination utility as defined in section 2 of this act to incorporate the requirements of this section into an integrated system plan established under section 3 of this act.

Sec. 18. RCW 80.28.425 and 2021 c 188 s 2 are each amended to read as follows:

(1) Beginning January 1, 2022, every general rate case filing of a gas or electrical company must include a proposal for a multiyear rate plan as provided in this chapter. The commission may, by order after an adjudicative proceeding as provided by chapter 34.05 RCW, approve, approve with

conditions, or reject, a multiyear rate plan proposal made by a gas or electrical company or an alternative proposal made by one or more parties, or any combination thereof. The commission's consideration of a proposal for a multiyear rate plan is subject to the same standards applicable to other rate filings made under this title, including the public interest and fair, just, reasonable, and sufficient rates. In determining the public interest, the commission may consider such factors including, but not limited to, environmental health and greenhouse gas emissions reductions, health and safety concerns, economic development, and equity, to the extent such factors affect the rates, services, and practices of a gas or electrical company regulated by the commission.

(2) The commission may approve, disapprove, or approve with modifications any proposal to recover from ratepayers up to five percent of the total revenue requirement approved by the commission for each year of a multiyear rate plan for tariffs that reduce the energy burden of low-income residential customers including, but not limited to: (a) Bill assistance programs; or (b) one or more special rates. For any multiyear rate plan approved under this section resulting in a rate increase, the commission must approve an increase in the amount of low-income bill assistance to take effect in each year of the rate plan where there is a rate increase. At a minimum, the amount of such low-income assistance increase must be equal to double the percentage increase, if any, in the residential base rates approved for each year of the rate plan. The commission may approve a larger increase to low-income bill assistance based on an appropriate record.

(3)(a) If it approves a multiyear rate plan, the commission shall separately approve rates for each of the initial rate year, the second rate year and, if applicable, the third rate year, and the fourth rate year.

(b) The commission shall ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is or will be used and useful under RCW 80.04.250 for service in this state by or during each rate year of the multiyear rate plan. For the initial rate year, the commission shall, at a minimum, ascertain and determine the fair value for rate-making purposes of the property of any gas or electrical company that is used and useful for service in this state as of the rate effective date. The commission may order refunds to customers if property expected to be used and useful by the rate effective date when the commission approves a multiyear rate plan is in fact not used and useful by such a date.

(c) The commission shall ascertain and determine the revenues and operating expenses for rate-making purposes of any gas or electrical company for each rate year of the multiyear rate plan.

(d) In ascertaining and determining the fair value of property of a gas or electrical company pursuant to (b) of this subsection and projecting the revenues and operating expenses of a gas or electrical

company pursuant to (c) of this subsection, the commission may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at fair, just, reasonable, and sufficient rates.

(e) If the commission approves a multiyear rate plan with a duration of three or four years, then the electrical company must update its power costs as of the rate effective date of the third rate year. The proceeding to update the electrical company's power costs is subject to the same standards that apply to other rate filings made under this title.

(4) Subject to subsection (5) of this section, the commission may by order establish terms, conditions, and procedures for a multiyear rate plan and ensure that rates remain fair, just, reasonable, and sufficient during the course of the plan.

(5) Notwithstanding subsection (4) of this section, a gas or electrical company is bound by the terms of the multiyear rate plan approved by the commission for each of the initial rate year and the second rate year. A gas or electrical company may file a new multiyear rate plan in accordance with this section for the third rate year and fourth rate year, if any, of a multiyear rate plan.

(6) If the annual commission basis report for a gas or electrical company demonstrates that the reported rate of return on rate base of the company for the 12-month period ending as of the end of the period for which the annual commission basis report is filed is more than .5 percent higher than the rate of return authorized by the commission in the multiyear rate plan for such a company, the company shall defer all revenues that are in excess of .5 percent higher than the rate of return authorized by the commission for refunds to customers or another determination by the commission in a subsequent adjudicative proceeding. If a multistate electrical company with fewer than 250,000 customers in Washington files a multiyear rate plan that provides for no increases in base rates in consecutive years beyond the initial rate year, the commission shall waive the requirements of this subsection provided that such a waiver results in just and reasonable rates.

