EIGHTIETH DAY

House Chamber, Olympia, Wednesday, April 2, 2025

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Aditi Karthikeyan and Case Lawrence. The Speaker (Representative Shavers presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Colleen Chinen, Steel Lake Presbyterian Church, Federal Way.

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

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SUBSTITUTE SENATE BILL NO. 5106
SENATE BILL NO. 5141
SENATE BILL NO. 5209
SUBSTITUTE SENATE BILL NO. 5316

The Speaker called upon Representative Shavers to preside.

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

INTRODUCTION & FIRST READING

ESSB 5161 by Senate Committee on Transportation (originally sponsored by Liias, King and Nobles)

AN ACT Relating to transportation fiscal matters; amending RCW 36.79.020, 46.09.540, 46.20.745, 46.68.063, 46.68.090, 46.68.280, 46.68.290, 46.68.300, 46.68.320, 46.68.370, 46.68.395, 46.68.510, 47.56.876, 47.60.315, 47.60.530, 47.66.120, 82.44.200, 47.28.030, 47.60.310, and 88.16.061; amending 2024 c 310 s 103, 105, 106, 108, 110, 201, 202, 204, 205, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 303, 304, 305, 306, 307, 308, 309, 401, 402, 403, 404, 405, 406, and 407 (uncodified); amending 2023 c 472 s 303 (uncodified); adding a new section to 2024 c 310 (uncodified); creating new sections; repealing 2023 c 472 s 601 (uncodified) and 2024 c 310 s 501 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 5161 was read the first time, and under suspension of the rules, was placed on the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

March 27, 2025

HB 1227 Prime Sponsor, Representative Fey: Making transportation appropriations for the 2025-2027 fiscal biennium. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fey, Chair; Bernbaum, Vice Chair; Donaghy, Vice Chair; Reed, Vice Chair; Low, Assistant Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske; Dent; Duerr; Entenman; Griffey; Hunt; Nance; Orcutt; Paul; Ramel; Richards; Taylor; Timmons; Volz; Wylie and Zahn.

MINORITY recommendation: Do not pass. Signed by Representative Ley.

MINORITY recommendation: Without recommendation. Signed by Representatives Barkis, Ranking Minority Member; Mendoza, Assistant Ranking Minority Member; Klicker; and Stuebe.

Referred to Committee on Rules for second reading

March 31, 2025

SB 5036 Prime Sponsor, Senator Boehnke: Strengthening Washington's leadership and accountability on climate policy by transitioning to annual reporting of statewide emissions data. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70A.45.005 and 2021 c 316 s 44 are each amended to read as follows:

(1) The legislature finds that Washington has long been a national and international leader on energy conservation and environmental stewardship, including air quality protection, renewable energy development and generation, emission standards for fossil-fuel based energy generation, energy efficiency programs, natural resource conservation, sustainable forestry and the production of forest products, vehicle emission standards, and the use of biofuels. Washington is also unique among most states in that in addition to its commitment to reduce emissions of greenhouse gases, it has established goals to grow the clean energy sector and reduce the state's expenditures on imported fuels.

(2) The legislature further finds that Washington should continue its leadership on climate change policy by creating accountability for achieving the emission reductions established in RCW 70A.45.020, participating in the design of a regional multisector market-based system to help achieve those emission reductions, assessing other market strategies to reduce emissions of greenhouse gases, maintaining and

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enhancing the state's ability to continue to sequester carbon through natural and working lands and forest products, and ensuring the state has a well-trained workforce for our clean energy future. The consistent tracking and annual reporting of statewide emissions in a greenhouse gas inventory as required under RCW 70A.45.020 is an important responsibility that allows the legislature to determine whether state emissions are on a trajectory to achieve statutory emissions reduction limits, or whether new or amended policy interventions are necessary to achieve those limits.

(3) It is the intent of the legislature that the state will: (a) Limit and reduce emissions of greenhouse gas consistent with the emission reductions established in RCW 70A.45.020; (b) minimize the potential to export pollution, jobs, and economic opportunities; (c) support industry sectors that can act as sequesterers of carbon; and (d) reduce emissions at the lowest cost to Washington's economy, consumers, and businesses.

(4) In the event the state elects to participate in a regional multisector market-based system, it is the intent of the legislature that the system will become effective by January 1, 2012, after authority is provided to the department for its implementation. By acting now, Washington businesses and citizens will have adequate time and opportunities to be well positioned to take advantage of the low carbon economy and to make necessary investments in low carbon technology.

(5) It is also the intent of the legislature that the regional multisector market-based system recognize Washington's unique emissions and sequestration portfolio, including the:

(a) State's hydroelectric system;

(b) Opportunities presented by Washington's abundant forest resources and the associated forest products industry, along with aquatic and agriculture land and the associated industries; and

(c) State's leadership in energy efficiency and the actions it has already taken that have reduced its generation of greenhouse gas emissions and that entities receive appropriate credit for early actions to reduce greenhouse gases.

(6) If any revenues, excluding those from state trust lands, that accrue to the state are created by a market system, they must be used for the purposes established in chapter 70A.65 RCW and to further the state's efforts to achieve the goals established in RCW 70A.45.020, address the impacts of global warming on affected habitats, species, and communities, promote and invest in industry sectors that act as sequesterers of carbon, and increase investment in the clean energy economy particularly for communities and workers that have suffered from heavy job losses and chronic unemployment and underemployment.

Sec. 2. RCW 70A.45.020 and 2020 c 79 s 2, 2020 c 32 s 4, and 2020 c 20 s 1398 are each reenacted and amended to read as follows:

(1)(a) The state shall limit anthropogenic emissions of greenhouse gases to achieve the following emission reductions for Washington state:

(i) By 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels, or ((~~ninety million five hundred thousand~~))90,500,000 metric tons;

(ii) By 2030, reduce overall emissions of greenhouse gases in the state to ((~~fifty million~~))50,000,000 metric tons, or ((~~forty-five~~))45 percent below 1990 levels;

(iii) By 2040, reduce overall emissions of greenhouse gases in the state to ((~~twenty-seven million~~))27,000,000 metric tons, or ((~~seventy~~))70 percent below 1990 levels;

(iv) By 2050, reduce overall emissions of greenhouse gases in the state to ((~~five million~~))5,000,000 metric tons, or ((~~ninety-five~~))95 percent below 1990 levels.

(b) By December 1, 2008, the department shall submit a greenhouse gas reduction plan for review and approval to the legislature, describing those actions necessary to achieve the emission reductions in (a) of this subsection by using existing statutory authority and any additional authority granted by the legislature. Actions taken using existing statutory authority may proceed prior to approval of the greenhouse gas reduction plan.

(c) In addition to the emissions limits specified in (a) of this subsection, the state shall also achieve net zero greenhouse gas emissions by 2050. Except where explicitly stated otherwise, nothing in chapter 14, Laws of 2008 limits any state agency authorities as they existed prior to June 12, 2008.

(d) Consistent with this directive, the department shall take the following actions:

(i) Develop and implement a system for monitoring and reporting emissions of greenhouse gases as required under RCW 70A.15.2200; and

(ii) Track progress toward meeting the emission reductions established in this subsection, including the results from policies currently in effect that have been previously adopted by the state and policies adopted in the future, and report on that progress. Progress reporting should include statewide emissions as well as emissions from key sectors of the economy including, but not limited to, electricity, transportation, buildings, manufacturing, and agriculture.

(e) Nothing in this section creates any new or additional regulatory authority for any state agency as they existed prior to January 1, 2019.

(2) ((~~By December 31st of each even-numbered year beginning in 2010, the~~))(a) The department and the department of commerce shall post and maintain on the department's website and report to the governor and the appropriate committees of the senate and house of representatives the total emissions of greenhouse gases for the ((~~preceding~~))most recent two years for which such data are available, and totals in each major source sector, including emissions associated with leaked gas identified by the utilities and transportation commission under RCW 81.88.160. The report must include

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greenhouse gas emissions from wildfires, developed in consultation with the department of natural resources. The department shall ensure the reporting rules adopted under RCW 70A.15.2200 allow it to develop a comprehensive inventory of emissions of greenhouse gases from all significant sectors of the Washington economy. The report required under this section must be completed by December 31st of each even-numbered year through 2030, and must be completed by December 31st of each year beginning December 31, 2031.

(b) In addition to the report required in (a) of this subsection, by December 31, 2027, and December 31, 2029, the department and the department of commerce shall post and maintain on the department's website and provide notification to the governor and the appropriate committees of the senate and the house of representatives summarizing the total emissions of greenhouse gases for the most recent year for which such data is available, and totals in each major source sector reported as required under (a) of this subsection.

(3) Except for purposes of reporting, emissions of carbon dioxide from industrial combustion of biomass in the form of fuel wood, wood waste, wood by-products, and wood residuals shall not be considered a greenhouse gas as long as the region's silvicultural sequestration capacity is maintained or increased.

Sec. 3. RCW 70A.65.130 and 2021 c 316 s 15 are each amended to read as follows:

(1) For the benefit of ratepayers, allowances must be allocated at no cost to covered entities that are natural gas utilities.

(a) By October 1, 2022, the department shall adopt rules, in consultation with the utilities and transportation commission, establishing the methods and procedures for allocating allowances to natural gas utilities. Rules adopted under this subsection must allow for a natural gas utility to be provided allowances at no cost to cover their emissions and decline proportionally with the cap, consistent with RCW 70A.65.070. Allowances allocated at no cost to natural gas utilities must be consigned to auction for the benefit of ratepayers consistent with subsection (2) of this section, deposited for compliance, or a combination of both. The rules adopted by the department pursuant to this section must include provisions directing revenues generated under this subsection to the applicable utilities.

(b) By October 1, 2022, the department shall adopt an allocation schedule by rule, in consultation with the utilities and transportation commission, for the first two compliance periods for the provision of allowances for the benefit of ratepayers at no cost to natural gas utilities.

(c) By October 1, 2028, the department shall adopt an allocation schedule by rule, in consultation with the utilities and transportation commission, for the provision of allowances for the benefit of ratepayers at no cost to natural gas utilities for the compliance periods contained within calendar years 2031 through 2040.

(2)(a) Beginning in 2023, 65 percent of the no cost allowances must be consigned to auction for the benefit of customers, including at a minimum eliminating any additional cost burden to low-income customers from the implementation of this chapter. Rules adopted under this subsection must increase the percentage of allowances consigned to auction by five percent each year until a total of 100 percent is reached.

(b) Revenues from allowances sold at auction must be returned by providing nonvolumetric credits on ratepayer utility bills, prioritizing low-income customers, or used to minimize cost impacts on low-income, residential, and small business customers through actions that include, but are not limited to, weatherization, decarbonization, conservation and efficiency services, and bill assistance. The customer benefits provided from allowances consigned to auction under this section must be in addition to existing requirements in statute, rule, or other legal requirements.

(c) Except for low-income customers, the customer bill credits under this subsection are reserved exclusively for customers at locations connected to a natural gas utility's system on July 25, 2021. Bill credits may not be provided to customers of the gas utility at a location connected to the system after July 25, 2021.

(3) In order to qualify for no cost allowances, covered entities that are natural gas utilities must provide copies of their greenhouse gas emissions reports filed with the United States environmental protection agency under 40 C.F.R. Part 98 subpart NN - suppliers of natural gas and natural gas liquids for calendar years 2015 through 2021 to the department on or before March 31, 2022. The copies of the reports must be provided in electronic form to the department, in a manner prescribed by the department. The reports must be complete and contain all information required by 40 C.F.R. Sec. 98.406 including, but not limited to, information on large end users served by the natural gas utility. For any year where a natural gas utility was not required to file this report with the United States environmental protection agency, a report may be submitted in a manner prescribed by the department containing all of the information required in the subpart NN report.

(4) To ((~~continue receiving~~))receive no cost allowances, a natural gas utility must provide to the department ((~~the United States environmental protection agency subpart NN greenhouse gas emissions report for each reporting year in the manner and by the dates provided~~))an annual greenhouse gas emissions report as required by RCW 70A.15.2200(5) ((~~as part of the greenhouse gas reporting requirements of this chapter~~))."

Correct the title.

Signed by Representatives Doglio, Chair; Hunt, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Member; Abell; Barnard; Berry; Duerr; Fey; Fitzgibbon;

Kloba; Ley; Mena; Mendoza; Ramel; Stearns; Street; Wylie and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno; and Stuebe.

Referred to Committee on Appropriations

April 1, 2025

SSB 5074 Prime Sponsor, Agriculture & Natural Resources: Concerning payment of seed contracts. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum; McClintock; Nance; Orcutt; Richards; Schmick and Springer.

Referred to Committee on Rules for second reading

March 31, 2025

ESSB 5105 Prime Sponsor, Law & Justice: Concerning sexually explicit depictions of minors. Reported by Committee on Community Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that rapid advancements in artificial intelligence and other digital tools have enabled users to easily create or alter images in a realistic manner, resulting in the widespread proliferation of fabricated depictions that are virtually indistinguishable from authentic images.

The legislature further finds that images of child sexual abuse have been reported in training datasets for artificial intelligence image generation, and that artificial intelligence and other digital tools are increasingly capable of generating realistic images of minors engaging in sexually explicit conduct.

The legislature further finds that artificial intelligence and other digital tools have introduced significant barriers to the detection and prosecution of crimes involving depictions of minors engaging in sexually explicit conduct, including by contributing to the increased volume of child sexual abuse material available online, facilitating the alteration of real images of child sexual abuse to evade conventional detection methods, and subverting conventional digital detection tools such as hash match identification.

The legislature further finds that even where a fabricated depiction of a minor engaging in sexually explicit conduct does not depict an identifiable victim, exposure to such material may nonetheless desensitize the creator and viewers to the sexual exploitation and abuse of minors, distort perceptions of healthy sexuality and relationships, and increase the likelihood of future victimization.

The legislature further finds that it has a legitimate and compelling interest in preventing the sexual exploitation and abuse of children, and that even fabricated depictions of such conduct are patently offensive and may be regulated without infringing on constitutionally protected activity.

Therefore, the legislature intends to expand Washington's existing prohibitions against fabricated depictions of minors engaged in sexually explicit conduct to include circumstances where the depicted minor is not identifiable.

Sec. 2. RCW 9.68A.011 and 2024 c 88 s 1 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) "Digitization" means creating or altering any visual or printed matter to depict ((~~an identifiable~~))a minor in a realistic manner utilizing images of another person or computer-generated images, regardless of whether such creation or alteration is accomplished manually or through an automated process. "Digitization" includes, but is not limited to, creation or alteration of any visual or printed matter by using artificial intelligence.

(2) "Fabricated ((~~depiction of an identifiable minor" and "fabricated depiction" mean~~))depiction" means any visual or printed matter that ((~~depicts~~))was created or altered by digitization to depict a minor ((~~who~~))engaging in sexually explicit conduct and:

(a) The minor is identifiable from the matter itself or from information displayed with or otherwise connected to the matter((~~, and that was created or altered by digitization to depict the minor engaging in sexually explicit conduct in which the minor did not actually engage~~)); or

(b) Is obscene.

(3) An "internet session" means a period of time during which an internet user, using a specific internet protocol address, visits or is logged into an internet site for an uninterrupted period of time.

(4) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.

(5) "Minor" means any person under ((~~eighteen~~))18 years of age.

(6) "Obscene" means any matter:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest;

(b) Which the average person, applying contemporary community standards, would find explicitly depicts or describes patently offensive representations or descriptions of sexually explicit conduct; and

(c) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value.

(7) To "photograph" means to make a print, negative, slide, digital image,

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motion picture, or videotape. A "photograph" means anything tangible or intangible produced by photographing.

((~~(7)~~))(8) "Sexually explicit conduct" means actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;

(b) Penetration of the vagina or rectum by any object;

(c) Masturbation;

(d) Sadomasochistic abuse;

(e) Defecation or urination for the purpose of sexual stimulation of the viewer;

(f) Depiction of the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purpose of sexual stimulation of the viewer. For the purposes of this subsection ((~~(7)~~))(8)(f), it is not necessary that the minor know that he or she is participating in the described conduct, or any aspect of it; ((~~and~~))or

(g) Touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.

((~~(8)~~))(9) "Visual or printed matter" means any photograph or other material that contains a reproduction of a photograph. "Visual or printed matter" includes, but is not limited to, any such photograph or other material that constitutes a fabricated depiction ((~~of an identifiable minor~~)).

Sec. 3. RCW 9.68A.050 and 2019 c 128 s 3 are each amended to read as follows:

(1)(a) A person ((~~eighteen~~))18 years of age or older commits the crime of dealing in depictions of a minor engaged in sexually explicit conduct in the first degree when he or she:

(i) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells a visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (a) through (e); or

(ii) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (a) through (e).

(b) Dealing in depictions of a minor engaged in sexually explicit conduct in the first degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2)(a) A person ((~~eighteen~~))18 years of age or older commits the crime of dealing in depictions of a minor engaged in sexually explicit conduct in the second degree when he or she:

(i) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (f) or (g); or

(ii) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (f) or (g).

(b) Dealing in depictions of a minor engaged in sexually explicit conduct in the second degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of dealing in one or more depictions or images of visual or printed matter constitutes a separate offense.

Sec. 4. RCW 9.68A.053 and 2019 c 128 s 4 are each amended to read as follows:

(1)(a)(i) A person under the age of ((~~eighteen~~))18 commits the crime of a minor dealing in depictions of another minor ((~~thirteen~~))13 years of age or older engaged in sexually explicit conduct in the first degree when he or she knowingly distributes, publishes, transfers, disseminates, or exchanges a visual or printed matter that depicts another minor ((~~thirteen~~))13 years of age or older engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (a) through (e).

(ii) Minor dealing in depictions of another minor ((~~thirteen~~))13 years of age or older engaged in sexually explicit conduct in the first degree is a gross misdemeanor.

(b)(i) A person under the age of ((~~eighteen~~))18 commits the crime of a minor dealing in depictions of another minor ((~~thirteen~~))13 years of age or older engaged in sexually explicit conduct in the second degree when he or she knowingly distributes, publishes, transfers, disseminates, or exchanges a visual or printed matter that depicts another minor ((~~thirteen~~))13 years of age or older engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (f) or (g).

(ii) Minor dealing in depictions of another minor ((~~thirteen~~))13 years of age or older engaged in sexually explicit conduct in the second degree is a misdemeanor.

(2)(a) A person under age ((~~eighteen~~))18 commits the crime of minor dealing in depictions of another minor ((~~twelve~~))12 years of age or younger engaged in sexually explicit conduct in the first degree when he or she:

(i) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells a visual or printed matter that depicts another minor ((~~twelve~~))12 years of age or younger engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (a) through (e); or

(ii) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts another minor ((~~twelve~~))12 years of age or younger engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (a) through (e).

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(b) Minor dealing in depictions of another minor ((~~twelve~~))12 years of age or younger engaged in sexually explicit conduct in the first degree is a class B felony punishable under chapter 9A.20 RCW.

(3)(a) A person under age ((~~eighteen~~))18 commits the crime of minor dealing in depictions of another minor ((~~twelve~~))12 years of age or younger engaged in sexually explicit conduct in the second degree when he or she:

(i) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts another minor ((~~twelve~~))12 years of age or younger engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (f) or (g); or

(ii) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts another minor ((~~twelve~~))12 years of age or younger engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (f) or (g).

(b) Minor dealing in depictions of a minor ((~~twelve~~))12 years of age or younger engaged in sexually explicit conduct in the second degree is a class B felony punishable under chapter 9A.20 RCW.

(4)(a) Any person under the age of ((~~eighteen~~))18 commits the crime of minor financing or selling depictions of another minor engaged in sexually explicit conduct when he or she finances, attempts to finance, or sells a visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (a) through (g).

(b) Minor financing or selling depictions of another minor engaged in sexually explicit conduct is a class B felony punishable under chapter 9A.20 RCW.

(5)(a) A person under the age of ((~~eighteen~~))18 commits the crime of minor selling depictions of himself or herself engaged in sexually explicit conduct when he or she sells a visual or printed matter that depicts himself or herself engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (a) through (g).

(b) Minor selling depictions of himself or herself engaged in sexually explicit conduct is a misdemeanor.

(6) This section does not apply to a person under ((~~eighteen~~))18 years of age who finances, attempts to finance, develops, duplicates, publishes, prints, disseminates, exchanges, or possesses a visual or printed matter that depicts himself or herself engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8).

(7) For the purposes of determining the unit of prosecution under this section, each depiction or image of visual or printed matter constitutes a separate offense.

Sec. 5. RCW 9.68A.060 and 2019 c 128 s 5 are each amended to read as follows:

(1)(a) Except as provided in subsections (3) and (4) of this section, a person commits the crime of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the first degree when he or she knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, a visual or printed matter that depicts a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (a) through (e).

(b) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the first degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2)(a) Except as provided in subsections (3) and (4) of this section, a person commits the crime of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the second degree when he or she knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, any visual or printed matter that depicts a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (f) or (g).

(b) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the second degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of sending or bringing into the state one or more depictions or images of visual or printed matter constitutes a separate offense.

(3) This section does not apply to a minor who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for distribution, visual or printed matter depicting any minor ((~~thirteen~~))13 years of age or older engaged in sexually explicit conduct.

(4) This section does not apply to a person under ((~~thirteen~~))13 years of age who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for distribution, visual or printed matter depicting himself or herself engaged in sexually explicit conduct.

Sec. 6. RCW 9.68A.070 and 2019 c 128 s 6 are each amended to read as follows:

(1)(a) Except as provided in subsections (3) and (4) of this section, a person commits the crime of possession of depictions of a minor engaged in sexually explicit conduct in the first degree when he or she knowingly possesses a visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (a) through (e).

(b) Possession of depictions of a minor engaged in sexually explicit conduct in the first degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

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(2)(a) Except as provided in subsections (3) and (4) of this section, a person commits the crime of possession of depictions of a minor engaged in sexually explicit conduct in the second degree when he or she knowingly possesses any visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (f) or (g).

(b) Possession of depictions of a minor engaged in sexually explicit conduct in the second degree is a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of possession of one or more depictions or images of visual or printed matter constitutes a separate offense.

(3) This section does not apply to a minor's possession of visual or printed matter depicting any minor ((~~thirteen~~))13 years of age or older engaged in sexually explicit conduct.

(4) This section does not apply to a person under ((~~thirteen~~))13 years of age in possession of visual or printed matter depicting himself or herself engaged in sexually explicit conduct.

Sec. 7. RCW 9.68A.075 and 2019 c 128 s 7 are each amended to read as follows:

(1) Except as provided in subsections (5) and (6) of this section, a person who intentionally views over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (a) through (e) is guilty of viewing depictions of a minor engaged in sexually explicit conduct in the first degree, a class B felony punishable under chapter 9A.20 RCW.

(2) Except as provided in subsections (5) and (6) of this section, a person who intentionally views over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011((~~(4)~~))(8) (f) or (g) is guilty of viewing depictions of a minor engaged in sexually explicit conduct in the second degree, a class C felony punishable under chapter 9A.20 RCW.

(3) For the purposes of determining whether a person intentionally viewed over the internet a visual or printed matter depicting a minor engaged in sexually explicit conduct in subsection (1) or (2) of this section, the trier of fact shall consider the title, text, and content of the visual or printed matter, as well as the internet history, search terms, thumbnail images, downloading activity, expert computer forensic testimony, number of visual or printed matter depicting minors engaged in sexually explicit conduct, defendant's access to and control over the electronic device and its contents upon which the visual or printed matter was found, or any other relevant evidence. The state must prove beyond a reasonable doubt that the viewing was initiated by the user of the computer where the viewing occurred.

(4) For the purposes of this section, each separate internet session of intentionally viewing over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct constitutes a separate offense.

(5) This section does not apply to a minor who intentionally views over the internet visual or printed matter depicting a minor ((~~thirteen~~))13 years of age or older engaged in sexually explicit conduct.

(6) This section does not apply to a person under ((~~thirteen~~))13 years of age who intentionally views over the internet visual or printed matter depicting himself or herself engaged in sexually explicit conduct.

Sec. 8. RCW 9.68A.110 and 2024 c 88 s 3 are each amended to read as follows:

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100 through 9.68A.102, except for the purpose of facilitating an investigation where the minor is also the alleged victim and the:

(a) Investigation is authorized pursuant to RCW 9.73.230(1)(b)(ii) or 9.73.210(1)(b); or

(b) Minor's aid in the investigation involves only telephone or electronic communication with the defendant.

(2) In a prosecution under RCW 9.68A.050, 9.68A.053, 9.68A.060, 9.68A.070, 9.68A.075, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter. It is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040, 9.68A.090, 9.68A.100, 9.68A.101, or 9.68A.102, it is not a defense that the defendant did not know the alleged victim's age. It is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.

(4) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.075, it shall be an affirmative defense that the defendant was a law enforcement officer or a person specifically authorized, in writing, to assist a law enforcement officer and acting at the direction of a law enforcement officer in the process of conducting an official investigation of a sex-related crime against a minor, or that the defendant was providing individual case treatment as a recognized medical facility or as a psychiatrist or psychologist licensed under Title 18 RCW. Nothing in chapter 227, Laws of 2010 is intended to in any way affect or

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diminish the immunity afforded an electronic communication service provider, remote computing service provider, or domain name registrar acting in the performance of its reporting or preservation responsibilities under 18 U.S.C. Secs. 2258a, 2258b, or 2258c.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.075, the state is not required to establish the identity of the alleged victim unless the charged offense involves a fabricated depiction as defined in RCW 9.68A.011(2)(a).

(6) In a prosecution under RCW 9.68A.070 or 9.68A.075, it shall be an affirmative defense that:

(a) The defendant was employed at or conducting research in partnership or in cooperation with any institution of higher education as defined in RCW 28B.07.020 or 28B.10.016, and:

(i) He or she was engaged in a research activity;

(ii) The research activity was specifically approved prior to the possession or viewing activity being conducted in writing by a person, or other such entity vested with the authority to grant such approval by the institution of higher education; and

(iii) Viewing or possessing the visual or printed matter is an essential component of the authorized research; or

(b) The defendant was an employee of the Washington state legislature engaged in research at the request of a member of the legislature and:

(i) The request for research is made prior to the possession or viewing activity being conducted in writing by a member of the legislature;

(ii) The research is directly related to a legislative activity; and

(iii) Viewing or possessing the visual or printed matter is an essential component of the requested research and legislative activity.

(7) In a prosecution under RCW 9.68A.050, 9.68A.053, 9.68A.060, 9.68A.070, or 9.68A.075 where the charged offense involves a fabricated depiction((~~, it is not a defense that the defendant lacked knowledge of whether the fabricated depiction had been created or altered by digitization~~))as defined in RCW 9.68A.011(2)(b), the state is not required to establish that the minor depicted actually exists.

(8) In a prosecution under RCW 9.68A.050, 9.68A.053, 9.68A.060, 9.68A.070, or 9.68A.075 where the charged offense involves a fabricated depiction as defined in RCW 9.68A.011(2) (a) or (b), it is not a defense that the defendant lacked knowledge of whether the fabricated depiction had been created or altered by digitization, or that the defendant lacked knowledge of whether the minor depicted actually exists.

(9) In a prosecution under RCW 9.68A.070 where the charged offense involves a fabricated depiction as defined in RCW 9.68A.011(2)(b), the minor depicted is under 13 years of age, and the defendant was under 18 years of age at the time of the offense, it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the fabricated depiction at issue had been created or altered by digitization in a manner that utilized images of a real minor under 13 years of age engaging in sexually explicit conduct.

(10) Nothing in this section authorizes otherwise unlawful viewing or possession of visual or printed matter depicting a minor engaged in sexually explicit conduct.

Sec. 9. RCW 9.68A.040 and 1989 c 32 s 2 are each amended to read as follows:

(1) A person is guilty of sexual exploitation of a minor if the person:

(a) Compels a minor by threat or force to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance;

(b) Aids, invites, employs, authorizes, or causes a minor to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance; ((~~or~~))

(c) Being a parent, legal guardian, or person having custody or control of a minor, permits the minor to engage in sexually explicit conduct, knowing that the conduct will be photographed or part of a live performance; or

(d) Knowingly causes a minor to be photographed or part of a live performance which depicts the minor engaged in sexually explicit conduct where the minor is unconscious or unaware of the photograph or live performance.

(2) Sexual exploitation of a minor is a class B felony punishable under chapter 9A.20 RCW.

NEW SECTION. **Sec. 10.** A new section is added to chapter 9.68A RCW to read as follows:

Nothing in RCW 9.68A.050, 9.68A.053, 9.68A.060, 9.68A.070, 9.68A.075, or 9.68A.080 affects any criminal or civil liability a provider, as defined under 18 U.S.C. Sec. 2258e, may be subject to under federal law.

Sec. 11. RCW 9A.04.080 and 2024 c 298 s 16 and 2024 c 297 s 11 are each reenacted and amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Homicide by abuse;

(iii) Arson if a death results;

(iv) Vehicular homicide;

(v) Vehicular assault if a death results;

(vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4));

(vii) Rape in the first degree (RCW 9A.44.040) if the victim is under the age of sixteen;

(viii) Rape in the second degree (RCW 9A.44.050) if the victim is under the age of sixteen;

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(ix) Rape of a child in the first degree (RCW 9A.44.073);

(x) Rape of a child in the second degree (RCW 9A.44.076);

(xi) Rape of a child in the third degree (RCW 9A.44.079);

(xii) Sexual misconduct with a minor in the first degree (RCW 9A.44.093);

(xiii) Custodial sexual misconduct in the first degree (RCW 9A.44.160);

(xiv) Child molestation in the first degree (RCW 9A.44.083);

(xv) Child molestation in the second degree (RCW 9A.44.086);

(xvi) Child molestation in the third degree (RCW 9A.44.089);

(xvii) Sexual exploitation of a minor (RCW 9.68A.040);

(xviii) Rape in the first degree (RCW 9A.44.040) if the perpetrator is a first responder as defined in RCW 70.54.430 and if the first responder used the first responder's position to facilitate the commission of the offense;

(xix) Rape in the second degree (RCW 9A.44.050) if the perpetrator is a first responder as defined in RCW 70.54.430 and if the first responder used the first responder's position to facilitate the commission of the offense;

(xx) Rape in the third degree (RCW 9A.44.060) if the perpetrator is a first responder as defined in RCW 70.54.430 and if the first responder used the first responder's position to facilitate the commission of the offense;

(xxi) Trafficking (RCW 9A.40.100) if the victim is under the age of 18;

(xxii) Commercial sexual abuse of a minor (RCW 9.68A.100);

(xxiii) Promoting commercial sexual abuse of a minor (RCW 9.68A.101);

(xxiv) Promoting travel for commercial sexual abuse of a minor (RCW 9.68A.102); and

(xxv) Permitting commercial sexual abuse of a minor (RCW 9.68A.103).

(b) Except as provided in (a) of this subsection, the following offenses may not be prosecuted more than 20 years after its commission:

(i) Rape in the first degree (RCW 9A.44.040);

(ii) Rape in the second degree (RCW 9A.44.050); or

(iii) Indecent liberties (RCW 9A.44.100).

(c) The following offenses may not be prosecuted more than ((~~ten~~))10 years after its commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results;

(iii) Rape in the third degree (RCW 9A.44.060);

(iv) Attempted murder; or

(v) Trafficking under RCW 9A.40.100.

(d) A violation of this offense listed in this subsection (1)(d) may be prosecuted up to 10 years after its commission or, if committed against a victim under the age of 18, up to the victim's 30th birthday, whichever is later: RCW 9A.64.020 (incest).

(e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years after its commission, or if committed against a victim under the age of 18, up to the victim's 28th birthday, whichever is later.

(f) The following offenses may not be prosecuted more than six years after its commission or discovery, whichever occurs later:

(i) Violations of RCW 9A.82.060 or 9A.82.080;

(ii) Any felony violation of chapter 9A.83 RCW;

(iii) Any felony violation of chapter 9.35 RCW;

(iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception;

(v) Theft from a vulnerable adult under RCW 9A.56.400;

(vi) Trafficking in stolen property in the first or second degree under chapter 9A.82 RCW in which the stolen property is a motor vehicle or major component part of a motor vehicle as defined in RCW 46.80.010; or

(vii) Violations of RCW 82.32.290 (2)(a)(iii) or (4).

(g) The following offenses may not be prosecuted more than five years after its commission:

(i) Any class C felony under chapter 74.09, 82.36, or 82.38 RCW;

(ii) Dealing in depictions of a minor engaged in sexually explicit conduct in the first degree (RCW 9.68A.050(1));

(iii) Dealing in depictions of a minor engaged in sexually explicit conduct in the second degree (RCW 9.68A.050(2));

(iv) Possession of depictions of a minor engaged in sexually explicit conduct in the first degree (RCW 9.68A.070(1));

(v) Possession of depictions of a minor engaged in sexually explicit conduct in the second degree (RCW 9.68A.070(2));

(vi) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the first degree (RCW 9.68A.060(1));

(vii) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the second degree (RCW 9.68A.060(2));

(viii) Viewing depictions of a minor engaged in sexually explicit conduct in the first degree (RCW 9.68A.075(1)); or

(ix) Viewing depictions of a minor engaged in sexually explicit conduct in the second degree (RCW 9.68A.075(2)).

(h) Bigamy may not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(i) A violation of RCW 9A.56.030 may not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(j) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

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(k) No gross misdemeanor, except as provided under (e) of this subsection, may be prosecuted more than two years after its commission.

(l) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or four years from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing or by photograph as defined in RCW 9.68A.011, whichever is later.

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

NEW SECTION. **Sec. 12.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Goodman, Chair; Davis; Farivar; Fosse and Obras.

MINORITY recommendation: Without recommendation. Signed by Representatives Simmons, Vice Chair; Graham, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Burnett.

Referred to Committee on Appropriations

March 31, 2025

ESSB 5181 Prime Sponsor, Early Learning & K-12 Education: Amending the parents rights initiative to bring it into alignment with existing law. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.605.005 and 2024 c 4 s 1 are each amended to read as follows:

(1) The legislature finds that: (a) Parents are the primary stakeholders in their children's upbringing; (b) parental involvement is a significant factor in increasing student achievement; and (c) access to student information encourages greater parental involvement.

(2) Parents and legal guardians of ((~~public school children younger than 18 years old have all of~~))children enrolled in public schools as defined in RCW 28A.150.010 have the following rights:

(a) To access their child's classroom and school-sponsored activities to observe in accordance with RCW 28A.605.020 and to examine the curriculum, textbooks, ((~~curriculum~~))instructional materials, and supplemental ((~~material~~))instructional materials used in their child's classroom in accordance with policies and procedures;

(b)(i) To inspect and review their child's ((~~public school~~))education records ((~~in accordance with RCW 28A.605.030,~~)) and to request and receive a copy of their child's education records within ((~~10 business days of submitting a written request, either electronically or on paper~~))a reasonable period of time, but not more than 45 days, of submitting a request in accordance with the federal family educational rights and privacy act of 1974, Title 20 U.S.C. Sec. 1232g, as in effect on January 1, 2025, and RCW 28A.605.030.

(ii) Parents ((~~or~~))and legal guardians ((~~must~~))choosing to inspect and review their child's education records may not be required by a public school to appear in person for the purposes of requesting or validating a request for their child's ((~~public school~~))education records, provided the public school can ascertain the identity of the requestor.

(iii) No charge may be imposed on a parent or legal guardian to ((~~receive such records electronically~~))inspect or review their child's education records or for the costs of searching for or retrieving the education records. Any charges for a ((~~paper~~)) copy of such records must be reasonable ((~~and~~)), not prevent a parent, legal guardian, or eligible child from exercising the right to inspect and review the child's education records, and be set forth in the official policies and procedures of the school district and public school.

(iv) ((~~Public school records include all of the following:~~

~~(A) Academic records including, but not limited to, test and assessment scores in accordance with RCW 28A.230.195;~~

~~(B) Medical or health records;~~

~~(C) Records of any mental health counseling;~~

~~(D) Records of any vocational counseling;~~

~~(E) Records of discipline, including expulsions and suspensions under RCW 28A.600.015;~~

~~(F) Records of attendance, including unexcused absences in accordance with RCW 28A.225.020;~~

~~(G) Records associated with a child's screening for learning challenges, exceptionalities, plans for an individualized education program, or plan adopted under section 504 of the rehabilitation act of 1973; and~~

~~(H) Any other student-specific files, documents, or other materials that are maintained by the public school~~))Education records means those official records, files, and data directly related to a student and maintained by the public school including, but not limited to, records encompassing all the material kept in the child's cumulative folder, such as general identifying data,

records of attendance and of academic work completed, records of achievement and results of evaluative tests, disciplinary status, test protocols, and individualized education programs;

(v) Education records do not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(vi) Nothing in this section changes the access and disclosure provisions established in chapter 70.02 RCW related to health care information;

(c) ((~~To receive prior notification when medical services are being offered to their child, except where emergency medical treatment is required. In cases where emergency medical treatment is required, the parent and legal guardian must be notified as soon as practicable after the treatment is rendered;~~

~~(d) To receive notification when any medical service or medications have been provided to their child that could result in any financial impact to the parent's or legal guardian's health insurance payments or copays;~~

~~(e) To receive notification when the school has arranged directly or indirectly for medical treatment that results in follow-up care beyond normal school hours. Follow-up care includes monitoring the child for aches and pains, medications, medical devices such as crutches, and emotional care needed for the healing process;~~

~~(f)~~)) To receive immediate notification if a criminal action is ((~~deemed~~))alleged to have been committed against their child ((~~or by their child~~))on school property during the school day, during a school sponsored activity, or by a school employee, contractor, or volunteer, including immediate notification if there has been a shooting on school property, or their child has been detained based on probable cause of involvement in criminal activity on school property during the school day;

((~~(g)~~))(d) To receive immediate notification if a criminal action is alleged to have been committed against their child, including immediate notification if their child is alleged to be the victim, target, or recipient of an allegation of sexual misconduct by a school employee as required by RCW 28A.320.160;

(e) To receive immediate notification if law enforcement personnel question their child during a custodial interrogation at the school during the school day, except in cases where the parent or legal guardian has been accused of abusing or neglecting the child;

((~~(h)~~))(f) To ((~~receive immediate notification if their child is taken or removed from the public school campus without parental permission, including to stay at a youth shelter or "host home" as defined in RCW 74.15.020;~~

~~(i) To receive assurance their child's public school will not discriminate against their child based upon the sincerely held religious beliefs of the child's family in accordance with chapter~~))not have their child removed from school grounds or buildings during school hours without authorization of a parent or legal guardian according to the provisions in RCW 28A.605.010. Nothing in this section affects the provisions in RCW 74.15.020, 13.32A.082, 26.44.050, or 26.44.115;

(g) To have their child receive a public education in a setting in which discrimination on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited under chapters 28A.640 and 28A.642 RCW;

((~~(j) To~~))(h) In accordance with the protection of pupil rights, Title 20 U.S.C. Sec. 1232h, the right to receive written notice and the option to opt their child out of any ((~~surveys, assignments, questionnaires, role-playing activities, recordings of their child, or other student engagements that include questions about any of the following:~~

~~(i) The child's sexual experiences or attractions;~~

~~(ii) The child's family beliefs, morality, religion, or political affiliations;~~

~~(iii) Any mental health or psychological problems of the child or a family member; and~~

~~(iv) All surveys, analyses, and evaluations subject to areas covered by the protection of pupil rights amendment of the family educational rights and privacy act~~))survey, analysis, or evaluation that reveals information concerning:

(i) Political affiliations or beliefs of the student or the student's parent or legal guardian;

(ii) Mental or psychological problems of the student or the student's family;

(iii) Sex behavior and attitudes;

(iv) Illegal, antisocial, self-incriminating or demeaning behavior;

(v) Critical appraisals of other individuals with whom respondents have close family relationships;

(vi) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

(vii) Religious practices, affiliations, or beliefs of the student or student's parent or legal guardian; or

(viii) Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program;

((~~(k)~~))(i) To receive written notice and have the option to opt their child out of ((~~instruction on topics associated with sexual activity~~))comprehensive sexual health education in accordance with RCW 28A.300.475;

((~~(l)~~))(j) To receive from the public school the annual school calendar, no later than 30 days prior to the beginning of the school year, and to be notified in writing as soon as feasible of any revisions to such calendar. Such calendar must be posted to the public school's website and must

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include, at a minimum, student attendance days and any known event that requires parent, legal guardian, or student attendance outside of normal school days or hours;

((~~(m)~~))(k) To receive in writing each year or to view on the public school's website a comprehensive listing of any required fee and its purpose and use and a description of how economic hardships may be ((~~addressed;~~

~~(n)~~))considered in the administration of fees;

(l) To receive in writing each year or to view on the public school's website a description of the school's required dress code or uniform established pursuant to the policies established and allowed by RCW 28A.320.140, if applicable, for students; ((~~and~~

~~(o)~~))(m) To be informed if their child's academic ((~~performance, including whether their child is provided a student learning plan under RCW 28A.655.270~~))progress, including the right to receive periodic reports on their child's educational growth and development in accordance with RCW 28A.150.240 and to receive notice of their child's performance on state learning standards tests and assessments in accordance with RCW 28A.230.195, and whether the performance, is such that it could threaten the child's ability to be promoted to the next grade level ((~~and to be offered~~)). A parent or legal guardian also has the right to request an in-person meeting with the child's classroom teacher and principal to discuss any resources or strategies available to support and encourage the child's academic improvement;

(n) To file a complaint on behalf of their child under RCW 28A.600.477 relating to harassment, intimidation, and bullying;

(o) To have their child qualify for enrollment in a school district if they are transferred to, or pending transfer to, a military installation within the state in accordance with RCW 28A.225.216;

(p) To request enrollment for their child in a charter school established under chapter 28A.710 RCW;

(q) To have their child qualify without a legal residence for enrollment in a school district in accordance with RCW 28A.225.215;

(r) To have their child whose primary language is not English access supplemental instruction and services through the transitional bilingual instruction program in accordance with RCW 28A.150.220;

(s) To receive annual notice of the public school's language access policies and services, the parents' rights to free language access services under Title VI of the civil rights act of 1964, 42 U.S.C. Sec. 2000d, et seq., and the contact information for any language access services under RCW 28A.183.040;

(t) To request enrollment for their child in a nonresident school district in accordance with RCW 28A.225.220, 28A.225.225, and 28A.225.230;

(u) To be notified of unexcused absences and to engage in efforts to eliminate or reduce their child's absences in accordance with RCW 28A.225.015, 28A.225.018, and 28A.225.020;

(v) To request, under RCW 28A.155.090, information about special education programs and assistance for their child if their child is eligible for but not receiving special education services, including due to illness;

(w) To request an appeal to the superintendent of public instruction under RCW 28A.155.080 if their child with disabilities has been denied the opportunity of a special education program by a school district or public school; and

(x) To access special education due process hearings regarding their child as required by RCW 28A.155.020.

(3) Notwithstanding anything to the contrary, a public school shall not be required to release any records or information regarding a student's ((~~medical or health records or mental health counseling~~))health care, social work, counseling, or disciplinary records to a parent or legal guardian who is the defendant in a criminal proceeding where the student is the named victim or during the pendency of an investigation of child abuse or neglect conducted by any law enforcement agency or the department of children, youth, and families where the parent or legal guardian is the target of the investigation, unless the parent or legal guardian has obtained a court order.

(4) ((~~As used in this section "public school" has the same meaning as in RCW 28A.150.010~~))Nothing in this section creates a private right of action.

Sec. 2. RCW 28A.320.160 and 2005 c 274 s 244 are each amended to read as follows:

School districts must((~~, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee,~~))immediately notify the parents or legal guardians of a student alleged to be the victim, target, or recipient of ((~~the~~))an allegation of sexual misconduct by a school employee. School districts shall provide parents and legal guardians with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information shall be provided to all parents and legal guardians on an annual basis.

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

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Donaghy; Ortiz-Self; Pollet; Reeves; Rule; Scott and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; Keaton, Assistant Ranking Minority Member; Chase; Couture; Eslick; Marshall; McEntire; and Steele.

Referred to Committee on Rules for second reading

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March 31, 2025

SSB 5182 Prime Sponsor, Human Services: Concerning programs and services for incarcerated parents at the department of corrections. Reported by Committee on Community Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Graham, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Burnett; Davis; Farivar; Fosse and Obras.

Referred to Committee on Rules for second reading

March 31, 2025

ESSB 5268 Prime Sponsor, Law & Justice: Imposing community custody after a conviction for unlawful possession of a firearm. Reported by Committee on Community Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Graham, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Burnett; Davis; Farivar; Fosse and Obras.

MINORITY recommendation: Do not pass. Signed by Representative Simmons, Vice Chair.

Referred to Committee on Appropriations

March 31, 2025

SSB 5282 Prime Sponsor, Law & Justice: Reestablishing the advisory board for the missing and exploited children task force. Reported by Committee on Community Safety

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 13.60 RCW to read as follows:

The advisory board on missing and exploited children is established to advise the chief of the Washington state patrol on the objectives, conduct, management, and coordination of the various activities of the task force on missing and exploited children. The intent of the advisory board is to ensure the protection of children who have experienced exploitation or are at risk of harm, while also holding accountable those who exploit or might exploit a child.

(1) The chief of the Washington state patrol shall appoint seven members to the advisory board as provided herein:

(a) One member shall be a county prosecuting attorney or a representative and shall be appointed in consultation with the elected county prosecuting attorneys;

(b) One member shall be a municipal police chief or a county sheriff, or their representative, and shall be appointed in consultation with the association of sheriffs and police chiefs under RCW 36.28A.010;

(c) One member shall be a representative of the Washington state patrol;

(d) One member shall be a defense attorney or a representative and shall be appointed in consultation with the Washington association of criminal defense lawyers;

(e) One member shall be a member of a federally recognized tribe with knowledge or experience related to the various activities of the task force and shall be appointed in consultation with the Washington state patrol tribal liaison;

(f) One member shall be a certified sex offender treatment provider and shall be appointed in consultation with the Washington association for the treatment of sexual abusers; and

(g) One member shall be a person with direct lived experience of child abduction or child exploitation. This position is intended for someone who was victimized as a child or the parent of a child victim of abduction or exploitation.

(2) One member shall be a representative of and appointed by the attorney general.

(3) To improve interagency communication and coordination, the chief of the Washington state patrol shall invite representatives of federal law enforcement agencies and state social service agencies to participate in the advisory board.

(4) The members of the advisory board shall be qualified on the basis of knowledge and experience as may contribute to the effective performance of the board's duties. The advisory board shall elect its own chair from among its members. Meetings of the advisory board may be convened at the call of the chair or by a majority of the members.

(5) The term of each member of the advisory board shall be two years and shall be conditioned upon the member retaining the official position from which the member was appointed.

(6) The advisory board shall meet on at least an annual basis.

(7) By December 1, 2026, and annually thereafter, the advisory board must submit a report to the appropriate committees of the legislature. The report must include:

(a) Details regarding reactive sting operations and proactive sting operations conducted by the task force on missing and exploited children in the reporting year, including:

(i) The total number of reactive sting operations and proactive sting operations conducted;

(ii) The number of exploited children rescued as a result of reactive sting operations and proactive sting operations; and

(iii) Statistics regarding the people arrested and sentenced as a result of reactive sting operations and proactive sting operations, including:

(A) The positions of trust held by arrested individuals, including teachers, coaches, doctors, and similar figures;

(B) The type of access to children that arrested individuals had or have;

(C) The demographics of arrested individuals;

(D) Materials that individuals were arrested with, including items they intended to use in sexual acts with children;

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(E) The ages of the children that arrested individuals intended to engage in sexual contact with;

(F) The conduct an arrested individual proposed to engage in with children; and

(G) The number of arrested individuals who confessed to or who, based on an investigation, are believed to have previously engaged in sexual abuse of children;

(b) Assessments of the objectives, conduct, achievements, and performance outcomes of the task force on missing and exploited children; and

(c) Recommendations, if any, to better achieve the objectives of the task force on missing and exploited children."

Correct the title.

Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Obras.

MINORITY recommendation: Do not pass. Signed by Representatives Graham, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Burnett.

Referred to Committee on Rules for second reading

March 31, 2025

E2SSB 5284 Prime Sponsor, Ways & Means: Improving Washington's solid waste management outcomes. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 101.** FINDINGS—INTENT. (1) The legislature finds that, as of 2025:

(a) Washington's statewide waste recovery rate has been generally static since 2011 and Washington is not meeting the statewide goal of 50 percent recycling established in 1989; and

(b) Many residents, particularly those who live in rural areas and in multifamily residences, do not have access to convenient or affordable curbside recycling, and must rely on taking recyclables to drop box locations, and that extended producer responsibility programs could make curbside recycling available and affordable for most people in the state.

(2)(a) It is the intent of the legislature to require extended producer responsibility programs for consumer packaging and paper products to be implemented in a manner that involves producers in material management from design concept to end of life.

(b) It is intended that these programs be responsibly planned and funded in a manner that minimizes negative impacts to the environment and minimizes risks to public health and worker health and safety. It is also intended that these programs build and expand on the existing waste and recycling system's infrastructure and reliance on the authority of local governments and the utilities and transportation commission in solid waste management.