(7) The commission must, in approving a multiyear rate plan, determine a set of performance measures that will be used to assess a gas or electrical company operating under a multiyear rate plan. These performance measures may be based on proposals made by the gas or electrical company in its initial application, by any other party to the proceeding in its response to the company's filing, or in the testimony and evidence admitted in the proceeding. In developing performance measures, incentives, and penalty mechanisms, the commission may consider factors including, but not limited to, lowest reasonable cost planning, affordability, increases in energy burden, cost of service, customer satisfaction and engagement, service reliability, clean energy or renewable procurement, conservation acquisition, demand side management expansion, rate stability, timely execution of competitive procurement

practices, attainment of state energy and emissions reduction policies, rapid integration of renewable energy resources, and fair compensation of utility employees.

(8) Nothing in this section precludes any gas or electrical company from making filings required or permitted by the commission.

(9) The commission shall align, to the extent practical, the timing of approval of a multiyear rate plan of an electrical company submitted pursuant to this section with the clean energy implementation plan of the electrical company filed pursuant to RCW 19.405.060.

(10) The provisions of this section may not be construed to limit the existing rate-making authority of the commission.

(11) The commission may require a large combination utility as defined in section 2 of this act to incorporate the requirements of this section into an integrated system plan established under section 3 of this act.

NEW SECTION. **Sec. 19.** This chapter may be known and cited as the Washington decarbonization act for large combination utilities.

NEW SECTION. **Sec. 20.** Sections 2 through 8, 10 through 12 and 19 of this act constitute a new chapter in Title 80 RCW.

NEW SECTION. **Sec. 21.** 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. 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 immediately."

On page 1, line 2 of the title, after "future;" strike the remainder of the title and insert "amending RCW 19.280.030, 80.24.010, 19.405.060, 80.28.130, 80.28.365, 80.28.380, and 80.28.425; adding a new chapter to Title 80 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Colleen Pehar, Deputy Secretary

MOTION

Representative Doglio moved that the House concur with the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589.

FIRST POINT OF ORDER

Representative Stokesbary stated the Senate striking amendment (880) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589 violated House Rule 12(F).

SPEAKER'S RULING

“Engrossed Second Substitute House Bill No. 1589 is a comprehensive bill making extensive changes to current law. The bill aims to assist large combination utilities in transitioning away from the use of natural gas and provides regulatory flexibility to achieve this goal. In part, the bill prescribes a process for a state regulatory agency, the Utilities and Transportation Commission, to consolidate a large combination utility’s planning requirements for both gas and electric operations into a single integrated system plan, known as an ISP. The bill requires a large combination utility to file an ISP by a specified date, and to update such a plan on a regular basis. The ISP has certain specified requirements, and the Utilities and Transportation Commission is authorized to complete rulemaking to implement consolidated planning requirements.

RCW 19.285.040 directs qualifying utilities, including large combination utilities as defined in Engrossed Substitute House Bill 1589, to establish biennial conservation targets and requires a utility to meet those targets. Significantly, it does not require the filing of a plan with the Utilities and Transportation Commission. In fact, only WAC 480-109-120, an administrative rule, requires a utility to file a biennial conservation plan.

Section 3, Subsection (2)(a) of the Senate amendment requires a large combination utility to incorporate the conservation targets required by RCW 19.285.040. However, the substantive obligations to create the conservation targets outlined in RCW 19.285.040 remain unchanged.

Therefore, the Speaker finds that Engrossed Substitute House Bill 1589, as amended by the Senate, is so complete that one can determine the scope of rights and duties it affects or creates without referring to other statutes. The Speaker further finds that that no rights or duties under existing statutes would be rendered erroneous by Section 3, Subsection (2)(a) of the Senate amendment.

The point of order is not well taken.”

SECOND POINT OF ORDER

Representative Stokesbary stated the Senate striking amendment (880) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589 violated House Rule 12(F).

SPEAKER’S RULING

“The Speaker will not repeat but acknowledges the brief description of the bill in the first point of order raised.

RCW 80.04.130 in relevant part specifies a process and criteria for the Utilities and Transportation Commission to evaluate a tariff change. The statute also authorizes the commission, if it so decides, to suspend the operation of rates for a period of up to ten months. The statute does not contemplate a time frame in which a decision must be made.

Section 7, Subsection (4) of the Senate amendment authorizes the Utilities and Transportation Commission to extend the deadline for a decision about whether to suspend the operation of rates when a large combination utility proposes its first multiyear rate plan.

Because RCW 80.04.130 does not specify a time frame in which a suspension decision must be made, the decision deadline extension referenced in Section 7, Subsection (4) of the Senate amendment does not impermissibly amend RCW 80.04.130.