(c) Finally, it is the intent of the legislature that Washington should maintain the successful public-private partnership between state, local government, and solid waste and recycling service providers. The legislature does not intend to diminish or displace the primary role of the utilities and transportation commission and local governments in regulating or contracting directly with service providers for the curbside collection of residential recyclables. Local governments maintain their existing authority to collect, contract for collection with solid waste and recycling service providers, or defer to solid waste collection services regulated by the utilities and transportation commission.

NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory council" means the council established in section 105 of this act.

(2) "Alternative recycling process" means a recycling process that occurs other than through purely physical means.

(3)(a) "Beverage" means a drinkable liquid intended for human oral consumption.

(b) "Beverage" does not include: (i) A drug regulated under the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et seq.; (ii) 100 percent fluid milk; (iii) infant formula; or (iv) a meal replacement liquid.

(4) "Beverage container" means any container in which a producer originally prepackaged and sealed a beverage.

(5) "Brand" means a name, symbol, word, logo, or mark that identifies an item and attributes the item and its components, including packaging, to the brand owner of the item.

(6) "Collection rate" means the amount of a covered material by covered materials type collected by service providers and transported for recycling or composting divided by the total amount of the type of a covered material by covered materials type introduced by the relevant unit of measurement established in the plan.

(7) "Compostable" means a product that is capable of composting in a composting system and is in compliance with the requirements for a product labeled as compostable under chapter 70A.455 RCW.

(8) "Composting" means the controlled microbial degradation of source separated compostable materials to yield a humus-like product.

(9) "Composting rate" means the amount of compostable covered material that is managed through composting, divided by the total amount of compostable covered material introduced by the relevant unit of measurement.

(10) "Composting system" means a system meeting the requirements of chapter 70A.205 RCW applicable to facilities that treat solid waste for composting.

(11) "Contamination" means:

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(a) The presence of materials that are not on the list of materials collected in that material stream; or

(b) The presence of materials that are not specified or accepted as a component of the feedstock or commodity.

(12) "Covered entity" means a person or location that receives covered services for covered materials in accordance with the requirements of this chapter, including:

(a) A single-family residence;

(b) A multifamily residence; and

(c) A public place where a government entity managed recycling collection receptacles as of August 1, 2025, and any additional public place identified in an approved plan.

(13)(a) "Covered material" means packaging and paper products introduced into the state.

(b) "Covered material" does not include exempt materials.

(14) "Covered materials type" means a singular and specific type of material, such as paper, plastic, metal, or glass, that is a covered material and that:

(a) May be categorized based on distinguishing chemical or physical properties, including properties that allow a covered materials type to be aggregated into a discrete commodity category for purposes of reuse, recycling, or composting; and

(b) Is based on similar uses in the form of a product or packaging.

(15)(a) "Covered services" means collecting, transferring, transporting, sorting, processing, recovering, preparing, or otherwise managing for purposes of waste reduction, refill, reuse, recycling, composting, or disposal of contamination or residuals.

(b) Except with regard to contamination, "covered services" do not include:

(i) Resource recovery through mixed municipal solid waste composting or incineration; or

(ii) Land disposal.

(16) "De minimis producer" means a producer that:

(a) In their most recent fiscal year introduced less than one ton of covered materials;

(b) Has a global gross revenue, not including on-premises alcohol sales, for the prior fiscal year of:

(i) Until January 1, 2031, less than $5,000,000; or

(ii) Beginning January 1, 2031, less than $5,000,000, as adjusted for inflation. The department must use the consumer price index for urban wage earners to calculate the annual rate of inflation adjustment effective January 1st of each year, beginning January 1, 2031; or

(c) Is an agricultural employer, as defined in RCW 19.30.010, regardless of where the agricultural employer is located, with less than $5,000,000, as adjusted for inflation as described in (b) of this subsection, in gross revenue in Washington from consumer sales of agricultural commodities sold under the brand name of the agricultural employer.

(17) "Department" means the department of ecology.

(18) "Drop-off collection site" means a physical location where covered materials are accepted from the public and that is open a minimum of 12 hours weekly throughout the year.

(19) "Exempt materials" means materials, or any portion of materials, that are:

(a) Packaging for infant formula, as defined in 21 U.S.C. Sec. 321(z);

(b) Packaging for medical food, as defined in 21 U.S.C Sec. 360ee(b)(3);

(c) Packaging for a fortified oral nutritional supplement used by persons who require supplemental or sole source nutrition to meet nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined by the *International Classification of Diseases*, tenth revision;

(d) Packaging for a product regulated as a drug, medical device, or dietary supplement by the United States food and drug administration, including associated components and consumable medical equipment, under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 321 et seq.), or a product regulated as a biologic or vaccine by the United States food and drug administration under the public health service act (42 U.S.C. Sec. 201 et seq.);

(e) Packaging for a medical equipment or product used in medical settings that is regulated by the United States food and drug administration, including associated components and consumable medical equipment;

(f) Packaging for drugs, biological products, parasiticides, medical devices, or in vitro diagnostics that are used to treat, or that are administered to, animals and are regulated by the United States food and drug administration under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) and by the United States department of agriculture under the federal virus-serum-toxin act (21 U.S.C. Sec. 151 et seq.);

(g) Packaging for products regulated by the United States environmental protection agency under the federal insecticide, fungicide, and rodenticide act (7 U.S.C. Sec. 136 et seq.);

(h) Packaging used to contain liquefied petroleum gas and are designed to be refilled;

(i) Packaging used to contain hazardous or flammable products classified by the 2012 federal occupational safety and health administration hazard communication standard, 29 C.F.R. Sec. 1910.1200 (2024), that prevent the packaging from being reduced or made reusable, recyclable, or compostable, as determined by the department;

(j) Packaging that is associated with products managed through a paint stewardship plan approved under chapter 70A.515 RCW;

(k) Excluded materials, as determined by the department under section 125 of this act;

(l) Used to protect or store a durable product for a period of at least five years;

(m) Packaging used for bulk construction materials;

(n) Covered materials that:

(i) A producer distributes to another producer;

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(ii) Are subsequently used to contain a product and the product is distributed to a commercial or business entity for the production of another product; and

(iii) Are not introduced to a person other than the commercial or business entity that first received the product used for the production of another product; and

(o) Covered materials for which the producer demonstrates to the department that the covered material meets all of the following criteria:

(i) The material is not collected through a residential recycling collection service;

(ii) The material is recycled at a responsible market;

(iii) The material is intended to be used and collected within a commercial setting;

(iv)(A) The producer annually demonstrates to the department that the material has had a state recycling rate of 65 percent for three consecutive years, until December 31, 2029. Beginning January 1, 2030, the producer must demonstrate to the department every two years that the material has had a state recycling rate of at least 70 percent annually; or

(B) The producer annually demonstrates to the department that the material is directly managed by the producer and has had a reuse or recycling rate of 65 percent for three consecutive years, until December 31, 2029. Beginning January 1, 2030, the producer must demonstrate to the department every two years that the material controlled by the producer has had a reuse or recycling rate of at least 70 percent annually; and

(v) If only a portion of the material sold in or into the state by a producer meets the criteria of (o)(i) of this subsection, only the portion of the material that meets that criteria is an exempt material and any portion that does not meet the criteria is a covered material for purposes of this chapter.

(20) "Government entity" means any:

(a) County, city, town, or other local government, including any municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency;

(b) State office, department, division, bureau, board, commission, or other state agency;

(c) Federally recognized Indian tribe whose traditional lands and territories include parts of Washington; or

(d) Federal office, department, division, bureau, board, commission, or other federal agency.

(21) "Individual plan" means a plan submitted by a producer that registers with the department as a producer responsibility organization to address the covered materials of the producer.

(22) "Introduce" means to sell, offer for sale, distribute, or ship a product within or into this state.

(23) "Material recovery facility" means any facility that receives, compacts, repackages, or sorts source separated solid waste for the purpose of recycling.

(24) "Overburdened communities" means the overburdened communities identified and prioritized by the department under RCW 70A.02.050(1)(a).

(25)(a) "Packaging" means a material, substance, or object that is used to protect, contain, transport, serve, or facilitate delivery of a product and is sold or supplied with the product to the consumer for personal, noncommercial use.

(b) "Packaging" does not include exempt materials.

(26) "Paper product" means paper sold or supplied to a consumer for personal, noncommercial use, including flyers, brochures, booklets, catalogs, magazines, printed paper, and all other paper materials except for: (a) Bound books; (b) conservation-grade and archival-grade paper; (c) newspapers, including supplements or enclosures; (d) magazines that have a circulation of fewer than 95,000 and that includes content derived from primary sources related to news and current events; (e) copy paper; (f) paper for use in building construction; and (g) paper that could reasonably be anticipated to become unsafe or unsanitary to handle.

(27)(a) "Plastic source reduction" means the reduction in the amount of covered plastic material introduced by a producer relative to a baseline year of 2023, or relative to an alternative baseline year of no earlier than 2013 where a producer submits data documenting the plastic source reduction to a producer responsibility organization. Methods of source reduction include, but are not limited to, shifting covered material to reusable or refillable packaging or a reusable product, eliminating unnecessary packaging, or reducing the packaging to product ratio. "Plastic source reduction" must include elimination, which means the removal of plastic covered materials.

(b) "Plastic source reduction" does not include either of the following:

(i) Replacing a recyclable or compostable covered material with a nonrecyclable or noncompostable covered material or a covered material that is less likely to be recycled or composted; or

(ii) Switching from virgin covered material to postconsumer recycled content, except as allowed under an alternative compliance formula in section 115(6) of this act.

(28) "Postconsumer recycled content" has the same meaning as defined in RCW 70A.245.010.

(29)(a) "Producer" means the following person responsible for compliance with requirements under this chapter for a covered material introduced into the state:

(i) For items sold in or with packaging at a physical retail location in this state:

(A) If the item is sold in or with packaging under the brand of the item manufacturer or is sold in packaging that lacks identification of a brand, the producer is the person that manufactures the item;

(B) If there is no person to which (a)(i)(A) of this subsection applies, the producer is the person that is licensed to manufacture and sell or offer for sale to consumers in this state an item with

packaging under the brand or trademark of another manufacturer or person;

(C) If there is no person to which (a)(i)(A) or (B) of this subsection applies, the producer is the brand owner of the item;

(D) If there is no person described in (a)(i)(A), (B), or (C) of this subsection within the United States, the producer is the person who is the importer of record for the item into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the item in this state; or

(E) If there is no person described in (a)(i)(A) through (D) of this subsection, the producer is the person that first distributes the item in or into this state;

(ii) For items sold or distributed in packaging in or into this state via e-commerce, remote sale, or distribution:

(A) For packaging used to directly protect or contain the item, the producer of the packaging is the same as the producer identified under (a)(i) of this subsection; and

(B) For packaging used to ship the item to a consumer, the producer of the packaging is the person that packages the item to be shipped to the consumer;

(iii) For packaging that is a covered material and is not included in (a)(i) and (ii) of this subsection, the producer of the packaging is the person that first distributes the item in or into this state;

(iv) For paper products that are magazines, catalogs, telephone directories, or similar publications, the producer is the publisher;

(v) For paper products not described in (a)(iv) of this subsection:

(A) If the paper product is sold under the manufacturer's own brand, the producer is the person that manufactures the paper product;

(B) If there is no person to which (a)(v)(A) of this subsection applies, the producer is the person that is the owner or licensee of a brand or trademark under which the paper product is used in a commercial enterprise, sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state;

(C) If there is no person to which (a)(v)(A) or (B) of this subsection applies, the producer is the brand owner of the paper product;

(D) If there is no person described in (a)(v)(A), (B), or (C) of this subsection within the United States, the producer is the person that imports the paper product into the United States for use in a commercial enterprise that sells, offers for sale, or distributes the paper product in this state; or

(E) If there is no person described in (a)(v)(A) through (D) of this subsection, the producer is the person that first distributes the paper product in or into this state;

(vi) A person is the "producer" of a covered material sold, offered for sale, or distributed in or into this state, as defined in (a)(i) through (v) of this subsection, except:

(A) Where another person has mutually signed an agreement with a producer as defined in (a)(i) through (v) of this subsection that contractually assigns responsibility to the person as the producer, and the person has joined a registered producer responsibility organization as the responsible producer for that covered material under this chapter. If another person is assigned responsibility as the producer under this subsection, the producer under (a)(i) through (v) of this subsection must provide written certification of that contractual agreement to the producer responsibility organization. The following persons are not eligible to be the assigned recipient of responsibility as a producer under this subsection: (I) A person who produces an agricultural commodity introduced under the brand or trademark of another manufacturer or person; or (II) a distributor of a beverage sold in a beverage container; and

(B) If the producer described in (a)(i) through (v) of this subsection is a business operated wholly or in part as a franchise, the producer is the franchisor, if that franchisor has franchisees that have a commercial presence within the state.

(b) "Producer" does not include:

(i) Government entities;

(ii) Registered 501(c)(3) charitable organizations and 501(c)(4) social welfare organizations; or

(iii) De minimis producers.

(30) "Producer responsibility organization" means:

(a) A nonprofit organization that qualifies for a tax exemption under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code and is designated by a producer or group of producers to fulfill the requirements of this chapter;

(b) A producer that registers with the department as a producer responsibility organization and implements an individual plan addressing the covered materials of the producer; or

(c) An organization as defined by the department by rule.

(31) "Program" means the activities conducted to implement an approved plan.

(32)(a) "Public place" means an indoor or outdoor location open to and generally used by the public and to which the public is permitted to have access including, but not limited to, streets, sidewalks, plazas, town squares, public parks, beaches, forests, or other public land open for recreation or other uses, and transportation facilities such as bus and train stations, airports, and ferry terminals.

(b) "Public place" does not include a retail establishment or industrial, commercial, or privately owned property that is not required to be accessible to the public.

(33) "Recycling" means transforming or remanufacturing covered materials into usable or marketable materials for use other than landfill disposal or incineration and does not include reuse or composting.

(34) "Recycling rate" means the amount of covered materials, in aggregate or by individual covered materials type, delivered to responsible markets for recycling in a

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calendar year divided by the total amount of covered materials introduced by the relevant unit of measurement and excluding covered materials that are reusable or compostable.

(35) "Refill" means the continued use of a covered material by a consumer through a system that is:

(a) Intentionally designed and marketed for repeated filling of a covered material to reduce demand for new production of the covered material;

(b) Supported by adequate logistics and infrastructure to provide convenient access to consumers; and

(c) Compliant with all applicable federal, state, and local statutes, rules, ordinances, and other laws governing health and safety.

(36) "Responsible market" means an entity that:

(a) First produces and sells, transfers, or uses recycled organic product or recycled content feedstock that meets the quality standards necessary to be used in the creation of new or reconstituted products;

(b) Complies with all applicable federal, state, and local statutes, rules, ordinances, and other laws governing environmental, health, safety, and financial responsibility;

(c) If the market operates in the state, manages waste according to the state's solid waste management hierarchy established in RCW 70A.205.005; and

(d) Meets the minimum operational standards adopted under a producer responsibility organization plan to protect the environment, public health, worker health and safety, and minimize adverse impacts to socially vulnerable populations.

(37) "Responsible producer" means a producer that is not a de minimis producer.

(38) "Retail establishment" includes any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer.

(39) "Return rate" means the amount of reusable covered material in aggregate or by individual covered materials type, collected for reuse by a producer or service provider in a calendar year, divided by the total amount of reusable covered materials introduced by the relevant unit of measurement.

(40) "Reusable" means capable of reuse.

(41) "Reuse" means the return of a covered material to the marketplace and the continued use of the covered material by a producer or service provider when the covered material is:

(a) Intentionally designed and marketed to be used multiple times for its original intended purpose without a change in form;

(b) Designed for durability and maintenance to extend its useful life and reduce demand for new production of the covered material;

(c) Supported by adequate logistics and infrastructure at a retail location, by a service provider, or on behalf of or by a producer, that provides convenient access for consumers; and

(d) Compliant with all applicable federal, state, and local statutes, rules, ordinances, and other laws governing health and safety.

(42) "Reuse rate" means the share of units of a reusable covered material introduced into the state in a calendar year that are demonstrated and deemed reusable in accordance with an approved plan.

(43) "Service provider" means an entity that provides covered services for covered materials. A government entity that provides, contracts for, or otherwise arranges for another party to provide covered services for covered materials within its jurisdiction may be a service provider regardless of whether it provided, contracted for, or otherwise arranged for similar services before the approval of the applicable plan.

(44) "Socially vulnerable population" means:

(a) Any person residing in:

(i) A census tract that contains a high overall social vulnerability index as measured using the United States centers for disease control and the agency for toxic substances and disease registry's social vulnerability index, as it existed as of January 1, 2025, for the most recent year such data are available; or

(ii) As applicable, an alternative population specified in section 126 of this act; or

(b) Any person that has an income below the minimum necessary for a household based on family composition in a given geography to adequately meet their basic needs without public or private assistance, as measured by the University of Washington's center for women's welfare, for the most recent year such data are available.

(45) "Third-party certification" means certification by an accredited independent organization that a standard or process required by this chapter, or by a plan approved under this chapter, has been achieved.

(46) "Toxic substance" means chemicals that are regulated under chapter 70A.222, 70A.350, 70A.430, or 70A.560 RCW.

(47) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

NEW SECTION. **Sec. 103.** PRODUCER AND PRODUCER RESPONSIBILITY ORGANIZATION REGISTRATION. (1) By January 1, 2026, each producer must appoint a producer responsibility organization or producer responsibility organizations to address its covered materials.

(2) By March 1, 2026, and annually thereafter, a producer responsibility organization must register with the department on behalf of its producers. A registration submission by a producer responsibility organization must include the following:

(a) Contact information for a person responsible for implementing an approved plan;

(b) A list of all member producers that have entered into written agreements to operate under an approved plan by the producer responsibility organization, copies of the written agreements for each member producer and, except in the first year of

registration, a list of all brands of each producer's covered materials introduced;

(c) A plan for recruiting additional member producers and executing written agreements confirming producers will operate under an approved plan administered by the producer responsibility organization;

(d) A list of current board members and the executive director if different than the person responsible for implementing approved plans; and

(e) Documentation demonstrating adequate financial responsibility and financial controls to ensure proper management of funds and payment of the annual registration fee to the department.

(3) Notwithstanding subsections (1), (2), and (4) of this section, for purposes of the first plan implementation period, the department may not allow registration of more than one producer responsibility organization, other than an individual producer registered as a producer responsibility organization.

(4) By September 1, 2026, a producer responsibility organization must submit a one-time payment to the department, and each May 1st thereafter, a producer responsibility organization must submit an annual registration fee to fund all costs of the department to implement, administer, and enforce this chapter, including the costs of the department of labor and industries to implement and enforce section 304 of this act.

NEW SECTION. **Sec. 104.** PRODUCER AND PRODUCER RESPONSIBILITY ORGANIZATION RESPONSIBILITIES. (1) A producer must:

(a) After July 1, 2026, be a member of a producer responsibility organization registered in this state or register as a producer responsibility organization that will implement an individual plan;

(b) Through a producer responsibility organization, implement and finance a statewide program for packaging and paper products in accordance with this chapter that encourages redesign to reduce environmental impacts and human health impacts and that reduces generation of covered material waste through waste reduction, refill, reuse, recycling, and composting and by providing for the collection, transportation, and processing of used covered materials for reuse, recycling, and composting;

(c) Maintain membership with and pay fees to the producer responsibility organization under which they are registered; and

(d) Comply with all other applicable requirements under this chapter.

(2) Beginning March 1, 2029, a producer that is not a member in good standing with a registered producer responsibility organization or has not submitted an individual plan may not introduce covered materials into the state.

(3) A producer responsibility organization must:

(a)(i) Beginning March 1, 2026, register with the department;

(ii)(A) Except as provided in (a)(ii)(B) of this subsection, by September 1, 2026, submit a one-time payment to the department, to cover the costs of the department under this chapter from the effective date of this section through June 30, 2027, including the costs determined by the department of labor and industries to implement and enforce section 304 of this act;

(B) By September 1, 2026, an individual producer registered as a producer responsibility organization must make a one-time payment in an amount determined by the department to cover any incremental costs to the department under this chapter from the effective date of this section through June 30, 2027, associated with the registration of the individual producer as a producer responsibility organization;

(iii) Beginning May 1, 2027, pay an annual registration fee to the department as required under section 103 of this act;

(b) Establish an initial producer fee structure to fund the initial implementation of the program, to be used until the producer responsibility program has an approved plan, and collect fees annually from registered producers;

(c) By October 1, 2028, and every five years thereafter, submit a plan that meets the requirements of this chapter to the department for approval;

(d) By January 1, 2030, or within six months of plan approval, whichever is later, implement the plan approved by the department;

(e) By July 1, 2031, and each July 1st thereafter, submit an annual report to the department for the prior calendar year;

(f) Ensure that each producer operating under a plan administered by the producer responsibility organization complies with the requirements of the plan and this chapter;

(g) Expel a producer from the producer responsibility organization if efforts to return the producer to compliance with the plan or the requirements of this chapter are unsuccessful and notify the department of the producer's expulsion;

(h) Consider and respond in writing to comments received from the advisory council, including justifications for not incorporating advisory council recommendations;

(i) Provide producers with information regarding state and federal laws that restrict toxic substances in covered materials or require postconsumer recycled content in covered materials;

(j) Notify the department within 30 days of a change made to board membership, to the executive director, or to the contact information for a person responsible for implementing the plan;

(k) Assist service providers to identify and use responsible markets;

(l) Reimburse service providers in a timely manner, at intervals no longer than monthly unless agreed to by a service provider and a producer responsibility organization;

(m) Maintain a website and implement education and outreach activities as required under section 119 of this act; and

(n) Comply with all other applicable requirements of this chapter.

(4) If more than one producer responsibility organization is established

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under this chapter, the producers and producer responsibility organizations must establish a coordinating body and process to prevent redundancy. The coordinating body must integrate:

(a) Plans of all producer responsibility organizations into a single plan that implements all requirements of this chapter and encompasses all producers when submitted to the department for approval;

(b) Annual reports of all producer responsibility organizations into a single annual report that covers all requirements of this chapter and encompasses all producers when submitted to the department; and

(c) Payments between all registered producer responsibility organizations to achieve equitable apportionment of funding for the reuse financial assistance program and coordination of that program's administration.

(5)(a) Each producer responsibility organization must annually fund and implement a reuse financial assistance program to reduce the negative environmental impacts of covered materials through reuse. The reuse financial assistance program must collectively be funded by registered producer responsibility organizations. The funded amount must be:

(i) At least $5,000,000 beginning in 2029 and adjusted annually thereafter for inflation. The producer responsibility organization must use the consumer price index for urban wage earners to calculate the annual rate of inflation adjustment effective January 1st of each year; and

(ii) Sufficient to achieve the reuse and return rate targets and requirements established in section 115 of this act. If at any point the department determines that reuse and return rate targets or statewide requirements are not met, each producer responsibility organization must increase annual contributions to and expenditures from the reuse financial assistance program.

(b) Entities eligible for reuse financial assistance include, but are not limited to:

(i) Government entities;

(ii) Tribal governments;

(iii) Nonprofit organizations; and

(iv) Private organizations.

(c) In administering the reuse financial assistance program, the producer responsibility organization must solicit applications using an open and competitive process and must select applications through an evaluation that considers criteria including, but not limited to:

(i) The environmental benefits of the activity;

(ii) The human health benefits of the activity;

(iii) The social and economic benefits of the activity;

(iv) The cost-effectiveness of the activity; and

(v) The needs of economically distressed or overburdened communities.

(d) The producer responsibility organization must consult with the advisory council in determining the criteria in (c) of this subsection, evaluating and selecting applications, and in administering the reuse financial assistance program under this subsection.

(6) A producer responsibility organization may not include on its board of directors, or otherwise be governed by, representatives or affiliates of any public or private entities that submit bids to perform work for the producer responsibility organization or that contract with the producer responsibility organization.

(7) The activities authorized by this chapter require collaboration among producers. These activities will enable the waste reduction, collection, recycling, composting, and disposal of covered materials in Washington and are therefore in the best interest of the public. The benefits of collaboration, together with active state supervision, outweigh potential adverse impacts. Therefore, the legislature exempts from state antitrust laws, and provides immunity through the state action doctrine from federal antitrust laws, activities that are undertaken in compliance with and pursuant to this chapter, including activities that are reviewed or approved by the department, that might otherwise be constrained by such laws. The legislature does not intend and does not authorize any person or entity to engage in activities not provided for by this chapter, and the legislature neither exempts nor provides immunity for such activities.

NEW SECTION. **Sec. 105.** ADVISORY COUNCIL. (1) The advisory council is established to review all activities conducted by producer responsibility organizations under this chapter and to advise the department and producer responsibility organizations regarding the implementation of this chapter.

(2) By January 1, 2026, the department must establish and appoint the initial membership of the advisory council. The membership of the advisory council must consist of the following:

(a) Two members representing manufacturers of covered materials or a statewide or national trade association representing those manufacturers;

(b) Two members representing recycling facilities that manage covered materials;

(c) One member representing a solid waste collection company or a statewide association representing solid waste collection companies;

(d) One member representing retailers of covered materials or a statewide trade association representing those retailers;

(e) One member representing a statewide nonprofit environmental organization;

(f) One member representing a community-based nonprofit environmental justice organization;

(g) One member representing entities that own or operate a material recovery facility;

(h) One member representing entities that own or operate a waste facility that accepts and processes compostable materials for composting or a statewide trade association that represents those facilities;

(i) One member representing an entity that develops or offers for sale covered materials that are designed for reuse or

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refill and maintained through a reuse or refill system or infrastructure or a statewide or national trade association that represents those entities;

(j) Three members representing government entities, with at least one member representing counties;

(k) One member representing tribal or indigenous solid waste services organizations;

(l) Two members representing other interested parties or additional members of interests represented under (a) through (k) of this subsection, as determined by the department, prioritizing representation of diverse communities, including marginalized groups, to ensure the activities carried out under this chapter reflect their perspectives;

(m) One nonvoting member representing each registered producer responsibility organization; and

(n) One nonvoting member representing the department.

(3) In appointing members, the department:

(a) Is prohibited from appointing members who are state legislators or registered lobbyists;

(b) Is prohibited from appointing members who are employees of producers required to be members of a producer responsibility organization under this chapter; and

(c) Must endeavor to appoint members from all regions of the state.

(4)(a) The member appointed to represent the department serves at the pleasure of the department. All other members serve for a term of four years, except that the initial term for nine of the initial appointees must be two years so that membership terms are staggered. Members may be reappointed but may not serve more than eight consecutive years.

(b) A member may be removed by the department at any time. The chair of the advisory council must inform the department of a member missing three consecutive meetings. After the second consecutive missed meeting, the chair of the advisory council must notify the member in writing that the member may be removed for missing the next meeting. If there is a vacancy on the advisory council for any reason, the department shall make an appointment to become effective immediately for the unexpired term.

(5) Advisory councilmembers that are representatives of tribes, tribal or indigenous services organizations, community-based organizations, or environmental nonprofit organizations must, if requested, be compensated and reimbursed in accordance with RCW 43.03.050, 43.03.060, and 43.03.220.

(6)(a) A majority of the voting members of the advisory council constitutes a quorum. If there is a vacancy in the membership of the advisory council, a majority of the remaining voting members of the council constitutes a quorum.

(b) Action by the advisory council requires a quorum and a majority of those present and voting. All members of the advisory council, except the member appointed to represent the department and the member appointed to represent the producer responsibility organization, are voting members of the council.

(7)(a) The advisory council must meet at least two times per year and may meet more frequently upon 10 days' written notice at the request of the chair or a majority of its members.

(b) Meetings of the advisory council must comply with chapter 42.30 RCW, the open public meetings act.

(8) At its initial meeting, and every two years thereafter, the advisory council must elect a chair and vice chair from among its members.

(9) The department shall provide administrative and operating support to the advisory council, including compensation in accordance with subsection (5) of this section, and may contract with a third-party facilitator to assist in administering the activities of the advisory council, including establishing a website or landing page on the department website.

(10) The department must assist the advisory council in developing policies and procedures governing the disclosure of actual or perceived conflicts of interest that advisory councilmembers may have as a result of their employment or financial holdings with respect to themselves or family members. Each advisory councilmember is responsible for reviewing the conflict-of-interest policies and procedures. An advisory councilmember must disclose any instance of actual or perceived conflicts of interest at each meeting of the advisory council at which recommendations regarding plans, programs, operations, or activities are made by the advisory council.

NEW SECTION. **Sec. 106.** DEPARTMENT'S DUTIES. (1) The department must implement, administer, and enforce this chapter and may adopt rules as necessary for those purposes.

(2) The department must:

(a) By January 1, 2026, appoint the initial membership of the advisory council, as required under section 105 of this act;

(b) Provide administrative and operating support to the advisory council, as required under section 105 of this act;

(c) Consider and respond in writing to all written comments received from the advisory council;

(d) By January 31, 2026, and annually thereafter, facilitate registration by service providers, as required under section 107 of this act;

(e) Beginning March 1, 2026, accept the registration of producer responsibility organizations and, if necessary, select the producer responsibility organization required by subsection (3) of this section;

(f) By October 1, 2026, develop the initial statewide collection lists required by section 109 of this act;

(g) By December 31, 2026, complete the preliminary needs assessment required by section 111 of this act;

(h)(i) By July 1, 2026, determine the one-time registration fee in subsection (4)(c) of this section; and

(ii) By March 31, 2026, determine the one-time payment and every March 31st

thereafter determine the annual registration fee in subsection (4)(a) of this section;

(i) By December 31, 2027, and every five years thereafter, complete the statewide needs assessment required by section 111 of this act;

(j) By 2028, adopt rules to administer and implement this chapter. The department shall seek to adopt rules that are harmonized with other states;

(k) Beginning October 1, 2028, and periodically thereafter, review and approve plans, as described in subsection (5) of this section;

(l) By January 31, 2029, create a model comprehensive solid waste plan amendment for use by cities and counties in lieu of updating, amending, or revising a plan consistent with RCW 70A.205.045(7)(b)(i);

(m) Beginning March 1, 2029, initiate enforcement activities with respect to noncompliant producers that are not members of the producer responsibility organization, consistent with section 104(2) and 123 of this act;

(n) Beginning July 1, 2031, and annually thereafter, review and approve annual reports, as described in subsection (6) of this section;

(o) By January 31, 2032, submit the equity study to the legislature required in section 112 of this act;

(p) By September 1, 2038, submit the independent review of the program report to the legislature as required in section 121 of this act;

(q) Establish statewide requirements as required under section 115(10) of this act;

(r) Review and make determinations on proposals related to alternative recycling processes, as described in section 115(5) of this act;

(s) Review confidentiality requests submitted under section 122 of this act;

(t) Enforce the requirements of this chapter, as required by section 123 of this act;

(u) Review petitions to exempt materials, as required by sections 109(5) and 125 of this act; and

(v) Establish a public website that includes:

(i) The most recent registration materials submitted by producer responsibility organizations;

(ii) A list of registered service providers;

(iii) The most recent needs assessment;

(iv) Any plan or amendment submitted by a producer responsibility organization that is in draft form during the public comment period;

(v) The most recent lists under section 109 of this act;

(vi) The list of exempt materials;

(vii) Links to producer responsibility organization websites;

(viii) Comments of the public, advisory council, and producer responsibility organizations on the items listed in (v)(iii) through (vi) of this subsection and, if any, the responses of the department to those comments;

(ix) The names of producers and brands that the department or a producer responsibility organization has identified as not being in compliance with the requirements of this chapter; and

(x) Links to adopted rules implementing this chapter.

(3) By March 1, 2026, if registrations for more than one producer responsibility organization, other than producers registering as producer responsibility organizations, are submitted to the department, the department must determine which proposed producer responsibility organization can most effectively implement this chapter until the first approved plan period ends. Until the conclusion of the initial plan implementation period, producers of covered materials that do not register as producer responsibility organizations must join the producer responsibility organization whose registration is approved by the department. This limitation only applies for the purposes of program development and the initial plan implementation period. For purposes of plan implementation after the first plan approved by the department expires, the department may allow registration of more than one producer responsibility organization.

(4)(a) By March 31, 2027, and every March 31st thereafter, the department must determine a total annual registration fee to be paid by each producer responsibility organization that is adequate to cover, but not exceed, the costs to implement, administer, and enforce this chapter, including the costs determined by the department of labor and industries to implement and enforce section 304 of this act, in the next fiscal year;

(b) By 2028, the department must adopt rules to equitably determine annual registration fees by producer responsibility organizations if the department has approved the registration of more than one producer responsibility organization;

(i) Until rules are adopted under (b) of this subsection, issue a general order to all registered producer responsibility organizations; and

(ii) Send notice to each producer responsibility organization of fee amounts due, consistent with either the general order issued under (b)(i) of this subsection or rules adopted under (b) of this subsection.

(c) The department must:

(i) In the March 31, 2027, producer responsibility organization annual registration fee determination under (a) of this subsection, adjust the fee to account for funds received that were due by September 1, 2026, under section 104 of this act;

(ii) Apply any remaining annual fee payment funds from the most recently closed fiscal year to the annual fee for the coming fiscal year, if the collected annual fee exceeds the costs identified under (b) of this subsection for the most recently closed fiscal year; and

(iii) Increase annual fees for the coming fiscal year to cover the costs identified under (b) of this subsection, if the collected annual fee was less than the amount required to cover those costs for a given year.

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(c) By March 1, 2026, the department must determine the one-time payment to be paid by each producer responsibility organization that is adequate to cover, but not exceed, the costs to implement, administer, and enforce this chapter from the effective date of this section until June 30, 2027.

(5) Within 120 days of receipt, the department must review and approve, approve with conditions, deny, or request additional information for a draft plan or draft amendment, including a contingency plan as required in section 114 of this act, submitted by a producer responsibility organization or coordinating body.

(a) The department must post the draft plan or plan amendment on the department's website and allow public comment for no less than 45 days before approving, denying, or requesting additional information on the draft plan or amendment.

(b)(i) If the department denies or requests additional information for a draft plan or amendment, the department must provide the producer responsibility organization with the reasons, in writing, that the plan or amendment does not meet the plan requirements of section 113 of this act. The producer responsibility organization has 60 days from the date that the rejection or request for additional information is received to submit to the department any additional information necessary for the department's approval. The department must review and approve or disapprove the revised draft plan or amendment no later than 60 days after the department receives it. If the department disapproves the revised plan or revised plan amendment, the department shall provide the reason, in writing, and either: (A) Direct changes to the revised plan or plan amendment; or (B) require the producer responsibility organization to submit a second revision no later than 60 days from the date of the rejection.

(ii) The department may approve the second revision submitted by the producer responsibility organization with additional conditions the producer responsibility organization must implement.

(c) Upon recommendation of the advisory council, or upon the department's initiative, the department may require an amendment to the plan if the department determines that an amendment is necessary to ensure that the producer responsibility organization maintains compliance with the requirements of this chapter.

(6) The department must review annual reports and:

(a) Make annual reports available for public review and comment for at least 30 days;

(b) Review within 120 days of receipt of a complete annual report;

(c) Determine whether an annual report meets the requirements of this chapter, considering comments received under (a) of this subsection, and notify the producer responsibility organization of the approval or reasons for denial. The producer responsibility organization must submit a revised annual report within 60 days after receipt of a denial letter; and

(d) Notify a producer responsibility organization if the annual report demonstrates that a plan fails to achieve the requirements under this chapter.

(7) Upon request of the department for purposes of determining compliance with this chapter, or for purposes of implementing this chapter, a person must furnish to the department any information that the person has or may reasonably obtain.

NEW SECTION. **Sec. 107.** SERVICE PROVIDER REGISTRATION. (1) By January 31, 2026, and annually thereafter, each service provider that intends to seek reimbursement for services provided under an approved plan must register with the department by submitting the following information:

(a) The contact information for a person representing the service provider;

(b) The address of the service provider;

(c) Identification of service areas where covered services are to be provided to covered entities;

(d) Identification of the covered services to be provided to covered entities, by service area; and

(e) If applicable to services provided, a report of the number of covered entities currently provided service, the number of covered entities eligible to receive service, and the total amount billed for collection for covered entities, processing services, transfer station operations provided, and tons managed during the preceding calendar year, by covered entity type and by service area. When possible, values must be separated for collection, transfer, and processing.

(2)(a) Material recovery facilities receiving covered materials collected from covered entities must register as service providers as described in subsection (1) of this section and must report annually to the department by commodity type and covered material type, in a form and format created by the department, on the following:

(i) Tons received and processed, by jurisdiction and service provider;

(ii) Inbound material quality and contamination;

(iii) Outbound material quality and contamination;

(iv) Outbound material tons, destinations, and final use by commodity type, including each destination company and location. If exported outside of the United States, the destination country must be listed. Beginning in 2031, material recovery facilities must submit certification, for each destination to which commodities containing covered materials were sent, that the destination is a responsible market;

(v) Methods of managing contaminants and residue to avoid negative impacts on other waste streams or facilities;

(vi) Residuals, including residue rate, composition, and disposal location;

(vii) Any violations of existing permits, regarding emissions to air and water, and the status of those permit violations; and

(viii) Labor metrics including wages, unions, and workforce demographics.

(b) All data reported by material recovery facilities under this subsection

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must, at the request of the department, be audited by an independent third party.

(c) The requirements of (a) and (b) of this subsection do not apply to any facility operated by a scrap metal business as defined in RCW 19.290.010 that holds a current scrap metal license unless the covered materials were received directly from collection services for which a producer responsibility organization has provided reimbursement.

NEW SECTION. **Sec. 108.** SERVICE PROVIDER RESPONSIBILITIES. A service provider receiving reimbursement or funding under an approved plan must:

(1) Provide covered services for covered materials included on the statewide collection lists, covered services for a refill system, or covered services for reusable covered materials, as applicable to the services offered by and service area of the service provider;

(2) Register annually with the department;

(3) Submit invoices to the producer responsibility organization for reimbursement for services rendered;

(4) Meet performance standards established in an approved plan;

(5) Ensure that covered materials are sent to responsible markets;

(6) Provide documentation to the producer responsibility organization of the amounts, covered material types, and volumes of covered materials by covered service method;

(7) Display the service provider's price, minus the reimbursement from the producer responsibility organization, when invoicing customers and, in delivering curbside collection services, pass on the applicable portion of the reimbursement, through solid waste rate reductions or credits, to all customers receiving curbside collection services eligible for reimbursement; and

(8) Comply with all other applicable requirements of this chapter.

NEW SECTION. **Sec. 109.** STATEWIDE COLLECTION LISTS. (1)(a) The department must develop lists of covered materials determined to be recyclable or compostable statewide. By October 1, 2026, the department must develop initial lists for use and evaluation in the needs assessment described in section 111 of this act. The department must also publish lists no later than 30 days after approving a plan, taking into account proposed changes in the plan. In the development of the lists, the department must distinguish between:

(i) Materials determined to be suitable for residential recycling collection, whether in a commingled or in a separate container;

(ii) Materials determined to be suitable for residential composting collection;

(iii) Materials suitable for public place collection; and

(iv) Materials suitable for alternative collection.

(b) In determining whether a material is suitable for residential, public place, or alternative collection, the department may consider any combination of the following criteria:

(i) The stability, maturity, accessibility, and viability of responsible markets;

(ii) Environmental health and safety considerations;

(iii) The anticipated yield loss for the material during the recycling or composting process;

(iv) The material's compatibility with existing recycling infrastructure;

(v) Whether the material adheres to published design guidelines for recyclability or compostability;

(vi) The amount of the material available;

(vii) The practicalities of sorting and storing the material;

(viii) The potential to cause or be impacted by contamination;

(ix) The ability for waste generators to easily identify and properly prepare the material;

(x) Economic factors;

(xi) Environmental factors from a life-cycle perspective;

(xii) The policy expressed in RCW 70A.205.010; or

(xiii) Other criteria or factors, as determined by the department.

(2) A producer responsibility organization may propose a covered material for addition to or removal from the lists under this section as part of a plan or as a plan amendment. In considering the proposal, the department may consider the same criteria as those established under subsection (1)(b) of this section.

(3) In developing lists under this section, the department must consult with the advisory council, producer responsibility organizations, service providers, government entities, and other interested parties. The department must consider any requests received for the inclusion or removal of a covered material or covered material type on a list under this section. The department may select a third-party consultant to assist with the development of the lists.

(4)(a) Except as described in (b) of this subsection and subsection (5) of this section, a material that is not identified as suitable for residential collection may not be collected as part of a residential recycling program.

(b) A covered material that is not identified as suitable for residential collection may be temporarily collected as part of a residential recycling program and qualify for reimbursement if:

(i) The covered material is collected as part of a pilot program agreed to by the service provider, the government entity under whose authority the service is provided, and the producer responsibility organization;

(ii) The pilot program is of limited duration; and

(iii) The pilot program is conducted in a limited area.

(5) For purposes of the first plan implementation period, a group of producers representing a majority of a distinct covered material type or distinct packaging

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type may petition the department, prior to the department finalizing a list under this section, to consider designating that material or packaging as suitable for multiple modes of collection other than commingled residential, depending on location. The department may grant a petition that is submitted at least six months prior to the publication of the lists and that justifies why different methods are appropriate in different jurisdictions based on the factors specified in subsection (1)(b) of this section.

NEW SECTION. **Sec. 110.** CONVENIENCE STANDARDS—ALTERNATIVE COLLECTION. (1) Collection services for covered materials determined to be suitable for residential recycling collection under section 109 of this act must be available wherever residential garbage collection services are available, except in areas subject to a county ordinance as specified in RCW 70A.205.045(7)(b)(i)(C).

(2) An alternative collection program or programs for each covered material included on the alternative collection list must be provided under a plan. For purposes of the first plan implementation period, an alternative collection program may be proposed by a producer responsibility organization, a group of producers with a petition granted by the department under section 109(5) of this act, or a majority of producers of a unique product type whose packaging is designated for alternative collection. A proposal under this subsection must be submitted at the same time as the plan, and is subject to the same approval process as the plan. An alternative collection program must:

(a) Provide year-round, convenient, statewide collection opportunities, including at least one drop-off collection site located in each county;

(b) Provide tiers of service for collection, convenience, number of drop-off collection sites, and additional collection systems based on:

(i) County population size;

(ii) County population density; and

(iii) Each class of city or town under chapter 35.01 RCW;

(c) Ensure materials are sent to responsible markets;

(d) Use education and outreach strategies that can be expected to significantly increase consumer awareness of the program throughout the state; and

(e) Accurately measure the amount of each covered material collected and the applicable performance target and statewide requirement.

(3) A plan for an alternative collection program must include:

(a) The number, type, and location of each collection opportunity;

(b) A description of how each of the program requirements in (a) of this subsection will be met; and

(c) Performance targets for each covered material, as applicable, to be managed through an alternative collection program.

(4) Every subsequent needs assessment after the first needs assessment must include a review of alternative collection programs for each covered material on the statewide alternative collection list to determine if the program is meeting the criteria established in subsection (2) of this section.

(5) A retail establishment may choose to serve as a drop-off location or collection event as part of an alternative collection program, through mutual agreement with a producer responsibility organization or group of producers implementing an alternative collection program.

(6) Any group of producers, other than the producer responsibility organization registered with the department, that manages an approved alternative collection plan during the first plan implementation period must:

(a) Be exclusively responsible for management of the distinct material, packaging, or product type covered by that plan and may thereby wholly or partially offset the producers' payment obligations under this chapter with respect to the distinct material, packaging, or product type only; and

(b) Comply with all requirements applicable to a producer responsibility organization under this chapter, other than requirements determined by the department not to be relevant to the group of producers as a result of the producers' need to only manage a distinct material, packaging, or product type rather than multiple types of materials, packaging, or product types.

NEW SECTION. **Sec. 111.** STATEWIDE NEEDS ASSESSMENTS. (1)(a) By December 31, 2026, the department must complete a preliminary assessment consistent with subsection (3) of this section.

(b) By December 31, 2027, and every five years thereafter, the department must complete a needs assessment consistent with subsection (4) of this section. The department may adjust the required content in a specific needs assessment to inform the next plan.

(2) In conducting a needs assessment, the department must:

(a) Initiate a consultation process to obtain recommendations from the advisory council, government entities, service providers, producer responsibility organizations, the utilities and transportation commission, and other interested parties, regarding the type and scope of information that should be collected and analyzed in the needs assessments required by this section;

(b) Contract with a third party who is not a producer, a producer responsibility organization, or a member of the advisory council to conduct the needs assessment;

(c) At least 90 days prior to finalizing the needs assessment, make the draft needs assessment available for comment by the advisory council, producer responsibility organizations, the utilities and transportation commission, jurisdictions planning under chapter 70A.205 RCW, and the public. The advisory council must have the opportunity to review drafts of the needs assessment and accompanying data used in the

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needs assessment. The department must respond in writing to the comments and recommendations of the advisory council and producer responsibility organizations; and

(d)(i) Consider information from studies related to recycling conducted by the department after 2019; and

(ii) Use the department's statewide collection lists for covered materials as established under section 109 of this act.

(3) A preliminary needs assessment must be completed for a preceding period of no less than 12 months and no more than 36 months that includes:

(a) Identification of currently or recently introduced covered materials and covered material types;

(b) Tons of collected covered materials;

(c) An evaluation of what services related to the requirements of this chapter are currently being delivered in each county and city planning under chapter 70A.205 RCW and what the costs are for those existing services, including:

(i) The availability and types of recycling services for covered materials for residents in single-family and multifamily residences, including whether current services are considered residential or commercial and whether any gaps, costs, or needs are specific to either commercial or residential customer service;

(ii) The current methods and infrastructure for servicing residents, including curbside recycling service areas and material drop-off locations;

(iii) Any densely populated areas within each jurisdiction in which curbside recycling services for covered materials identified by the department on the list developed and published under section 109 of this act are not available or are only partially available;

(iv) Any areas within each jurisdiction where curbside garbage collection services are offered to residents in single-family and multifamily residences but curbside recycling services are not offered;

(d) Processing capacity at material recovery facilities, including total tons processed and sold, composition of tons processed and sold, current technologies utilized, and facility processing fees charged to collectors delivering covered materials for recycling;

(e) Capacity of compost facilities, including total tons processed and sold, technology used by, and characteristics of compost facilities to process and recover compostable covered materials, and facility processing fees charged to collectors delivering covered materials for composting;

(f) Capacity and number of drop-off collection sites, and the materials collected at those drop-off collection sites;

(g) Capacity and number of transfer stations and transfer locations;

(h) Average term length and variability of residential recycling and composting collection contracts issued by government entities and an assessment of contract cost structures;

(i) An estimate of the total annual collection and processing service costs based on registered service provider costs;

(j) Available markets in Washington for covered materials and the capacity of those markets; and

(k) Covered materials introduced by volume, weight, and covered material types introduced by producers.

(4) Each needs assessment after the preliminary needs assessment must include at least the following:

(a) An evaluation of:

(i) Existing waste reduction, refill, reuse, recycling, and composting outcomes, as applicable, for each covered material type, including collection rates, recycling rates, composting rates, reuse rates, and return rates, as applicable, for each covered material type;

(ii) The overall recycling rate, composting rate, reuse rate, and return rate for all covered material types; and

(iii) The extent to which postconsumer recycled content, by the best estimate, is or could be incorporated into each covered materials type, as applicable, including a review of North American sources and markets and technical barriers to incorporating postconsumer materials into covered materials. For plastic covered materials, postconsumer recycled content must be measured by rigid plastic resin type and by film or flexible plastic;

(b) An evaluation of covered materials in the disposal, recycling, and composting streams to determine the covered materials types and amounts within each stream, using new studies conducted by the department or publicly available and applicable studies;

(c) Proposals for a range of outcomes for each covered materials type to be accomplished within a five-year time frame in multiple units of measurement including, but not limited to, unit-based, weight-based, and volume-based, for each of the following:

(i) Plastic source reduction rates;

(ii) Reuse rates and return rates;

(iii) Recycling rates;

(iv) Composting rates; and

(v) Postconsumer recycled content, if applicable;

(d) Proposals for a range of outcomes for the categories established in section 115(10) of this act that consider:

(i) Information contained in or used to prepare a needs assessment under this section;

(ii) Goals and requirements of chapters 70A.205 and 70A.245RCW;

(iii) The statewide greenhouse gas emissions limits of chapter 70A.45 RCW;

(iv) The need for continuous progress toward:

(A) Overall reduction in the generation of covered material waste;

(B) The reuse, recycling, or composting of covered materials to reduce environmental impacts and human health impacts; and

(C) Progress to incorporate postconsumer content to replace virgin materials and to support more regional markets;

(v) A preference for statewide requirements that accomplish and further the goals and requirements in (d)(ii), (iii), and (iv) of this subsection as soon as practicable and to the maximum extent achievable; and

(vi) Information from paper and packaging producer responsibility programs operating in other jurisdictions;

(e) An evaluation of the criteria used for developing the lists of covered materials determined to be recyclable or compostable statewide as established in section 109 of this act;

(f) Recommended collection methods by covered materials type to maximize collection efficiency, maximize feedstock quality, and optimize service and convenience for collection of covered materials to be considered or that are included on lists established in section 109 of this act, or for which a group of producers has been granted a petition by the department under section 109(5) of this act;

(g) Proposed plans and metrics for how to measure progress in achieving performance targets and statewide requirements;

(h) An evaluation of options for third-party certification of activities to meet obligations of this chapter;

(i) An inventory of the current system, including:

(i) Infrastructure, capacity, performance, funding level, and method and source of financing for the existing covered services for covered materials operating in the state;

(ii) An estimate of total annual costs of covered services based on registered service provider costs; and

(iii) Availability and cost of covered services for covered materials to covered entities and any other location where covered materials are introduced, including identification of disparities in the availability of these services in overburdened communities compared with other areas and to socially vulnerable populations as compared to other populations and proposals for reducing or eliminating those disparities;

(j) An evaluation of investments needed to increase waste reduction, refill, reuse, recycling, and composting rates of covered materials according to the range of proposed performance targets and statewide requirements, including what new or expanded services and infrastructure are needed in each county and city planning under chapter 70A.205 RCW, and the estimated total costs of investments needed, that would also:

(i) Maintain or improve operations of existing infrastructure and account for waste reduction, refill, reuse, recycling, and composting of covered materials statewide;

(ii) Expand the availability and accessibility of recycling collection services for covered materials to all places required under this chapter and expand the availability and accessibility of composting collection services where feasible; and

(iii) Establish and expand the availability and accessibility of reuse services for reusable covered materials;

(k) A recommended methodology for applying criteria and formulas to establish reimbursement rates as described in section 117 of this act;

(l) An assessment of the viability and robustness of markets for recyclable and compostable covered materials and the degree to which these markets can be considered responsible markets;

(m) An assessment of the level and causes of contamination of source separated recyclable materials, source separated compostable materials, and collected reusables, and the impacts of contamination on service providers and on commodity values of covered material types, including the cost to manage this contamination;

(n) An assessment of toxic substances intentionally added to or residual from manufacturing in covered materials, whether this limits one or more covered material types from being used as a marketable feedstock, and best practices producers can implement to reduce intentionally added or residual toxic substances in covered materials that could be verified through suppliers' certificates of compliance, testing, or other analytical and scientifically demonstrated technology;

(o) An assessment and evaluation of current best practices and efforts on:

(i) Public awareness, education, and outreach activities accounting for culturally responsive materials and methods and an evaluation of the efficacy of those efforts;

(ii) Using product or packaging labels as a means of informing consumers about environmentally sound use and management of covered materials;

(iii) Increasing public awareness of how to use and manage covered materials in an environmentally sound manner and how to access waste reduction, refill, reuse, recycling, and composting services; and

(iv) Encouraging behavior change to increase participation in waste reduction, refill, reuse, recycling, and composting programs;

(p) Identification of the covered materials with the most significant environmental impacts, including assessing each covered material's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts;

(q) Recommendations for meeting the criteria for an alternative collection program; and

(r) Other items identified by the department that would aid the creation of the plan, the implementation of the plan, and the enforcement of this chapter.