Therefore, the Speaker finds that Engrossed Substitute House Bill 1589, as amended by the Senate, is so complete that one can determine the scope of rights and duties it affects or creates without referring to other statutes. The Speaker further finds that that no rights or duties under existing statutes would be rendered erroneous by Section 7, Subsection (4) of the Senate amendment.

The point of order is not well taken.”

THIRD POINT OF ORDER

Representative Stokesbary requested a scope and object ruling on the Senate striking amendment (880) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589.

SPEAKER’S RULING

“The title of Engrossed Substitute House Bill 1589 is an act relating to supporting Washington’s clean energy economy and transitioning to a clean, affordable, and reliable energy future. The title of the bill is broad.

Once again, the Speaker will not repeat, but acknowledges the brief description of the bill in the first point of order raised.

Section 13 of the Senate amendment increases an existing regulatory fee collected by the Utilities and Transportation Commission. This fee is paid by regulated public service companies and helps fund the commission’s operations and regulatory activities. The modified fee will help offset the cost of the commission fulfilling its duties under Engrossed Second Substitute House Bill No. 1589.

The modified fee in Section 13 of the Senate amendment is rationally related to the original purpose of the bill—to assist large combination utilities in transitioning away from the use of natural gas. Furthermore, the fee is remitted to the same agency—the Utilities and Transportation Commission—tasked with administering the bill as it left the House and before the bill was amended by the Senate.

The Speaker therefore finds and rules that the Senate amendment is within the scope and object of the bill.

Finally, because the Senate amendment is within the scope and object of the bill, the Speaker necessarily concludes that bill shall not be referred to committee per House Rule 12(C).

The point of order is not well taken.”

MOTION

Representative Stokesbary moved to appeal the decision of the Speaker in accordance with House Rule 24 and requested an oral roll call vote on the matter.

With the consent of the House, the motion to appeal the Speaker’s decision was withdrawn.

Representative Doglio spoke in favor of the motion to concur.

Representative Cheney spoke against the motion to concur.

An oral roll call was requested.

ROLL CALL

The Clerk called the roll on the motion to concur with the Senate amendment(s) to Engrossed Substitute House Bill No. 1589, and the motion passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Morgan, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Timmons, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick,

Schmidt, Shavers, Springer, Steele, Stokesbary, Volz, Walen,
Walsh, Waters and Ybarra

Excused: Representative Chandler and Wilcox

SENATE AMENDMENT TO HOUSE BILL

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589 and advanced the bill, as amended by the Senate, to final passage.

Representatives Doglio and Santos spoke in favor of the passage of the bill.

Representatives Dye, Jacobsen, Walsh, Abbarno, Maycumber and Stokesbary spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1589, as amended by the Senate.

An oral roll call was requested.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1589, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; Nays, 45; Absent, 0; Excused, 2

Voting Yea: Representatives Alvarado, Bateman, Berg, Bergquist, Berry, Bronoske, Callan, Chopp, Cortes, Davis, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Goodman, Gregerson, Hackney, Kloba, Leavitt, Lekanoff, Macri, Mena, Nance, Ormsby, Ortiz-Self, Orwall, Paul, Peterson, Pollet, Ramel, Ramos, Reed, Reeves, Riccelli, Ryu, Santos, Senn, Simmons, Slatter, Stearns, Stonier, Street, Taylor, Thai, Wylie and Mme. Speaker

Voting Nay: Representatives Abbarno, Barkis, Barnard, Caldier, Chambers, Chapman, Cheney, Christian, Connors, Corry, Couture, Dent, Dye, Eslick, Goehner, Graham, Griffey, Harris, Hutchins, Jacobsen, Klicker, Kretz, Low, Maycumber, McClintock, Morgan, Mosbrucker, Orcutt, Robertson, Rude, Rule, Sandlin, Schmick, Schmidt, Shavers, Springer, Steele, Stokesbary, Tharinger, Timmons, Volz, Walen, Walsh, Waters and Ybarra

Excused: Representatives Chandler and Wilcox

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House adjourned until 12:00 p.m., Wednesday, March 6, 2024, the 59th Day of the 2024 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

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| | Messages | 181 | | Messages | 17 |
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| | Messages | 101 | | Messages | 23 |
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| 1618-S2 | Messages | 1 | 2022-S2 | Final Passage | 29 |
| 1635 | Final Passage | 102 | | Messages | 24 |
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| 1851-S | Final Passage | 17 | | Messages | 29 |
| | Messages | 14 | 2044 | Messages | 1 |
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| 1867 | Messages | 171 | | | |
| 1870-S | Final Passage | 186 | | | |
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