(5) The department or its contracted third party may conduct voluntary interviews with service providers of curbside recycling or composting services or recycling or composting processing services within a jurisdiction on costs for additional infrastructure, vehicles, staff, equipment, and other investments to achieve the range of outcomes proposed under subsection (4)(c) and (d) of this section.

(6) When determining the extent to which any statewide requirement or performance target under this chapter has been achieved, information contained in a needs assessment must serve as the baseline for that determination, when applicable.

(7)(a) A service provider or other person with data or information necessary to complete a needs assessment must provide the

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data or information to the department upon request.

(b) A service provider or other person providing the data or information may submit a request to the department consistent with section 122 of this act that the data or information be considered confidential and not made public.

(c) The contractor conducting the needs assessment must aggregate and anonymize the nonpublic data or information, excluding location data as necessary to assess needs, received from all parties under this section and must then include the aggregated anonymized data in the needs assessment.

NEW SECTION. **Sec. 112.** EQUITY STUDY. (1) By January 31, 2032, the department must complete a study, conducted by a contracted third party that is not a producer or producer responsibility organization, of facilities operating in the state that manage covered materials and at facilities operating in the state that receive covered materials as recycled feedstock. The study must analyze, at a minimum, information about:

(a) Working conditions, wage and benefit levels, workforce development effects, and employment levels of minorities and women at those facilities;

(b) Barriers to ownership of recycling, composting, and reuse operations faced by women and minorities;

(c) The degree to which residents of multifamily buildings have less convenient access to recycling, composting, and reuse opportunities than those living in single-family homes;

(d) The degree to which individuals living in overburdened communities have access to fewer recycling, composting, and reuse opportunities compared to other parts of the state;

(e) The degree to which programs to increase access, convenience, and education are successful in raising reuse, recycling, and composting rates in areas where participation in these activities is low;

(f) Strategies to increase participation in reuse, recycling, and composting; and

(g) The degree to which residents and workers in overburdened communities are impacted by emissions, toxic substances, and other pollutants from solid waste facilities in comparison to other areas of the state and recommendations to mitigate those impacts.

(2) Producer responsibility organizations registered under this chapter must cover the cost of conducting the study through the fees charged by the department to the producer responsibility organizations, and recommended actions identified in the study must be considered for inclusion as part of future plans required under this chapter, including adjustments to service provider reimbursements under section 117 of this act.

NEW SECTION. **Sec. 113.** PLAN. (1) By October 1, 2028, and every five years thereafter, each registered producer responsibility organization must submit a plan to the department that describes the proposed operation by the organization of programs to fulfill the requirements of this chapter and that incorporates the findings and results of needs assessments.

(2) A producer responsibility organization must submit a draft plan or draft amendment to the advisory council at least 60 days prior to submitting to the department to allow the advisory council to submit comments and must address advisory council comments and recommendations prior to the submission of the draft plan or draft plan amendment to the department.

(3) A draft plan must include at a minimum:

(a) Performance targets established under section 115 of this act as applicable to each covered materials type to be accomplished within a five-year period;

(b) Any proposals for additions or removals of covered materials to the lists established under section 109 of this act;

(c) A description of the methods of collection, how collection service convenience metrics in section 110 of this act will be met, and a description of processing infrastructure and covered services to be used for each covered materials type for persons and locations receiving services, at a minimum, and how these will meet the performance targets established in section 115 of this act for covered materials that are:

(i) Included or proposed to be included on lists established in section 109 of this act;

(ii) Reusable covered materials managed through a reuse system; and

(iii) Capable of refill and managed through a refill system;

(d) A description of how, for each covered materials type, the producer responsibility organization will measure recycling, plastic source reduction, reuse, composting, and the inclusion of postconsumer recycled content, in accordance with the methodology established in section 115 of this act;

(e) Third-party certifications as required by the department or voluntarily undertaken;

(f) A budget identifying funding needs for each of the plan's five calendar years, producer fees, a description of the process used to calculate the fees, and an explanation of how the fees meet the requirements of section 116 of this act;

(g) A description of infrastructure investments, including:

(i) Goals and outcomes and a description of how the process to offer and select investments will be conducted in an open, competitive, and fair manner;

(ii) How the infrastructure investments will address gaps in the system not met by service providers; and

(iii) Potential financial and legal instruments to be used;

(h) An explanation of how the plan will be paid for by the producer responsibility organization solely through fees from producers. This restriction does not apply to refundable deposits made in connection with a product's refill, reuse, or recycling that can be redeemed by a consumer;

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(i) A description of activities to be undertaken by the producer responsibility organization during each year to:

(i) Minimize the environmental impacts and human health impacts of covered materials, including assessing each covered material type's generation of hazardous waste, generation of greenhouse gases, environmental justice impacts, public health impacts, and other impacts;

(ii) Foster the improved design of covered materials, as identified under section 116(2)(c) of this act;

(iii) Provide funding to expand and increase the convenience of waste reduction, refill, reuse, collection, recycling, and composting services to covered entities, at a minimum, according to the order of the state's solid waste management hierarchy established in RCW 70A.205.005;

(iv) Provide for reimbursement rates to service providers for statewide coverage of covered services on the lists established in section 109 of this act; and

(v) Monitor to ensure that postconsumer materials are delivered to responsible markets;

(j) A description of how the producer responsibility organization will promote the opportunity for all service providers to register with the department and to submit invoices for reimbursement with the producer responsibility organization;

(k) A description of how the program will reimburse service providers under an approved plan including, but not limited to, a description of how the program will establish:

(i) A methodology to calculate differentiated reimbursement rates as provided in sections 116 and 117 of this act;

(ii) A process for service providers to submit invoices and be reimbursed for covered services provided to covered entities;

(iii) Clear and reasonable timelines for reimbursement, at intervals no longer than monthly unless agreed to by a service provider and a producer responsibility organization; and

(iv) A process that utilizes a third-party mediator to resolve disputes that arise between the producer responsibility organization and a service provider regarding the determination of reimbursement rates and payment of reimbursements;

(l) Performance standards for service providers as applicable to the service provided including, but not limited to:

(i) Requirements that service providers must accept all covered materials on the applicable list established by the department under section 109(1)(a) of this act;

(ii) Requirements that service providers must offer residential recycling collection for materials on the applicable list established by the department under section 109(1)(a) of this act to covered entities wherever they offer residential garbage collection services, except in areas subject to a county ordinance as specified in RCW 70A.205.045(7)(b)(i)(C);

(iii) Requirements that service must be provided in a manner consistent with the requirements of: (A) Chapter 70A.205 RCW for curbside collection services of source separated recyclable materials from residences; and (B) chapter 81.77 RCW;

(iv) Requirements that service providers must manage covered materials in a manner consistent with the state's solid waste management hierarchy established in RCW 70A.205.005; and

(v) Requirements that service providers comply with all applicable federal, state, and local laws governing health and safety;

(m) A requirement that owners or operators of a material recovery facility that manages over 25,000 tons annually of covered materials under this chapter must comply with the compensation requirements specified in section 304 of this act;

(n) A description of how the producer responsibility organization will treat and protect nonpublic data submitted by service providers;

(o) A description of how the producer responsibility organization will provide technical assistance to:

(i) Service providers in order to assist them in delivering covered materials to responsible markets;

(ii)(A) Producers regarding intentionally added toxic substances and residual toxic substances from manufacturing in covered materials; (B) best practices identified in the needs assessment that producers can take to reduce intentionally added or residual toxic substances in covered materials; and (C) best practices for verifying reduction through suppliers' certificates of compliance, testing, or other analytical and scientifically demonstrated methodology; and

(iii) Producers to make changes in product design that reduce the environmental impact of covered materials or that increase the recoverability or marketability of covered materials for reuse, recycling, or composting;

(p) A description of how the producer responsibility organization will increase public awareness, educate, and complete outreach activities that meet the requirements of section 119 of this act and will evaluate the efficacy of these efforts;

(q) A description of how the producer responsibility organization will reduce or eliminate disparities in the availability to socially vulnerable populations of covered services for covered materials;

(r) Proposed alternative collection programs as required under section 110 of this act;

(s) A description of how producers can purchase postconsumer materials from service providers at market prices if the producer is interested in obtaining recycled feedstock to achieve minimum postconsumer recycled content performance targets and statewide requirements;

(t) A summary of consultations held with the advisory council and other interested parties to provide input to the plan, a list of recommendations that were incorporated into the plan as a result, and a list of rejected recommendations and the reasons for rejection;

(u) Strategies to incorporate findings from any relevant studies required by the legislature; and

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(v) Any other information required by the department by rule.

NEW SECTION. **Sec. 114.** CONTINGENCY PLAN. (1) A producer responsibility organization must submit to the department 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, if needed:

(a) Until such time as a new or updated plan is submitted and approved by the department;

(b) Upon the expiration of an approved plan;

(c) If the producer responsibility organization notifies the department that it will cease to implement an approved plan; or

(d) In any other event that the producer responsibility organization can no longer carry out plan implementation.

(2) The contingency plan must be submitted to the department as a component of the producer responsibility organization's initial plan. The department may require a producer responsibility organization to revise the contingency plan coincident with any plan submittal.

(3) The requirements of this section do not require a producer responsibility organization to hold funds in a dedicated account until such time as the contingency plan must be implemented.

(4) The department must follow the same process and timelines for reviewing and approving the contingency plan as it follows for the plan.

NEW SECTION. **Sec. 115.** PERFORMANCE TARGETS. (1) Each producer responsibility organization must propose performance targets based on the needs assessment that meet the statewide requirements in subsection (10) of this section that must be included in an approved plan. Performance targets must include reuse rates, return rates, recycling rates for materials delivered to responsible markets, composting rates, and targets for plastic source reduction and postconsumer recycled content by covered materials type, as applicable. For products for which postconsumer recycled content rates are established in RCW 70A.245.010 through 70A.245.050 and 70A.245.090 (1), (2), and (4), those rates must be included in an approved plan. The producer responsibility organization must propose the unit or units that are most appropriate to measure each performance target as informed by the needs assessment.

(2) The department may require that a producer responsibility organization obtain third-party certification of any activity or achievement of any performance target required by this chapter if a third-party certification is readily available, deemed applicable, and of reasonable cost. The department must provide the producer responsibility organization with notice of at least one year prior to requiring use of third-party certification under this subsection.

(3) Proposed targets must demonstrate continuous improvement in reducing environmental impacts and human health impacts of covered materials over time.

(4) For purposes of determining whether recycling performance targets are being met, except as modified by the department, a plan must provide a methodology for measuring the amount of covered material sent for recycling at the point at which material leaves a material recovery facility or other processing facility and must account for:

(a) Levels and types of estimated contamination documented by the facility;

(b) Any exclusions for fuel or energy capture; and

(c) Compliance with all state laws pertaining to toxic substances in covered materials.

(5)(a) The department must, in consultation with representatives from overburdened communities, the advisory council, service providers, municipalities, state agencies, alternative recycling technology providers, and others, approve or deny a proposal by a producer responsibility organization to count towards recycling performance targets the materials sent to facilities that use an alternative recycling process for conversion of plastic covered materials for the purpose of producing recycled material.

(b) The department must establish a process by which a producer responsibility organization may annually propose to count towards recycling performance targets the materials sent to a facility that uses an alternative recycling process.

(c) The department may only approve the producer responsibility organization's proposal to count towards recycling performance targets the materials sent to a facility that uses an alternative recycling process if the department determines that the alternative recycling process:

(i) Does not include combustion, fuel production, and other forms of energy recovery of plastic covered materials in processing or disposal;

(ii) Provides protection for the environment and human health with consideration of inputs and outputs, including as measured against all of the following criteria:

(A) Environmental release of air and water pollutants or any hazardous pollutants;

(B) Generation of hazardous waste;

(C) Energy use and generation of greenhouse gases;

(D) Environmental impacts on overburdened communities and socially vulnerable populations;

(E) Water usage including, but not limited to, impacts to local water resources and sewage infrastructure;

(F) Public health impacts; and

(G) Capture and recycling rates;

(iii) Reduces gaps in collection, recycling, and composting services at covered entities;

(iv) Meets an unmet need in the state that will result in meeting recycling performance targets, including creating new recycling markets for materials currently disposed of in landfills or incinerated;

(v) Provides third-party certification of recycled content; and

(vi) Addresses those other environmental impacts as determined by the department.

(d)(i) In making its determination under (c) of this subsection, the department must take into consideration any local, state, or federal environmental permitting requirements that govern the operation of an alternative recycling process that reduces air and water pollutants or the generation of hazardous waste or pollutants. The department must also take into consideration whether the alternative process produces food-grade or pharmaceutical-grade recycled content.

(ii) The department must publish a determination on the producer responsibility organization's proposal, detailing why it was approved or denied and how it measured against the criteria listed in (c) of this subsection. The department must also conduct a public review process for at least 60 days.

(e) A person may appeal a decision by the department under (d) of this subsection to the pollution control hearings board.

(f) The department must, no more frequently than every five years, require the producer responsibility organization to provide any updated information deemed necessary that demonstrates that an approved alternative recycling process is continuing to meet the requirements of this section. If the facility fails to meet the requirements of this section, the department shall prohibit the producer responsibility organization from counting material sent to the alternative recycling facility towards recycling performance targets.

(g) Nothing in this chapter prohibits or affects the use of any alternative recycling process for products or packaging that are not covered materials under this chapter.

(6) For purposes of determining whether plastic source reduction performance targets are being met, a plan must provide a methodology for measuring the amount of plastic source reduction of covered materials in a manner that can be used to determine the extent to which the amount of material used for a covered material can be reduced to what is necessary to efficiently deliver a product without damage or spoilage, or other means of covered material redesign to reduce overall use and environmental impacts and maintain recyclability, compostability, or reusability. No more than eight percent of a producer responsibility organization's plastic source reduction performance target may be met by switching from virgin covered material to postconsumer recycled content through a sliding scale alternative compliance formula developed by the department based on the ratio of virgin plastic to postconsumer recycled plastic. For producers subject to the postconsumer recycled content requirements of chapter 70A.245 RCW, the postconsumer recycled content used to comply with those requirements may be credited towards the plastic source reduction performance target, subject to the eight percent limit.

(7) For purposes of determining whether reuse performance targets are being met, a plan must provide a methodology for measuring the amount of reusable covered materials at the point at which reusable covered materials meet the following criteria as demonstrated by the producer and approved by the department whether the:

(a) Average minimum number of cycles of reuses within a recognized reuse system has been met based on the number of times an item must be reused for it to have lower environmental impacts than the single-use versions of those items based on accepted industry standards; and

(b) Demonstrated or research-based anticipated return rate of the covered material to the reuse system has been met.

(8) For purposes of determining whether postconsumer recycled content performance targets are being met under this chapter, a plan must provide a methodology for measuring postconsumer recycled content across all producers for a covered materials type where producers may determine their postconsumer recycled content based on their United States market territory if state-specific postconsumer recycled content is impractical to determine.

(9) For other performance targets, the producer responsibility organization must propose methodologies for review and approval as part of the plan based on findings from the needs assessment.

(10)(a) The department must establish statewide requirements and a date by which those requirements must be met for each of the following categories:

(i) Recycling rate;

(ii) Composting rate;

(iii) Reuse rate;

(iv) Return rate;

(v) The percentage of covered materials introduced that must be plastic source reduced; and

(vi) The percentage of postconsumer recycled content that covered materials must contain, including an overall percentage for all covered materials, as applicable, excluding compostable materials that cannot include postconsumer recycled content due to unique chemical or physical properties or health or safety requirements that prohibit introduction of postconsumer recycled content.

(b) The department may use the following information and criteria when establishing statewide requirements under (a) of this subsection:

(i) The needs assessment;

(ii) The goals and requirements of chapter 70A.205 RCW;

(iii) The greenhouse gas emissions limits of chapter 70A.45 RCW;

(iv) The need for continuous progress towards overall reduction in the generation of covered materials waste, the reuse, recycling, or composting of covered materials to reduce environmental impacts and human health impacts, and progress to incorporate postconsumer recycled content to replace virgin materials and support more regional markets;

(v) A preference for statewide requirements that accomplish and further the goals and requirements in (b)(ii) through (iv) of this subsection as soon as practicable and to the maximum extent achievable; and

(vi) Information from packaging and paper product producer responsibility programs operating in other jurisdictions.

(c) The department must consult with producer responsibility organizations on establishing statewide requirements, submit proposed statewide requirements for review by the advisory council, and consider the advisory council's recommendations before finalizing the statewide requirements.

(d) Every five years, the department must review the statewide requirements established under this subsection. If the department decides an update is not warranted at that time, the department must submit the reasoning to the advisory council and consider the advisory council's recommendations before making a final decision. If the department decides an update is warranted, the department must follow the process specified in (b) and (c) of this subsection.

(e) Producer responsibility organizations must ensure the statewide requirements are met.

NEW SECTION. **Sec. 116.** PRODUCER FEES. (1) A registered producer responsibility organization may charge each member producer a fee according to each producer's unit-based, weight-based, volume-based, or sales-based market share or by another method it determines to be an equitable determination of each producer's payment obligation, so that the aggregate fees charged to member producers are sufficient to pay the producer responsibility organization's costs in full until the producer responsibility organization has an approved plan.

(2) A producer responsibility organization with an approved plan must annually collect a fee from each member producer that must:

(a) Vary based on the total amount of covered materials each producer introduces in the prior year calculated on a per unit basis, such as per ton, per item, or another unit of measurement;

(b) Reflect program costs for each covered materials type, net of commodity value for that covered materials type when used as a recycled material, as well as allocated fixed costs that do not vary based on covered materials type. Any membership fees charged for different covered material types, materials, and formats must:

(i) For covered materials that are on the statewide lists established under section 109 of this act, be proportional to the costs to the producer responsibility organization for that covered material type, covered material, or format; and

(ii) Discourage the use of covered materials that are not on the statewide lists established under section 109 of this act;

(c) Incentivize using materials and design attributes that reduce the environmental impacts and human health impacts of covered materials by:

(i) Eliminating intentionally added toxic substances or residual toxic substances from manufacturing in covered materials;

(ii) Reducing the amount of:

(A) Packaging per individual covered material that is necessary to efficiently deliver a product without damage or spoilage and without reducing its ability to be recycled or composted; and

(B) Paper used to manufacture individual paper products;

(iii) Increasing the amount of covered materials managed in a reuse system;

(iv) Increasing the proportion of postconsumer material in covered materials;

(v) Enhancing the recyclability or compostability of a covered material;

(vi) Increasing the amounts of inputs derived from renewable and sustainable sources without reducing its ability to be recycled; and

(vii) Other means, as approved by the department;

(d) Discourage using materials and design attributes in covered materials whose environmental impacts and human health impacts can be reduced by the methods listed in (c) of this subsection;

(e) Prioritize reuse by charging covered materials that are managed through a reuse system only once, upon initial entry into the marketplace; and

(f) Generate revenue sufficient to pay in full:

(i) The fee to the department required under section 106 of this act;

(ii) The financial obligations to complete activities described in an approved plan and to reimburse service providers under section 117 of this act;

(iii) The funding required under section 104 of this act for the reuse financial assistance program;

(iv) The operating costs of the producer responsibility organization; and

(v) For establishment and maintenance of a financial reserve that is sufficient to operate the program in a fiscally prudent and responsible manner.

(3) Revenues collected under this section that exceed the amount needed to pay the costs described in subsection (2)(f) of this section must be used to improve or enhance program outcomes or to reduce producer fees according to provisions of an approved plan.

(4) Fees collected from producers under this chapter may not be used for lobbying or political advocacy activities that would require reporting under chapter 42.17A RCW or under the federal election campaign act, 2 U.S.C. chapter 14.

NEW SECTION. **Sec. 117.** SERVICE PROVIDER REIMBURSEMENT. (1) The reimbursements provided for covered services to covered entities under an approved plan must only be provided to service providers that, at a minimum, meet the performance standards established under an approved plan.

(2)(a) A plan must provide a methodology for reimbursement rates for covered services for covered materials, exclusive of exempt materials. The methodology for reimbursement rates must consider estimated revenue received by service providers from the sale of covered materials based on relevant material indices and incorporate relevant cost information identified by the needs

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assessment. Reimbursement rates must be annually updated and reflect the net costs for covered services for covered materials from entities receiving services under this chapter, at a minimum. Reimbursement rates must be established equivalent to net costs, using a methodology in an approved plan as follows:

(i) No less than 50 percent of the net costs by February 15, 2030;

(ii) No less than 75 percent of the net costs by February 15, 2031; and

(iii) No less than 90 percent of the net costs by February 15, 2032, and each year thereafter.

(b) Reimbursement rates must be based on the following, as applicable by the service provided:

(i) The cost to collect covered material for recycling, a proportional share of composting, or reuse adjusted to reflect conditions that affect those costs, varied by region or jurisdiction in which the covered services are provided including, but not limited to:

(A) The number and type of covered entities;

(B) Population density;

(C) Collection methods employed;

(D) Distance traveled by collection vehicles to consolidation or transfer facilities, to reuse, recycling, or composting facilities, and to responsible markets;

(E) Other factors that may contribute to regional or jurisdictional cost differences;

(F) The proportion of covered compostable materials within all source separated compostable materials collected or managed through composting; and

(G) The general quality of covered materials collected by service providers;

(ii) The cost to transfer collected covered materials from consolidation or transfer facilities to reuse, processing, recycling, or composting facilities or to responsible markets;

(iii) The cost to:

(A) Sort and process covered materials for sale or use and remove contamination from covered materials by a recycling or composting facility, minus the average fair market value for that covered material based on market indices for the region; and

(B) Manage contamination removed from collected covered material;

(iv) The administrative costs of service providers, including education, public awareness campaigns, and outreach program costs as applicable; and

(v) The costs of covered services for a refill system or covered services provided for reusable covered materials and management of contamination.

(c) A service provider retains all revenue from the sale of covered materials unless otherwise agreed upon by the service provider. Nothing in this chapter may restrict a service provider from charging a fee for covered services for covered materials to the extent that reimbursement from a producer responsibility organization does not cover all costs of services, including continued investment and innovation in operations, operating profits, and returns on investments required by a service provider to provide sustainability of the services.

(d) Reimbursement rates may be calculated per ton, by household, or by another unit of measurement.

(3)(a) Nothing in this section may be construed to require a government entity to agree to operate under a plan. Any government entity that is also a service provider is eligible to be registered with the department and reimbursed per the rates and schedule established in accordance with this section.

(b) Nothing in this chapter restricts the authority of a political subdivision of the state to provide waste management services to residents, to contract with any entity to provide waste management services, or to exercise its authority granted under RCW 35.21.120, 35.21.130, 35.21.152, or 36.58.040. A producer responsibility organization may not restrict or otherwise interfere with a government entity exercising its authority under RCW 35.21.120, 35.21.130, 35.21.152, or 36.58.040 to organize collection of solid waste, including materials collected for recycling or composting, or to extend, renew, or otherwise manage any contracts entered into as a result of exercising such authority or otherwise resulting from a competitive procurement process.

(4) A producer responsibility organization must establish a dispute resolution process utilizing third-party mediators for disputes related to reimbursements.

NEW SECTION. **Sec. 118.** INFRASTRUCTURE INVESTMENTS. (1) For infrastructure investments, a producer responsibility organization must use a competitive bidding process and publicly post bid opportunities, except that preference must be given to existing facilities and providers of services in the state for waste reduction, refill, reuse, collection, recycling, and composting of covered materials.

(2) A producer or producer responsibility organization may not own or partially own infrastructure that is used to fulfill obligations under this chapter, except in the following circumstances:

(a) A producer may hold an ownership stake in infrastructure used to fulfill obligations under this chapter as long as the stake was held before the effective date of this section and the ownership stake is fully disclosed by the producer to the producer responsibility organization;

(b) After a bidding process described in subsection (1) of this section under which no service provider bids on the contract, the producer responsibility organization may make infrastructure investments to implement the requirements of this chapter; or

(c) A producer or producer responsibility organization may own or partially own infrastructure that is used solely for purposes of the reuse financial assistance program or as needed to fulfill an individual plan or alternative collection program.

(3) The direct or indirect receipt of funds from a producer responsibility

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organization under this chapter does not confer any inherent ownership or interest in any asset or company to which funds are directed and does not confer any inherent right to control use of any asset or company operations.

NEW SECTION. **Sec. 119.** EDUCATION AND OUTREACH. (1) A producer responsibility organization must develop and maintain a public website that uses best practices for accessibility and contains, at a minimum:

(a) Information regarding a process that members of the public may use to contact the producer responsibility organization with questions;

(b) A directory of all service providers operating under the plan administered by the producer responsibility organization, grouped by location or government entity;

(c) Registration materials submitted to the department;

(d) The draft and approved plan and any draft and approved amendments;

(e) The list of exempt materials under this chapter;

(f) Current and all past needs assessments;

(g) Annual reports submitted to the department by the producer responsibility organization;

(h) A link to administrative rules implementing this chapter;

(i) Comments of the advisory council on the documents listed in (d) and (f) of this subsection and the responses of the producer responsibility organization to those comments;

(j) A list, updated at least monthly, of all member producers that will operate under the plan administered by the producer responsibility organization and, for each producer, a list of all brands of the producer's covered materials; and

(k) Education materials on waste reduction, refill, reuse, recycling, and composting for producers and the general public.

(2) A producer responsibility organization must implement education and outreach activities that effectively reach diverse residents and include culturally responsive materials and methods, are accessible, clear, and support the achievement of the performance targets, including by developing and providing educational materials, resources, and campaigns that encourage and support recycling, composting, and reuse behaviors by residents and visitors. Activities must:

(a) Assist producers in improving product labels as a means of informing consumers about refill, reuse, recycling, composting, and other environmentally sound methods of managing covered materials;

(b) Increase public awareness of how to use and manage covered materials in an environmentally sound manner and how to access waste reduction, refill, reuse, recycling, and composting services;

(c) Encourage behavior change to increase participation in waste reduction, refill, reuse, recycling, and composting programs including by engaging local communities in the design and implementation of programs and developing community-led solutions that are tailored to their specific cultural practices and waste generation patterns;

(d) Reduce resident confusion regarding the appropriate solid waste collection container or end-of-life management option for each type of covered material; and

(e) Develop and provide education and outreach materials that are able to be used by retail establishments, collectors, government entities, service providers, schools, institutions, youth organizations, and nonprofit organizations. Outreach materials must be accessible in multiple languages and culturally appropriate formats to reach non-English-speaking communities.

(3) A producer responsibility organization must coordinate with registered service providers and any government entities that choose to participate in carrying out education and outreach consistent with the plan.

NEW SECTION. **Sec. 120.** ANNUAL REPORT. (1) By July 1, 2031, and each July 1st thereafter, a producer responsibility organization must submit an annual report to the department that contains, at a minimum, the following information for the previous calendar year:

(a) The amount of covered materials introduced, by covered materials type, reported in the same units used to establish producer fees under this chapter;

(b) Progress made toward the performance targets reported in the same units used to establish producer fees under this chapter, and reported statewide and for each county, including:

(i) The amount of covered materials successfully source reduced, reused, recycled, and composted by covered materials type and the strategies or collection methods used; and

(ii) Information about third-party certifications obtained;

(c) The total cost to implement the program and a detailed description of program expenditures by category, including:

(i) The total amount of producer fees collected;

(ii) A description of infrastructure investments made; and

(iii) A breakdown of reimbursements by covered services, entities receiving covered services, and regions of the state;

(d) A copy of a financial audit of program operations conducted by an independent auditor approved by the department that meets the requirements of the *Financial Accounting Standards Board's Accounting Standards* update 2016-14, not-for-profit entities (Topic 958), as it existed as of January 1, 2025, or an updated standard as required by the department by rule;

(e) A description of the program performance problems that emerged in specific locations and efforts taken or proposed by the producer responsibility organization to address them;

(f) A discussion of technical assistance provided to producers regarding toxic substances in covered materials and actions taken by producers to reduce intentionally

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added toxic substances and residual toxic substances from manufacturing in covered materials beyond compliance with prohibitions already established in law;

(g) A description of public awareness, education, and outreach activities undertaken, including any evaluations conducted of their efficacy, plans for next calendar year's activities, and an evaluation of the process established by the producer responsibility organization to answer questions from consumers regarding collection, recycling, composting, waste reduction, and reuse activities;

(h) A description, which includes quantitative measurements, of changes in levels of access to covered services for covered materials by socially vulnerable populations relative to levels of access to and participation in covered services for covered materials by socially vulnerable populations prior to the implementation of the first plan under this chapter;

(i) A summary of consultations held with the advisory council and how any feedback was incorporated into the report as a result, together with a list of rejected recommendations and the reasons for rejection;

(j) A list of producers found to be out of compliance with this chapter and actions taken by the producer responsibility organization to return producers to compliance, and notification of any producers that are no longer participating in the producer responsibility organization or who have been expelled due to their lack of compliance;

(k) Proposed amendments to the plan to improve program performance or reduce costs, including changes to producer fees, infrastructure investments, or reimbursement rates;

(l) Recommendations for additions or removals of covered materials to or from the recyclable or compostable covered materials lists established under section 109 of this act; and

(m) Information requested by the department to evaluate the effectiveness of the program as it is described in the plan and to assist with determining compliance with this chapter.

(2) A producer responsibility organization that fails to meet a performance target approved in a plan must, within 90 days of filing an annual report under this section, file with the department an explanation of the factors contributing to the failure and propose an amendment to the plan specifying changes in operations, including education and outreach, that the producer responsibility organization will make that are designed to achieve the performance targets. If a performance target is unmet due to the lack of government entity participation in the program, the department may revise the statewide requirements. If a revision to the statewide requirements is completed by the department, the producer responsibility organization may revise the performance targets at the same time. An amendment filed under this subsection must be reviewed by the advisory council and approved by the department in the manner specified in section 106 of this act.

NEW SECTION. **Sec. 121.** INDEPENDENT REVIEW OF PROGRAM. (1) By September 1, 2038, the department must contract with an independent consultant to analyze the impacts of the initial seven years of program implementation and must submit a report summarizing the analysis to the appropriate committees of the legislature. The analysis must include the effects of the program on:

(a) Solid waste, composting, or recycling costs;

(b) Recycling rates, reuse rates, postconsumer recycled content rates, source reduction rates, and composting rates; and

(c) The availability and convenience of recycling, composting, and reuse services, including specific analysis of the availability and convenience of recycling, composting, and reuse services used by socially vulnerable populations.

(2)(a) The independent consultant, for purposes of the independent review of the program carried out under this section, may review:

(i) Information submitted to the department under section 120 of this act; and

(ii) Producer or producer responsibility organization data or information pertinent to the program.

(b) The independent consultant must treat confidential records in a manner consistent with the department's policy under section 122 of this act.

(3) To the extent that sufficient state-level data is not available to complete the analyses required in subsection (1) of this section, the independent consultant may review data or studies from states with similar programs.

NEW SECTION. **Sec. 122.** CONFIDENTIAL INFORMATION SUBMISSION. A producer responsibility organization, service provider, material recovery facility, organic material management facility, responsible market, or other entity that submits information or records to the department under this chapter may request that the information or records, including data related to business profits, service rates, fees, or business expenses or private data on individuals, be made available only for the confidential use of the department, the director of the department, the appropriate division of the department, or the independent consultant carrying out the independent review of the program in section 121 of this act. The director of the department must consider the request and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

NEW SECTION. **Sec. 123.** ENFORCEMENT AUTHORITY. (1)(a) The department may administratively impose a civil penalty of

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up to $1,000 per violation per day on any producer who violates this chapter and up to $10,000 per violation per day for the second and each subsequent violation.

(b) For a producer out of compliance with the requirements of this chapter, the department shall provide written notification and offer information. For the purposes of this subsection, written notification serves as notice of the violation. The department must issue at least one notice of violation by certified mail prior to assessing a penalty and the department may only impose a penalty on a producer that has not met the requirements of this chapter 60 days following the date the written notification of the violation was sent.

(2)(a) The department may administratively impose a civil penalty of up to $1,000 per violation per day on any producer responsibility organization that violates this chapter and up to $10,000 per violation per day for the second and each subsequent violation.

(b) The department may, in addition to assessing the penalties provided in (a) of this subsection, take any combination of the following actions:

(i) Issue a corrective action order to a producer responsibility organization;

(ii) Issue an order to a producer responsibility organization to provide for the continued implementation of the program in the absence of an approved plan;

(iii) Revoke the producer responsibility organization's plan approval and require implementation of the contingency plan;

(iv) Require a producer responsibility organization to revise or resubmit a plan within a specified time frame; or

(v) Require additional reporting related to the area of noncompliance.

(c) Prior to taking an action described in this subsection, the department must provide the producer responsibility organization an opportunity to respond to or rebut the written finding upon which the action is predicated.

(3) A person may not sell or distribute in or into the state a covered material of a producer that is not participating in a producer responsibility organization or that is not in compliance with the requirements of this chapter or rules adopted under this chapter.

(a) The department shall serve, or send with delivery confirmation, a written warning explaining the violation to a person distributing or selling covered materials of a producer that is not in compliance with this chapter.

(b) The department may assess a penalty on a person that continues to sell or distribute covered materials of a producer that is in violation of this chapter 60 days after receipt of the written warning under this subsection. The amount of the penalty that the department may assess under this subsection is twice the value of the covered materials sold in violation of this chapter or $500, whichever is greater. The department must waive the penalty upon verification that the person has discontinued distribution or sales of the covered material within 30 days of the date the penalty is assessed.

(4) Any person who incurs a penalty or receives an order may appeal the penalty or order to the pollution control hearings board established in chapter 43.21B RCW.

(5) Penalties levied under this section must be deposited in the recycling enhancement account created in RCW 70A.245.100.

(6) Upon receipt of a request from the advisory council, the department must consider the appropriateness of the use of enforcement authority authorized in this section.

NEW SECTION. **Sec. 124.** DEPOSIT RETURN SYSTEM. (1) It is the intent of the legislature that if a bottle deposit return system is enacted in the future, it will be harmonized with this chapter in a manner that ensures that:

(a) Materials covered in that system are exempt from this chapter or related financial obligations are reduced;

(b) Colocation of drop-off collection sites is maximized;

(c) Education and outreach are integrated between the two programs; and

(d) Waste reduction and reuse strategies are prioritized between the two programs.

(2) Any implementation of a bottle deposit return system must include a two-year transition period before the expiration of the currently approved plan and be conducted in a manner that does not create sudden and significant operational or financial disruption to the implementation of a plan under this chapter, including provisions of recycling or reuse services contained in the plan.

NEW SECTION. **Sec. 125.** PETITION FOR THE EXCLUSION OF CERTAIN PRODUCTS. (1) Except as provided in subsection (4) of this section, one year prior to the submission of a plan, a producer, group of producers, or a producer responsibility organization may submit a petition to the department to request for reasons of public health or safety the temporary exclusion of packaging used to contain the following categories of products, subcategories of the following categories of products, or individual products:

(a) Products regulated under the poison prevention packaging act of 1970; and

(b) Products subject to requirements under federal laws that make their inclusion in the requirements of this chapter infeasible or inadvisable.

(2) A petition must provide information that is necessary and sufficient for the department to make a determination including, at a minimum, the following:

(a) The technical feasibility of including the category of product, subcategory of product, or individual product in the program created by this chapter, and in recycling the packaging of the product or products;

(b) An analysis of any potential risks to public health and safety associated with the inclusion of a category of product, subcategory of product, or individual

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product in the program created by this chapter, and in recycling the packaging of the product or products; and

(c) The progress made by producers in achieving the goals of this chapter, including by reducing the amount of packaging used with the products, increasing the recycled content of the product packaging, and increasing the ability of the products' packaging to be reused, composted, or recycled if appropriate.

(3) The department must make a determination and notify the petitioner within 90 days of receipt of the petition.

(4) The producer of a product that is temporarily excluded from the requirements of this chapter under this section must report, directly to the department in a form created by the department, the information related to the temporarily excluded product that is required to be reported to the department by producer responsibility organizations under sections 103 and 120 of this act.

NEW SECTION. **Sec. 126.** IDENTIFICATION OF SOCIALLY VULNERABLE POPULATIONS. (1) The department must periodically assess the availability of, and methodology used by, the United States centers for disease control and the agency for toxic substances and disease registry's social vulnerability index, as compared to how it existed as of January 1, 2025.

(2) If the department determines that the social vulnerability index is no longer available in substantially the same form as it existed on January 1, 2025, the department must notify each registered producer responsibility organization that for purposes of the identification of socially vulnerable populations under this chapter, the department and producer responsibility organizations are no longer required to reference the United States centers for disease control and the agency for toxic substances and disease registry's social vulnerability index. Instead, the department and registered producer responsibility organizations must reference the alternative populations specified in subsection (3) of this section.

(3)(a) Until such time as a rule is adopted under (b) of this subsection, the department and registered producer responsibility organizations must, for purposes of identifying socially vulnerable populations, identify as socially vulnerable populations those communities ranked as an eight or higher on the environmental health disparities map developed under RCW 43.70.815.

(b) After making a determination under subsection (2) of this section, by rule the department may, but is not required to, adopt an alternative methodology for the identification of socially vulnerable populations to replace the reference to the United States centers for disease control and the agency for toxic substances and disease registry's social vulnerability index. A rule adopted under this subsection may, but is not required to, rely in whole or in part on the environmental health disparities map developed by the department of health under RCW 43.70.815.

NEW SECTION. **Sec. 127.** OTHER. (1) Nothing in this act impacts an entity's eligibility for any state or local incentive or assistance program to which they are otherwise eligible. Nothing in this act limits the authority of private parties or government entities to enter into contracts.

(2) Nothing in this chapter authorizes the department or a producer responsibility organization to impose any requirement, in direct conflict with a federal law or regulation including, but not limited to:

(a) Laws or regulations covering tamper-evident packaging pursuant to 21 C.F.R. Sec. 211.132;

(b) Laws or regulations covering child-resistant packaging pursuant to 16 C.F.R. Sec. 1700.1, et seq.;

(c) Regulations, rules, or guidelines issued by the United States department of agriculture or the United States food and drug administration related to packaging agricultural commodities; and

(d) Requirements for microbial contamination, structural integrity, or safety of packaging, where no viable recyclable or compostable packaging that can meet the requirements exists, pursuant to:

(i) The federal food, drug, and cosmetic act (21 U.S.C. Sec. 301, et seq.);

(ii) 21 U.S.C. Sec. 2101, et seq.;

(iii) The federal food and drug administration food safety modernization act (21 U.S.C. Sec. 2201, et seq.);

(iv) The federal poultry products inspection act (21 U.S.C. Sec. 451, et seq.);

(v) The federal meat inspection act (21 U.S.C. Sec. 601, et seq.); or

(vi) The federal egg products inspection act (21 U.S.C. Sec. 1031, et seq.).

(3) No penalty may be assessed under this chapter on an individual or resident for the improper disposal of covered materials in a noncommercial or residential setting.

(4) Nothing in this chapter limits the authority of the utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, in accordance with chapter 81.77 RCW.

(5) Nothing in this chapter 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.

NEW SECTION. **Sec. 128.** ACCOUNT. The responsible recycling management account is created in the custody of the state treasurer. All receipts received by the department under this chapter must be deposited in the account. 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. Expenditures from the account may be used by the department only for implementing, administering, and enforcing

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the requirements of this chapter, and by the department of labor and industries necessary to cover the cost for the implementation and enforcement of section 304 of this act. It is the intent of the legislature that the portion of the producer responsibility organization fee received in 2026 for the costs of the department be transferred to whichever state account was used to cover the costs of the department prior to the payment of the producer responsibility organization fee in 2026.

Part Two
Amendments to Existing Solid Waste Management Laws

Sec. 201. RCW 70A.205.045 and 2020 c 20 s 1163 are each amended to read as follows:

Each county and city comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected ((~~twenty~~))20 years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his or her place of business and the area covered by the franchise;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A comprehensive waste reduction and recycling element that, in accordance with the priorities established in RCW 70A.205.005, provides programs that (a) reduce the amount of waste generated, (b) provide incentives and mechanisms for source separation, and (c) establish recycling opportunities for the source separated waste.

(7) The waste reduction and recycling element shall include the following:

(a) Waste reduction strategies, which may include strategies to reduce wasted food and food waste that are designed to achieve the goals established in RCW 70A.205.715(1) and that are consistent with the plan developed in RCW 70A.205.715(3);

(b) Source separation strategies, including:

(i) Programs for the collection of source separated materials from residences ((~~in urban and rural areas. In urban areas, these~~)).

(A) Until January 1, 2030, these programs shall include collection of source separated recyclable materials from single and multiple-family residences, in urban areas, unless the department approves an alternative program, according to the criteria in the planning guidelines. Such criteria shall include: Anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer over the six-year planning period, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate. In rural areas, these programs shall include but not be limited to drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents of the county. The drop-off boxes and buy-back centers may be owned or operated by public, nonprofit, or private persons;

(B) Except as provided in (b)(i)(C) of this subsection, beginning January 1, 2030, these programs shall:

(I) Provide curbside collection of source separated recyclable materials from single-family and multiple-family residences wherever curbside garbage collection services are provided to these entities;

(II) Include materials on the statewide collection list designated for residential collection established by the department; and

(III) Include service standards for curbside collection frequency, container size, and method of collection, established under plans approved by the department under chapter 70A.--- RCW (the new chapter created in section 401 of this act);

(C) A county may, by ordinance, direct that the full list of materials on the statewide collection list identified as suitable for residential collection be collected exclusively through drop-off locations in areas regulated by the utilities and transportation commission under the provisions of chapter 81.77 RCW if the areas were designated as rural in the county solid waste management plan and no curbside recycling collection service was offered within those areas as of January 1,

2025. Where a county has adopted such an ordinance, the provisions of (b)(i)(B) of this subsection do not apply;

(D) Comprehensive solid waste management plans may incorporate by reference programs described in an approved producer responsibility organization plan under chapter 70A.--- RCW (the new chapter created in section 401 of this act) to fulfill the requirements of this subsection (7)(b)(i) in whole or in part;

(E) Before January 1, 2030, each comprehensive solid waste management plan must be amended, revised, or updated by a jurisdiction consistent with the requirements of this subsection (7)(b)(i). If a comprehensive solid waste management plan has not been amended, revised, or updated before January 1, 2030, to be consistent with the requirements of this subsection (7)(b)(i), beginning January 1, 2030, the model comprehensive solid waste plan amendment provided by the department under section 106 of this act applies in the jurisdiction;

(ii) Programs to monitor the collection of source separated waste at nonresidential sites where there is sufficient density to sustain a program;

(iii) Programs to collect yard waste and food waste, if the county or city submitting the plan finds that there are adequate markets or capacity for composted yard waste and food waste within or near the service area to consume the majority of the material collected; and

(iv) Programs to educate and promote the concepts of waste reduction, refill, reuse, and recycling;

(c) Recycling strategies for materials not covered under chapter 70A.--- RCW (the new chapter created in section 401 of this act), including a description of markets for recyclables, a review of waste generation trends, a description of waste composition, a discussion and description of existing programs and any additional programs needed to assist public and private sector recycling, and an implementation schedule for the designation of specific materials to be collected for recycling, and for the provision of recycling collection services;

(d) Other information the county or city submitting the plan determines is necessary.

(8) An assessment of the plan's impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the utilities and transportation commission. The commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.

(9) A review of potential areas that meet the criteria as outlined in RCW 70A.205.110.

(10) A contamination reduction and outreach plan. The contamination reduction and outreach plan must address reducing contamination in recycling. Except for counties with a population of ((~~twenty-five thousand~~))25,000 or fewer, by July 1, 2021, a contamination reduction and outreach plan must be included in each solid waste management plan by a plan amendment or included when revising or updating a solid waste management plan developed under this chapter. Jurisdictions may adopt the state's contamination reduction and outreach plan as developed under RCW 70A.205.070 or participate in a producer responsibility organization's plan under chapter 70A.--- RCW (the new chapter created in section 401 of this act) in lieu of creating their own plan. A recycling contamination reduction and outreach plan must include the following:

(a) A list of actions for reducing contamination in recycling programs for single-family and multiple-family residences, commercial locations, and drop boxes depending on the jurisdictions system components;

(b) A list of key contaminants identified by the jurisdiction or identified by the department;

(c) A discussion of problem contaminants and the contaminants' impact on the collection system;

(d) An analysis of the costs and other impacts associated with contaminants to the recycling system; and

(e) An implementation schedule and details of how outreach is to be conducted. Contamination reduction education methods may include sharing community-wide messaging through newsletters, articles, mailers, social media, websites, or community events, informing recycling drop box customers about contamination, and improving signage.

Sec. 202. RCW 70A.205.500 and 1988 c 175 s 3 are each amended to read as follows:

((~~The department of ecology, at~~))At the request of a local government jurisdiction, the department or a producer responsibility organization implementing a plan under chapter 70A.--- RCW (the new chapter created in section 401 of this act) may periodically provide educational material promoting household waste reduction and recycling to public and private refuse haulers. The educational material shall be distributed to households receiving refuse collection service by local governments or the refuse hauler providing service. The refuse hauler may distribute the educational material by any means that assures timely delivery.

Reasonable expenses incurred in the distribution of this material shall be considered, for rate-making purposes, as legitimate operating expenses of garbage and refuse haulers regulated under chapter 81.77 RCW.

Sec. 203. RCW 81.77.030 and 2020 c 20 s 1467 are each amended to read as follows:

(1) The commission shall supervise and regulate every solid waste collection company in this state,

((~~(1)~~))(a) By fixing and altering its rates, charges, classifications, rules and regulations;

((~~(2)~~))(b) By regulating the accounts, service, and safety of operations;

((~~(3)~~))(c) By requiring the filing of annual and other reports and data;

((~~(4)~~))(d) By supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public which they serve;

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((~~(5)~~))(e) By requiring compliance with local solid waste management plans and related implementation ordinances;

((~~(6)~~))(f) By reviewing producer responsibility organization reimbursement of regulated service providers consistent with the requirements of chapter 70A.--- RCW (the new chapter created in section 401 of this act);

(g) By requiring certificate holders under this chapter ((~~81.77 RCW~~)) to use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70A.205.005 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans. The commission may order consolidated billing and provide for reasonable and necessary expenses to be paid to the administering company if more than one certificate is granted in an area; and

(h) By requiring certificate holders under this chapter to deliver covered materials only to responsible markets, as those terms are defined in section 102 of this act.

(2) The commission, on complaint made on its own motion or by an aggrieved party, at any time, after providing the holder of any certificate with notice and an opportunity for a hearing at which it shall be proven that the holder has willfully violated or refused to observe any of the commission's orders, rules, or regulations, or has failed to operate as a solid waste collection company for a period of at least one year preceding the filing of the complaint, may suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter.

Sec. 204. RCW 81.77.160 and 1997 c 434 s 1 are each amended to read as follows:

(1) The commission, in fixing and altering collection rates charged by every solid waste collection company under this section, shall include in the base for the collection rates:

(a) All charges for the disposal of solid waste at the facility or facilities designated by a local jurisdiction under a local comprehensive solid waste management plan or ordinance; ((~~and~~))

(b) All known and measurable costs related to implementation of the approved county or city comprehensive solid waste management plan; and

(c) All costs related to the implementation of curbside recycling collection services performed by a solid waste collection company consistent with chapter 70A.--- RCW (the new chapter created in section 401 of this act).

(2) If a solid waste collection company files a tariff to recover the costs specified under this section, and the commission suspends the tariff, the portion of the tariff covering costs specified in this section shall be placed in effect by the commission at the request of the company on an interim basis as of the originally filed effective date, subject to refund, pending the commission's final order. The commission may adopt rules to implement this section.

(3) This section applies to a solid waste collection company that has an affiliated interest under chapter 81.16 RCW with a facility, if the total cost of disposal, including waste transfer, transport, and disposal charges, at the facility is equal to or lower than any other reasonable and currently available option.

Sec. 205. RCW 81.77.185 and 2010 c 154 s 3 are each amended to read as follows:

(1) The commission shall allow solid waste collection companies collecting recyclable materials other than covered materials collected under an approved plan in chapter 70A.--- RCW (the new chapter created in section 401 of this act) to retain up to ((~~fifty~~))50 percent of the revenue paid to the companies for the material if the companies submit a plan to the commission that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that demonstrates how the revenues will be used to increase recycling. The remaining revenue shall be passed to residential customers.

(2) By December 2, 2005, the commission shall provide a report to the legislature that evaluates:

(a) The effectiveness of revenue sharing as an incentive to increase recycling in the state; and

(b) The effect of revenue sharing on costs to customers.

Part Three
Other Conforming Amendments and Miscellaneous Provisions

Sec. 301. RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and 2024 c 339 s 16 are each reenacted and amended to read as follows:

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

(a) Civil penalties imposed pursuant to chapter 70A.230 RCW and RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020, 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, section 123 of this act, 70A.565.030, 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,

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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.505.100, 70A.555.110, 70A.560.020, section 123 of this act, 70A.565.030, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250, 90.48.120, 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, a decision to approve or deny a solid waste management plan under RCW 70A.205.055, approval or denial of an application for a 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 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.

(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.

(p) Decisions by the department of ecology under section 115(5) of this act regarding a proposal by a producer responsibility organization to count materials sent to an alternative recycling facility towards recycling performance targets.

(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 RCW 43.21B.340.

(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. 302. RCW 43.21B.300 and 2024 c 347 s 6 and 2024 c 340 s 5 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, section 123 of this act, 70A.565.030, 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

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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 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, and 70A.565.030 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, and chapter 70A.--- RCW (the new chapter created in section 401 of this act) 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.

NEW SECTION. **Sec. 303.** LITTER TAX STUDY. (1) In consultation with producer responsibility organizations registered with the department of ecology under chapter 70A.--- RCW (the new chapter created in section 401 of this act), the department of ecology and, for the purposes of (c) of this subsection, the department of revenue must study:

(a) The impacts of producer requirements under chapter 70A.--- RCW (the new chapter created in section 401 of this act) on the litter rates of covered materials under that chapter;

(b) The extent to which covered materials contribute to litter and marine debris for the purpose of informing how a producer responsibility organization implementing a plan can support litter and marine debris prevention as it relates to activities required under chapter 70A.--- RCW (the new chapter created in section 401 of this act). The assessment should draw on available data, assess gaps, and identify strategies for improving prevention and cleanup of litter and marine debris from covered materials; and

(c) Possible improvements to the structure of the litter tax under chapter 82.19 RCW including administration, compliance, and distribution of the tax and application of the tax to certain products, for achieving the purpose of chapter 82.19 RCW. The improvements to the structure of the litter tax to be studied under this section may not include an increase in the rate of the litter tax under chapter 82.19 RCW or an expansion of the types of covered materials under chapter 70A.--- RCW (the new chapter created in section 401 of this act) that are subject to the litter tax.

(2) By January 1, 2030, the department of ecology, in consultation with the department of revenue, must provide recommendations to the appropriate committees of the legislature on:

(a) Applicability of the litter tax to covered materials, based on whether the purpose of the litter tax under chapter 82.19 RCW is being achieved for those materials by the requirements of producers under chapter 70A.--- RCW (the new chapter created in section 401 of this act); and

(b) Improvements to the structure of the litter tax for meeting the purposes of chapter 82.19 RCW.

(3) This section expires July 1, 2030.

NEW SECTION. **Sec. 304.** A new section is added to chapter 49.46 RCW to read as follows:

(1) Employers associated with a material recovery facility that annually manages 25,000 tons or more of covered materials under chapter 70A.--- RCW (the new chapter

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created in section 401 of this act) must ensure that workers at the facility receive minimum industry standard compensation, beginning October 1, 2028.

(2) Employers are not required to establish "usual benefit" programs. However, if an employer chooses not to provide such benefits, wages paid must be at the full minimum industry standard rate.

(3)(a) If more than one collective bargaining agreement exists that covers similar or equivalent work in the same county, the higher rate applies.

(b) If no collective bargaining agreement exists that covers similar or equivalent work in the same county, the rate in the county with a collective bargaining agreement that is closest geographically applies.

(4) The minimum industry standard compensation requirements of this section constitute a wage payment requirement as defined in RCW 49.48.082. The department of labor and industries may otherwise enforce this provision as a wage under RCW 49.48.040 through 49.48.080 and the applicable provisions of chapter 49.52 RCW.

(5)(a) The director may initiate an investigation without an employee's complaint to ensure compliance with this section. The department of labor and industries may also initiate an investigation on behalf of one or more employees when the director has reason to believe that a violation has occurred or will occur.

(b) The department of labor and industries may conduct a consolidated investigation for any alleged violation identified under this section, or associated rules, when there are common questions of law or fact. If the department of labor and industries consolidates such matters into a single investigation, the department of labor and industries must provide notice to the employer.

(c) The department of labor and industries may request that an employer perform a self-audit of any records relating to this section, which must be provided within a reasonable time. Reasonable timelines will be specified in the self-audit request. The department of labor and industries must determine reasonable time based on the number of affected employees and the period of time covered by the self-audit. The records examined by the employer in order to perform the self-audit must be made available to the department of labor and industries upon request.

(d) Upon request of the department of labor and industries, an employer must notify affected employees in writing that the department is conducting an investigation. The department of labor and industries may require the employer to include a general description of each investigation as part of the notification, including the allegations and whether the notified employee may be affected. The employer may consult with the department of labor and industries to provide the information for the description of the notification of investigation.

(e) Upon receiving a complaint, the department of labor and industries may request or subpoena the records of the material recovery facility.

(f) In addition to any enforcement authority provided in this section or applicable rules, the department of labor and industries may enforce any violation under this section or applicable rules by filing an action in the superior court for the county in which the violation is alleged to have occurred. If the department of labor and industries prevails, the department is entitled to reasonable attorneys' fees and costs, in the amount to be determined by the court.

(6) The department of labor and industries may adopt rules to implement this section.

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

(a) "Minimum industry standard compensation" means a wage and usual benefits package equal to or greater than the combined hourly wage and usual benefits package set by a collective bargaining agreement that covers similar or equivalent work in a county.

(b) "Rate of contribution" means the effective annual rate of usual benefit contributions for all hours, public and private, worked during the year by an employee (commonly referred to as "annualization" of benefits). The only exemption to the annualization requirements is for defined contribution pension plans that have immediate participation and vesting.

(c)(i) "Usual benefits" includes the amount of:

(A) The rate of contribution irrevocably made by an employer to a trustee or to a third person pursuant to a fund, plan, or program; and

(B) The rate of costs to the employer, which may be reasonably anticipated in providing benefits to workers pursuant to an enforceable commitment to carry out a financially responsible plan or program that was communicated in writing to the workers affected, for medical or hospital care, pensions on retirement or death, compensation for all injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the employer is not required by other federal, state, or local law to provide any of these benefits.

(ii) To be deemed a "usual benefit," both of the following requirements must be satisfied:

(A) Employer payments for the usual benefit are made only in conformance with all applicable federal and state laws, including the requirements of the employment retirement income security act of 1974, as amended, and of the internal revenue service; and

(B) Employee payments toward the usual benefit, through self-contribution, payroll deduction, or otherwise, do not constitute a

credit to the employer for minimum industry standard compensation purposes.

Sec. 305. RCW 49.48.082 and 2010 c 42 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this section and RCW 49.48.083 through 49.48.086:

(1) "Citation" means a written determination by the department that a wage payment requirement has been violated.

(2) "Department" means the department of labor and industries.

(3) "Determination of compliance" means a written determination by the department that wage payment requirements have not been violated.

(4) "Director" means the director of the department of labor and industries, or the director's authorized representative.

(5) "Employee" has the meaning provided in: (a) RCW 49.46.010 for purposes of a wage payment requirement set forth in RCW 49.46.020 or 49.46.130; and (b) RCW 49.12.005 for purposes of a wage payment requirement set forth in RCW 49.48.010, 49.52.050, or 49.52.060.

(6) "Employer" has the meaning provided in RCW 49.46.010 for purposes of a wage payment requirement set forth in RCW 49.46.020, 49.46.130, 49.48.010, 49.52.050, or 49.52.060.

(7) "Notice of assessment" means a written notice by the department that, based on a citation, the employer shall pay the amounts assessed under RCW 49.48.083.

(8) "Repeat willful violator" means any employer that has been the subject of a final and binding citation and notice of assessment for a willful violation of a wage payment requirement within three years of the date of issue of the most recent citation and notice of assessment for a willful violation of a wage payment requirement.

(9) "Successor" means any person to whom an employer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys in bulk and not in the ordinary course of the employer's business, more than ((~~fifty~~))50 percent of the property, whether real or personal, tangible or intangible, of the employer's business.

(10) "Wage" has the meaning provided in RCW 49.46.010.

(11) "Wage complaint" means a complaint from an employee to the department that asserts that an employer has violated one or more wage payment requirements and that is reduced to writing.

(12) "Wage payment requirement" means a wage payment requirement set forth in RCW 49.46.020, 49.46.130, 49.48.010, 49.52.050, ((~~or~~)) 49.52.060, or section 304 of this act, and any related rules adopted by the department.

(13) "Willful" means a knowing and intentional action that is neither accidental nor the result of a bona fide dispute, as evaluated under the standards applicable to wage payment violations under RCW 49.52.050(2).

Sec. 306. RCW 70A.245.100 and 2021 c 313 s 13 are each amended to read as follows:

The recycling enhancement account is created in the custody of the state treasurer. All penalties collected by the department pursuant to RCW 70A.245.040 ((~~and~~)), 70A.245.050, and section 123 of this act must be deposited in the account. 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. Expenditures from the account may be used by the department only for providing grants to local governments for the purpose of supporting local solid waste and financial assistance programs.

NEW SECTION. **Sec. 307.** 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. 308.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

Part Four
Codification Directives

NEW SECTION. **Sec. 401.** Sections 101 through 128 of this act constitute a new chapter in Title 70A RCW."

Correct the title.

Signed by Representatives Doglio, Chair; Hunt, Vice Chair; Berry; Duerr; Fitzgibbon; Kloba; Mena; Ramel; Stearns; Street and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Member; Abbarno; Abell; Barnard; and Mendoza.

MINORITY recommendation: Without recommendation. Signed by Representatives Fey; Ley; Stuebe; and Ybarra.

Referred to Committee on Appropriations

April 1, 2025

ESSB 5303 Prime Sponsor, Agriculture & Natural Resources: Extending the water supply milestone for the Yakima river basin integrated plan to 2035. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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"Sec. 1. RCW 90.38.010 and 2013 2nd sp.s. c 11 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) "Department" means the department of ecology.

(2) "Integrated plan" means the Yakima river basin integrated water resource management plan developed through a consensus-based approach by a diverse work group of representatives of the Yakama Nation, federal, state, county, and city governments, environmental organizations, and irrigation districts, which is to be implemented consistent with congressional Yakima river basin water enhancement project enactments and for which the final programmatic environmental impact statement was made available for review through public notice published in the federal register (77 FR 12076 (2012)).

(3) "Net water savings" means the amount of water that through hydrological analysis is determined to be conserved and usable for other purposes without impairing existing water rights, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other water users.

(4) "Trust water right" means that portion of an existing water right, constituting net water savings, that is no longer required to be diverted for beneficial use due to the installation of a water conservation project that improves an existing system. The term "trust water right" also applies to any other water right acquired by the department under this chapter for management in the Yakima river basin trust water rights program.

(5) "Water conservation project" means any project funded to further the purposes of this chapter and that achieves physical or operational improvements of efficiency in existing systems for diversion, conveyance, or application of water under existing water rights.

(6) "Water supply facility permit and funding milestone" means a date prior to June 30, ((~~2025~~))2035, when required permits have been approved, and funding has been secured to begin construction on one or more water supply facilities designed to provide at least ((~~two hundred fourteen thousand~~))214,000 acre feet of water to be used for instream and out-of-stream uses.

(7) "Yakima river basin water enhancement project" means a series of congressional enactments, originally initiated by the United States congress in 1979 under P.L. 96-162, with subsequent federal implementing legislation being passed in 1984 under section 109 of P.L. 98-381 to promote fish passage improvements, and in 1994 under P.L. 103-434, as amended by P.L. 105-62 in 1997 and P.L. 106-372 in 2000, to promote water conservation, water supply, habitat, and stream enhancement improvements in the Yakima river basin.

Sec. 2. RCW 90.38.110 and 2013 2nd sp.s. c 11 s 10 are each amended to read as follows:

(1) Prior to the appropriation of funding for the construction of a water supply project proposed in the integrated plan with a cost of greater than ((~~one hundred million dollars~~))$100,000,000, the state of Washington water research center shall review, evaluate, and prepare comments on the cost-benefit analysis prepared for the project by the department and the United States bureau of reclamation.

(2) To the greatest extent possible, the center must use information from existing studies, supplemented by primary research, to measure and evaluate each project's benefits and costs.

(3) The center must measure and report the economic benefits of each project subject to subsection (1) of this section, so that it is clear the extent to which an individual project is expected to result in increases in fish populations, increases in the reliability of irrigation water during severe drought years, and improvements in municipal and domestic water supply.

(4) The center may enter into agreements with other state universities and with private consultants as needed to accomplish the scope of work.

(5) The center may consult, as necessary, with the department of ecology and the Yakima river basin water enhancement project work group.

(6) No more than ((~~twelve~~))12 percent of any appropriations provided for the implementation of this section may be retained for administrative overhead expenses.

(7) This section expires July 1, ((~~2025~~))2035.

Sec. 3. RCW 90.38.120 and 2013 2nd sp.s. c 11 s 11 are each amended to read as follows:

(1)(a) It is the intent of the legislature for the state to pay its fair share of the cost to implement the integrated plan. At least one-half of the total costs to finance the implementation of the integrated plan must be funded through federal, private, and other nonstate sources, including a significant contribution of funding from local project beneficiaries. This section applies to the total costs of the integrated plan and not to individual projects within the plan.

(b) The state's continuing support for the integrated plan shall be formally reevaluated independently by the governor and the legislature if, after December 31, 2021, and periodically thereafter, the actual funding provided through nonstate sources is less than one-half of all costs and if funding from local project beneficiaries does not comprise a significant portion of the nonstate sources.

(2) The department shall deliver, consistent with the intent of this section, a cost estimate and financing plan that addresses the total estimated cost to implement the integrated plan and analyzes various financing options. The cost estimate and financing plan must include a description of state expenditures as of September 28, 2013, incurred implementing the integrated plan and proposed state

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expenditures in the 2015-2017 biennium and beyond with proposed financing sources for each project.

(3) In addition, the department, with assistance from the office of the state treasurer, shall prepare supplementary chapters to the cost estimate and financing plan for the department that:

(a) Identifies and evaluates potential new state financing sources to pay for the state's contribution towards the overall costs of the Yakima integrated plan's implementation;

(b) Identifies and evaluates potential new local financing sources to pay for a significant local contribution towards the overall costs of the Yakima integrated plan's implementation;

(c) Considers the viability, and evaluates the advantages and disadvantages of various financing mechanisms such as revenue bonds, general obligation bonds, and other financing models;

(d) Identifies past, current, and anticipated future costs that will be, or are anticipated to be, paid by nonstate sources such as federal sources, private sources, and local sources; and

(e) Considers how cost overruns of projects associated with the integrated plan could affect long-term financing of the overall integrated plan and provides options for how cost overruns can be addressed.

(4) The department may, in the sole discretion of the department, contract with state universities or private consultants for any part of the cost estimate and financing plan required under this section.

(5) The initial cost estimate and financing plan required by this section must be provided to the governor and the legislature, consistent with RCW 43.01.036, by no later than December 15, 2014, for consideration in preparing the 2015-2017 biennial budget and future budgets. The cost estimate and financing plan must be updated by September 1st of each successive even-numbered year.

Sec. 4. RCW 90.38.130 and 2013 2nd sp.s. c 11 s 12 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department of natural resources is authorized to purchase land to be held in the community forest trust under RCW 79.155.040 to serve the purposes of the community forest trust including the protection of Yakima river basin functioning, without complying with the requirements of RCW 79.155.030(1), 79.155.060, or 79.155.070, relating to the identification, prioritization, local commitment, and financial contribution normally prerequisite to nominating and acquiring community forest trust lands. The purchase must be reviewed and approved by the board of natural resources. In its evaluation of this acquisition pursuant to RCW 79.155.040(3), the board is relieved from considering the criteria for identifying and prioritizing land set forth in RCW 79.155.050. Once purchased, the land must be managed by the department of natural resources in consultation with the department of fish and wildlife. Any investment in the land purchase with funds belonging to the common school trust constitutes a loan from the irreducible principal of the common school trust and may only be made if first determined to be a prudent investment by the board of natural resources. An annual interest payment on the loan of nine percent must be paid, with six percent deposited into the common school construction account and three percent deposited into the real property replacement account. Interest begins to accrue on the date the land purchase is completed and is due and payable July 1st following the completion of the state fiscal year. The principal of the loan must be repaid in accordance with the provisions of subsection (3) of this section.

(2) The land purchased under this authority must be managed under a transitional postacquisition management plan during the period between the date of purchase and the water supply facility permit and funding milestone or until June 30, ((~~2025~~))2035, whichever is sooner. The plan must be consistent with RCW 79.155.080(1), provided that the lands acquired as community forest trust lands are not required to generate financial support for their management as would otherwise be required by RCW 79.155.020(2), 79.155.030(2)(d), and 79.155.080(3), and provided further that the authority granted to the department to divest of the property under RCW 79.155.080(4) does not apply to these lands. The department of natural resources must develop the transitional postacquisition management plan in consultation with the department of fish and wildlife.

(a) The plan must ensure that the land is managed in a manner that is consistent with the Yakima basin integrated plan principles for forestland acquisitions, including the following:

(i) To protect and enhance the water supply and protect the watershed;

(ii) To maintain working lands for forestry and grazing while protecting key watershed functions and aquatic habitat;

(iii) To maintain and where possible expand recreational opportunities consistent with watershed protection, for activities such as hiking, fishing, hunting, horseback riding, camping, birding, and snowmobiling;

(iv) To conserve and restore vital habitat for fish, including steelhead, spring chinook, and bull trout, and wildlife, including deer, elk, large predators, and spotted owls; and

(v) To support a strong community partnership, in which the Yakama Nation, residents, business owners, local governments, conservation groups, and others provide advice about ongoing land management.

(b) The department of natural resources, in consultation with the department of fish and wildlife, must establish the Teanaway community forest advisory committee that includes representatives from the department of ecology, the local community, land conservation organizations, the Yakama Nation, the Kittitas county commission, and local agricultural interests.

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(c) By June 30, 2015, the department of natural resources must complete the transitional postacquisition management plan with a public process that involves interested stakeholders, particularly residents from Kittitas county, friends of the Teanaway, back country horsemen, off-road vehicle and snowmobile users, a representative from Kittitas field and stream, hikers and wildlife watchers, and ranchers who graze cattle.

(3) After the water supply facility permit and funding milestone or June 30, ((~~2025~~))2035, whichever is sooner, the land must be disposed of in the following manner:

(a) If the water supply facility permit and funding milestone conditions have been met, the land remains in the community forest trust and the transitional postacquisition management plan must be converted to a permanent postacquisition management plan with whatever updates and amendments are periodically adopted. Under these conditions, the remaining principal of any investment in the land purchased with funds belonging to the common school trust must be repaid to the real property replacement account.

(b) If the water supply facility permit and funding milestone conditions have not been met, the board of natural resources must decide between the following dispositions of the land:

(i) Deposit of the entire amount of land purchased into the ownership of the common school trust for management or disposition for the benefit of the common schools; or

(ii) Disposition under the terms of (a) of this subsection.

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 June 30, 2025."

Correct the title.

Signed by Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum; McClintock; Nance; Orcutt; Richards; Schmick and Springer.

Referred to Committee on Capital Budget

April 1, 2025

SB 5391 Prime Sponsor, Senator Shewmake: Concerning the sustainable farms and fields grant program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum; McClintock; Nance; Orcutt; Richards; Schmick and Springer.

Referred to Committee on Rules for second reading

March 31, 2025

SSB 5412 Prime Sponsor, Early Learning & K-12 Education: Providing temporary interfund loans for school districts. Reported by Committee on Education

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 28A.320 RCW under the subchapter heading "deposit, investment, and use of proceeds" to read as follows:

(1) A school district that is in binding conditions pursuant to RCW 28A.505.110 or under enhanced financial oversight pursuant to RCW 28A.315.221 may take a temporary interfund loan from its capital projects fund, subject to the following conditions:

(a) The borrowing fund must repay the full loan amount to the loaning capital projects fund within one calendar year;

(b) The loaning capital projects fund may not charge interest on the amounts loaned;

(c) The loan may not be made to the detriment of any function or project for which the loaning capital projects fund was established;

(d) The school district's financial reports, including monthly financial reports provided to the board of directors of the district, must specify all outstanding interfund loan balances.

(2)(a) The board of directors of a qualifying school district must adopt a resolution to approve a temporary interfund loan transaction. The resolution must contain the exact amount of the loan, the funds involved, the specific source of funds for repayment, and the schedule for repayment.

(b) If a school district is under enhanced financial oversight pursuant to RCW 28A.315.221, the temporary interfund loan transaction must additionally be approved by the special administrator appointed to oversee and carry out financial conditions imposed on the district as recommended by the financial oversight committee.

(3) The office of the superintendent of public instruction shall adopt rules as necessary to implement this section.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) To provide an additional tool for maintaining financial solvency, the board of directors of a school district that is in binding conditions pursuant to RCW 28A.505.110 may request from the superintendent of public instruction authorization to sell real property of the district. The superintendent of public instruction, subject to the following conditions, may only grant the authorization if the school district demonstrates to the satisfaction of the superintendent of public instruction that:

(a) The sale is necessary to restore financial stability and prevent adverse impacts to student learning; and

(b) The proceeds from the sale will be used only for:

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(i) Alleviating or concluding the financial burdens that caused or significantly contributed to the imposition of binding conditions on the school district; or

(ii) A temporary interfund loan authorized under section 1 of this act.

(2) The office of the superintendent of public instruction shall adopt rules to implement this section that include provisions to ensure transparency and accountability, and to verify that the school district's use of the proceeds from any sale of real property aligns with the terms of the authorization. The rules required by this section must also prohibit a school district from receiving an authorization provided under this section more than once during a 10-year period.

Sec. 3. RCW 28A.320.330 and 2023 c 474 s 8022 and 2023 c 402 s 1 are each reenacted and amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1)(a) A general fund for the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(b) By the 2018-19 school year, a local revenue subfund of its general fund to account for the financial operations of a school district that are paid from local revenues. The local revenues that must be deposited in the local revenue subfund are enrichment levies and transportation vehicle levies collected under RCW 84.52.053, local effort assistance funding received under chapter 28A.500 RCW, and other school district local revenues including, but not limited to, grants, donations, and state and federal payments in lieu of taxes, but do not include other federal revenues, or local revenues that operate as an offset to the district's basic education allocation under RCW 28A.150.250. School districts must track expenditures from this subfund separately to account for the expenditure of each of these streams of revenue by source, and must provide the supplemental expenditure schedule under (c) of this subsection, and any other supplemental expenditure schedules required by the superintendent of public instruction or state auditor, for purposes of RCW 43.09.2856.

(c) Beginning in the 2019-20 school year, the superintendent of public instruction must require school districts to provide a supplemental expenditure schedule by revenue source that identifies the amount expended by object for each of the following supplementary enrichment activities beyond the state funded amount:

(i) Minimum instructional offerings under RCW 28A.150.220 or 28A.150.260 not otherwise included on other lines;

(ii) Staffing ratios or program components under RCW 28A.150.260, including providing additional staff for class size reduction beyond class sizes allocated in the prototypical school model and additional staff beyond the staffing ratios allocated in the prototypical school formula;

(iii) Program components under RCW 28A.150.200, 28A.150.220, or 28A.150.260, not otherwise included on other lines;

(iv) Program components to support students in the program of special education;

(v) Program components of professional learning, as defined by RCW 28A.415.430, beyond that allocated under RCW 28A.150.415;

(vi) Extracurricular activities;

(vii) Extended school days or an extended school year;

(viii) Additional course offerings beyond the minimum instructional program established in the state's statutory program of basic education;

(ix) Activities associated with early learning programs;

(x) Activities associated with providing the student transportation program;

(xi) Any additional salary costs attributable to the provision or administration of the enrichment activities allowed under RCW 28A.150.276;

(xii) Additional activities or enhancements that the office of the superintendent of public instruction determines to be a documented and demonstrated enrichment of the state's statutory program of basic education under RCW 28A.150.276; and

(xiii) All other costs not otherwise identified in other line items.

(d) For any salary and related benefit costs identified in (c)(xi), (xii), and (xiii) of this subsection, the school district shall maintain a record describing how these expenditures are documented and demonstrated enrichment of the state's statutory program of basic education. School districts shall maintain these records until the state auditor has completed the audit under RCW 43.09.2856.

(e) For school districts of the second class as defined ((~~by [in]~~))in RCW 28A.300.065, a depreciation subfund for the school district to reserve funds for future facility and equipment needs. Up to two percent of a second class school district's general fund may be deposited each fiscal year into the depreciation subfund for the purpose of preventative maintenance or emergency facility needs. The preventative maintenance must be necessary to realize the originally anticipated useful life of a building or facility and include: Exterior painting of facilities; replacement or renovation of roofing, exterior walls, windows, heating, air conditioning and ventilation systems, floor coverings in classrooms and common areas, and electrical and plumbing systems; and renovation of playfields, athletic facilities, and other district real property. School districts of the second class, subject to applicable public works bid limits, may use school district employees to perform preventative maintenance with moneys from the depreciation subfund, but moneys from the depreciation subfund may not be used for employee compensation that is unrelated to this subsection (1)(e).

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so

established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations. Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund.

(h) ((~~During the 2021-2023 fiscal biennium, renovation and replacement of facilities and systems, purchase or installation of items of equipment and furniture, including maintenance vehicles and machinery, and other preventative maintenance or infrastructure improvement purposes.~~))Temporary interfund loans as authorized under section 1 of this act.

(i) During the 2023-2025 fiscal biennium, for moneys in the capital projects fund not attributable to capital levies, moving of equipment and furniture between buildings and warehouses for storage, moving of the content of teachers' classrooms between buildings, and furniture purchases, when these costs are due to the following activities: Construction, remodeling, replacement, temporary placement, consolidation, or directed transfer.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forestland revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

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(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 4. RCW 28A.505.130 and 2023 c 435 s 11 are each amended to read as follows:

(1) For each fund contained in the school district budget the estimated expenditures for the budgeted fiscal year must not be greater than the total of the estimated revenues for the budgeted fiscal year, the estimated fund balance at the beginning of the budgeted fiscal year less the estimated reserve fund balance at the end of the budgeted fiscal year, and the projected revenue from receivables collectible on future years as approved by the superintendent of public instruction for inclusion in the budget.

(2) The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund, except in the following circumstances:

(a) In fiscal year 2024 when such loans may be used to address budget destabilization in the aftermath of the COVID-19 pandemic. Interfund loans in fiscal year 2024 may be for a duration of two years; and

(b) As authorized under section 1 of this act.

Sec. 5. RCW 28A.315.221 and 2012 c 186 s 8 are each amended to read as follows:

(1) The superintendent of public instruction shall convene a financial oversight committee:

(a) At the request of the board of directors of a financially insolvent district;

(b) When the superintendent of public instruction determines a district is financially insolvent, after first consulting with the educational service district where the district is located and notifying the district the committee will be convened; or

(c) When a district has been on binding conditions pursuant to RCW 28A.505.110 for two consecutive years and does not have a satisfactory financial plan.

(2) The financial oversight committee comprises two representatives from the office of the superintendent of public instruction, one representative from an educational service district where a financially insolvent school district is not located, and one nonvoting representative from the educational service district where the financially insolvent school district is located.

(3) The financial oversight committee shall review the financial condition of a financially insolvent school district. In conducting its review, the committee shall hold a public hearing in the financially insolvent school district or educational service district in order to receive public comment on any proposed financial plans. If the financial oversight committee feels that dissolution of the financially insolvent school district is a valid option, it shall receive input at the public hearing on options for dissolving said school district.

(4) After holding a public hearing as provided in subsection (3) of this section, the financial oversight committee must make a recommendation to the superintendent of public instruction to either dissolve a financially insolvent school district or to place a district under enhanced financial monitoring to reduce the risk of dissolution due to insolvency. The superintendent of public instruction must implement financial oversight committee recommendations via enhanced financial oversight, which will be monitored by the educational service district.

(5) Enhanced financial oversight may include, but is not limited to, the following types of actions, which the superintendent of public instruction is expressly authorized to implement and enforce:

(a) Appointment of a special administrator to ((~~oversee~~)): Oversee and carry out financial conditions imposed on the district as recommended by the financial oversight committee; and approve temporary interfund loan transactions authorized under section 1 of this act as appropriate;

(b) Review, approval, and limitations on a school district's authority to enter into contracts;

(c) Review, approval, and limitations on hiring and personnel actions; ((~~and~~))

(d) Liquidation or disposition of fixed assets and contractual liabilities by any reasonable and documented method provided the liquidation or disposition of fixed assets and contractual liabilities is reasonably necessary before filing a dissolution petition; and

(e) Directing the sale of real property or assets of the school district and directing the deposit of proceeds from such sale into a fund as selected by the committee.

(6) Any new, amended, or renewed contract entered into by a school district that is subject to enhanced financial monitoring that has not been approved by the educational service district or special administrator, or that is inconsistent with conditions imposed on the district pursuant to this section, is null and void.

(7) Any action taken by a school district subject to enhanced financial monitoring that is likely to affect the district's finances is null and void if the action was not approved by the educational service district or special administrator or if the action is inconsistent with conditions imposed on the district pursuant to this section.

(8) The superintendent of public instruction shall adopt rules to carry out the provisions in this section, which may include, but are not limited to, identifying the responsibilities and authority of the financial oversight committee, the educational service district, the special administrator, and the school district and the implementation of enhanced financial oversight.

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Sec. 6. RCW 28A.335.130 and 2004 c 6 s 2 are each amended to read as follows:

((~~Except as provided in RCW 28A.335.240(1), the~~))The proceeds from any sale of school district real property by a board of directors shall be deposited to the debt service fund and/or the capital projects fund, except for ((~~amounts~~)):

(1) Amounts required to be expended for the costs associated with the sale of such property, which moneys may be deposited into the fund from which the expenditure was incurred;

(2) Amounts authorized by a financial oversight committee established under RCW 28A.315.221 to be deposited into a different fund;

(3) As provided in RCW 28A.335.240(1); or

(4) As provided in section 2 of this act.

Sec. 7. RCW 28A.335.120 and 2006 c 263 s 913 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes or which has been authorized for sale as provided in section 2 of this act or by a financial oversight committee established under RCW 28A.315.221; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser ((~~as defined in RCW 74.46.020~~)) or a general real estate appraiser certified under chapter 18.140 RCW selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the appraisal made by the real estate appraiser: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised and sold for not less than seventy-five percent of the reappraised value with the unanimous consent of the board.

(6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any professionally designated real estate appraiser ((~~as defined in RCW 74.46.020~~)) or a general real estate appraiser certified under chapter 18.140 RCW selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer."

Correct the title.

Signed by Representatives Santos, Chair; Shavers, Vice Chair; Bergquist; Callan; Donaghy; Ortiz-Self; Pollet; Reeves; Scott and Stonier.

MINORITY recommendation: Do not pass. Signed by Representatives Rude, Ranking Minority Member; Keaton, Assistant Ranking Minority Member; Chase; Couture; Eslick; Marshall; McEntire; Rule; and Steele.

Referred to Committee on Rules for second reading

March 31, 2025

SSB 5490 Prime Sponsor, Human Services: Providing parameters for conducting searches of transgender and intersex individuals confined in a local jail in compliance with federal law. Reported by Committee on Community Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Simmons, Vice Chair; Davis; Farivar; Fosse and Obras.

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MINORITY recommendation: Do not pass. Signed by Representatives Graham, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; and Burnett.

Referred to Committee on Rules for second reading

March 31, 2025

ESSB 5628 Prime Sponsor, Environment, Energy & Technology: Concerning lead in cookware. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70A.565.010 and 2024 c 340 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) ((~~"Component" includes separate or distinct parts of the cookware including, but not limited to, accessories such as lids, knobs, handles and handle assemblies, rivets, fasteners, valves, and vent pipes.~~)) (a) "Aluminum or brass cookware" means the following items when made of brass or aluminum: Pots, pans, kettles, griddles, grills, internal pots for devices such as rice cookers or pressure cookers, and similar vessels or surfaces in or on which food is cooked.

(b) "Aluminum or brass cookware" does not include items with only an internal layer of aluminum or brass that is completely enclosed by stainless steel.

(2) ((~~"Cookware" means any metal pots, pans, bakeware, rice cookers, pressure cookers, and other containers and devices intended for the preparation or storage of food.~~))"Aluminum or brass cookware component" means cookware parts made of aluminum or brass such as lids, rivets, fasteners, valves, and vent pipes.

(3) "Aluminum or brass utensils" means tools made from aluminum or brass such as knives, forks, spoons, spatulas, and similar tools used for preparing, serving, or eating food, unless completely enclosed by stainless steel.

(4) "Department" means the Washington state department of ecology.

((~~(4)~~))(5) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product or is an importer or domestic distributor of a product sold or offered for sale in or into the state.

((~~(5)~~))(6) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

Sec. 2. RCW 70A.565.020 and 2024 c 340 s 2 are each amended to read as follows:

(1) Beginning January 1, 2026, no manufacturer may manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state aluminum or brass cookware, aluminum or brass utensils, or ((~~a~~))an aluminum or brass cookware component containing lead or lead compounds at a level of more than ((~~five~~)):

(a) 90 parts per million, beginning January 1, 2026; and

(b) 10 parts per million, beginning January 1, 2028.

(2)(a) ((~~Beginning January 1, 2026, no~~))No retailer or wholesaler may knowingly sell or knowingly offer for sale for use in this state aluminum or brass cookware, aluminum or brass utensils, or ((~~a~~))an aluminum or brass cookware component containing lead or lead compounds at a level of more than ((~~five~~)):

(i) 90 parts per million, beginning January 1, 2026; and

(ii) 10 parts per million, beginning January 1, 2028.

(b) Retailers or wholesalers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

(c) The sale or purchase of any previously owned aluminum or brass cookware, aluminum or brass utensils, or aluminum or brass cookware components containing lead made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter.

(3) After December ((~~2034~~))2030, the department, in consultation with the department of health, may lower the ((~~five~~))10 parts per million limit established in subsections (1) and (2) of this section by rule if it determines that the lower limit is:

(a) Feasible for cookware and cookware component manufacturers to achieve; and

(b) Necessary to protect human health, including the health of vulnerable populations.

(4) Nothing in this chapter limits the authority of the department with respect to lead in cookware, cookware components, or utensils under chapter 70A.350 RCW."

Correct the title.

Signed by Representatives Doglio, Chair; Hunt, Vice Chair; Dye, Ranking Minority Member; Abell; Barnard; Berry; Duerr; Fey; Fitzgibbon; Kloba; Ley; Mena; Ramel; Stearns; Street and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Assistant Ranking Member; Abbarno; Mendoza; Stuebe; and Ybarra.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MOTIONS

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 5292, and the bill was referred to the Committee on Appropriations.

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

HOUSE BILL NO. 1422
HOUSE BILL NO. 1498

The Speaker (Representative Shavers presiding) called upon Representative Timmons to preside.

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

MESSAGE FROM THE SENATE

Tuesday, April 1, 2025

Mme. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5106
SENATE BILL NO. 5141
SENATE BILL NO. 5209
SUBSTITUTE SENATE BILL NO. 5316

and the same are herewith transmitted.

Colleen Pehar, Deputy Secretary

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5161, by Senate Committee on Transportation (originally sponsored by Liias, King and Nobles)

Addressing transportation fiscal matters.

The bill was read the second time.

Representative Fey moved the adoption of the striking amendment (939):

Strike everything after the enacting clause and insert the following:

"2025-2027 FISCAL BIENNIUM

NEW SECTION. **Sec. 1.** (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2027.

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

(a) "Fiscal year 2026" or "FY 2026" means the fiscal year ending June 30, 2026.

(b) "Fiscal year 2027" or "FY 2027" means the fiscal year ending June 30, 2027.

(c) "FTE" means full-time equivalent.

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

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

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

(End of part)

GENERAL GOVERNMENT AGENCIES—OPERATING

NEW SECTION. **Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**
Motor Vehicle Account—State Appropriation. $588,000

NEW SECTION. **Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION**
Grade Crossing Protective Account—State Appropriation. $504,000
Pilotage Account—State Appropriation $150,000
TOTAL APPROPRIATION. $654,000

NEW SECTION. **Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT**
Motor Vehicle Account—State Appropriation. $216,000
Puget Sound Ferry Operations Account—State Appropriation. $132,000
TOTAL APPROPRIATION. $348,000

NEW SECTION. **Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION**
Motor Vehicle Account—State Appropriation. $1,186,000

The appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. **Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE**
Motor Vehicle Account—State Appropriation. $1,546,000

NEW SECTION. **Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**
Motor Vehicle Account—State Appropriation. $759,000

NEW SECTION. **Sec. 107. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**
Move Ahead WA Flexible Account—State Appropriation. $3,025,000

The appropriation in this section is subject to the following conditions and limitations: The entire move ahead WA flexible account—state appropriation in this section is provided solely for increasing the number of certified women and minority-owned contractors in the transportation sector statewide, with priority given to

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areas outside of the Puget Sound area and supporting these contractors to successfully compete and earn more transportation contracting opportunities. This purpose must be accomplished through various programs including, but not limited to: (1) Outreach to women and minority-owned business communities and individuals; (2) technical assistance, mentorship, and consultation as needed in areas such as financing, accounting, contracting, procurement, and resolution of disputes and grievances; (3) language access programs for those with limited English proficiency; (4) developing a truck rotation program to allow smaller minority and women-owned trucking companies to pool their resources and compete with larger scale trucking operations; and (5) other programs that aim to increase the number of women and minority contractors that are successful in obtaining contracts in the transportation sector directly with state agencies such as the department, with local jurisdictions, or as subcontractors for prime contractors.

NEW SECTION. **Sec. 108. FOR THE DEPARTMENT OF COMMERCE**

Carbon Emissions Reduction Account—State Appropriation. $4,920,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $4,920,000 of the carbon emissions reduction account—state appropriation is provided solely for a tribal electric boat grant program. Federally recognized tribes, tribal enterprises, and tribal members are eligible to apply for grant funds for the purchase of or conversion to electric motors and engines for fishing vessels.

(2) The department shall provide information related to emission reductions resulting from fuel conversion activities funded with appropriations from the carbon emissions reduction account to the joint transportation committee in accordance with section 701, chapter . . ., Laws of 2025 (House Bill No. 2043) (concerning transportation resources).

NEW SECTION. **Sec. 109. FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account—State Appropriation. $3,383,000

The appropriation in this section is subject to the following conditions and limitations: The board of pilotage commissioners shall file the annual report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) by September 1, 2025, and annually thereafter. The report must include the continuation of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

NEW SECTION. **Sec. 110. FOR THE UNIVERSITY OF WASHINGTON**

Multimodal Transportation Account—State Appropriation. $2,400,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $2,300,000 of the multimodal transportation account—state appropriation is provided solely for the University of Washington's sidewalk inventory and accessibility mapping project to develop a public dataset under an open license and develop the tools needed to publish that data according to an open data specification. The project must include, but is not limited to, utilization of existing data sources, imagery, detailed surveys, and manually collected, detailed data for city streets, county rural and urban local access roads and collectors/arterials, state roads of all types, and roads owned by other entities. The project may draw on partially developed sidewalk data for all state facilities. To the extent practicable, the final product must be suitable for use by the department of transportation, local and regional agencies, tribal governments, and the public. For the first phase of work, the project will produce a base active transportation data layer for all counties, with priority given to counties with high proportions of overburdened communities. A project status report is due to the transportation committees of the legislature on December 1st of each year until the work is completed.

(2) $100,000 of the multimodal transportation account—state appropriation is provided solely for the mobility innovation center at the University of Washington to conduct transportation-related research in partnership with the department, the private sector, and local transportation agencies.

NEW SECTION. **Sec. 111. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

Motor Vehicle Account—State Appropriation. $997,000

NEW SECTION. **Sec. 112. FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Carbon Emissions Reduction Account—State Appropriation. $12,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) $12,000,000 of the carbon emissions reduction account—state appropriation is provided solely for zero emission electric vehicle supply equipment infrastructure at facilities to accommodate charging station installations. The electric vehicle charging equipment must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities and where zero emission fleet vehicles are located or are scheduled to be purchased.

(b) The department shall report when and where the equipment was installed and the state agencies and facilities that benefit

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from the installation of the charging station to the fiscal committees of the legislature by January 2, 2027, with an interim report due January 2, 2026. The department shall collaborate with the interagency electric vehicle coordinating council to implement this section and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).

(2) The department, with the assistance of designated staff in the Washington state department of transportation, must register for the clean fuels credit program and track revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act.

(3) The department must provide a report to the transportation committees of the legislature that estimates current biennial and future carbon reduction impacts resulting from zero-emission electric vehicles and supply equipment infrastructure funded in this section by June 30, 2027.

(4) The department shall provide information related to emission reductions resulting from fuel conversion activities funded with appropriations from the carbon emissions reduction account to the joint transportation committee in accordance with section 701, chapter . . ., Laws of 2025 (House Bill No. 2043) (concerning transportation resources).

NEW SECTION. **Sec. 113. FOR THE DEPARTMENT OF ECOLOGY**

Model Toxics Control Capital Account—State Appropriation. $11,715,000
Carbon Emissions Reduction Account—State Appropriation. $35,300,000
TOTAL APPROPRIATION. $47,015,000

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

(1) $11,715,000 of the model toxics control capital account—state appropriation and $35,300,000 of the carbon emissions reduction account—state appropriation are provided solely for the department to provide grants to transition from diesel school buses and other student transport vehicles to zero emission vehicles and for the necessary fueling infrastructure needed for zero emission student transportation. The department must prioritize school districts serving tribes and vulnerable populations in overburdened communities as defined under RCW 70A.02.010. Up to five percent of the appropriation in this section may be used for technical assistance and grant administration.

(2) The department shall provide information related to emission reductions resulting from fuel conversion activities funded with appropriations from the carbon emissions reduction account to the joint transportation committee in accordance with section 701, chapter . . ., Laws of 2025 (House Bill No. 2043) (concerning transportation resources).

NEW SECTION. **Sec. 114. FOR THE EVERGREEN STATE COLLEGE**

Aeronautics Account—State Appropriation. $94,000

The appropriation in this section is subject to the following conditions and limitations: The entire aeronautics account—state appropriation is provided solely for the Washington state institute for public policy to:

(1) Conduct an independent assessment of the passenger and air cargo forecasts cited in the Puget Sound regional council regional aviation baseline study, including an evaluation of the underlying data, assumptions, methodologies, and calculation of the level of uncertainty around the forecast;

(2) Conduct a comprehensive literature review to identify effective national and international strategies to reduce demand for air travel, including diverting such demand to other modes and whether such diversion avoids net environmental impacts to overburdened communities and vulnerable populations;

(3) Conduct a review of existing operational and technological enhancements to address environmental impacts from commercial aviation activities, including, but not limited to, climate friendly routing of aircraft, innovations intended to address the climate change effects of noncarbon dioxide emissions from aviation activities, simulation models applied to congested airports, and online tools to track, analyze, and improve carbon footprints related to aviation activities. The review should identify the feasibility of enhancements to be deployed in the state of Washington; and

(4) Provide a report to the office of the governor and the transportation committees of the legislature by December 31, 2025.

NEW SECTION. **Sec. 115. FOR THE OFFICE OF THE GOVERNOR**

State Patrol Highway Account—State Appropriation. $760,000

The appropriation in this section is subject to the following conditions and limitations: $750,000 of the state patrol highway account—state appropriation is provided solely to the state office of equity to contract with an independent consultant to conduct the studies, evaluations, and reporting functions required in RCW 43.06D.060(2), and for the office to conduct the work specified in RCW 43.06D.060 (1) and (3).

NEW SECTION. **Sec. 116. FOR THE DEPARTMENT OF REVENUE**

Motor Vehicle Account—State Appropriation. $1,000,000

The appropriation in this section is subject to the following conditions and limitations: $1,000,000 of the motor vehicle account—state appropriation is provided solely for estimated implementation costs associated with new revenues.

(End of part)

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TRANSPORTATION AGENCIES—OPERATING

NEW SECTION. **Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

Highway Safety Account—State Appropriation. $10,244,000
Highway Safety Account—Federal Appropriation $36,023,000
Highway Safety Account—Private/Local Appropriation. $60,000
Cooper Jones Active Transportation Safety Account—
State Appropriation. $400,000
School Zone Safety Account—State Appropriation. $850,000
TOTAL APPROPRIATION. $47,577,000

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

(1) $600,000 of the highway safety account—state appropriation is provided solely for the commission to purchase telematics data from a qualified vendor that provides anonymized information on vehicle speeds and driver behaviors, such as hard braking, on a statewide basis and in selected geographical areas based upon demographic characteristics and crash history. The commission must provide an annual report summarizing findings from the telematics data to the transportation committees of the legislature beginning by June 30, 2027.

(2) $1,500,000 of the highway safety account—state appropriation is provided solely for a pilot program for dedicated probation or compliance officers at the local level to improve compliance with ignition interlock device installation requirements associated with impaired driving offenses. The commission must select locations based on an assessment of ignition interlock device compliance rates, and the willingness and ability to have staff dedicated to this activity. The commission must provide to the transportation committees of the legislature a preliminary status report on the specific locations selected and any outcome information by December 1, 2025, with a final report due June 30, 2027.

(3) $2,000,000 of the highway safety account—state appropriation is provided solely to implement a multifaceted approach to supplement existing funding targeted at impaired driving and other enforcement. The areas of emphasis expected to be funded include additional high visibility enforcement and indigenous knowledge-informed tribal traffic safety support. Funding is also provided for the commission to administer and provide oversight of these activities. The commission must provide a preliminary report to the transportation committees of the legislature and the office of financial management on these funded activities and any outcome information by December 1, 2025, with a final report due by December 1, 2026.

NEW SECTION. **Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account—State Appropriation. $4,076,000
Motor Vehicle Account—State Appropriation. $4,206,000
County Arterial Preservation Account—State Appropriation. $4,571,000
TOTAL APPROPRIATION. $12,853,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the county road administration board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2025 and 2026 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

NEW SECTION. **Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Transportation Improvement Account—State Appropriation. $5,079,000

The appropriation in this section is subject to the following conditions and limitations: Within appropriated funds, the transportation improvement board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2025 and 2026 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

NEW SECTION. **Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE**

Carbon Emissions Reduction Account—State Appropriation. $374,000
Motor Vehicle Account—State Appropriation. $2,835,000
Puget Sound Ferry Operations Account—State Appropriation. $100,000
TOTAL APPROPRIATION. $3,309,000

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

(1) $100,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to oversee the development of tools and methodologies to assist in program delivery evaluation for programs that receive appropriations from the carbon emissions reduction account. Program delivery evaluation must include carbon emissions reduction estimates by program and by unit of time, program cost per unit of emission reduction, quantified benefits to vulnerable populations and overburdened communities by program cost, any additional appropriate qualitative and quantitative metrics, and actionable recommendations for improvements in program delivery. A report is due to the transportation committees of the legislature by October 1, 2025.

(2) $325,000 of the motor vehicle account—state appropriation is for the joint

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transportation committee to engage an independent review team to work in coordination with the Washington state department of transportation's analysis, funded in section 217(10) of this act, of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake river dams to highways, other roads, and rail.

(a) The department shall include the independent review team in all phases of the analysis to enable the team to develop an independent assessment of the analysis, assumptions, stakeholder engagement, and cost and impact estimates. Summary findings from the independent assessment must be provided to the department, the governor's office, and the transportation committees of the legislature on a quarterly basis, with an end of biennium report due to the governor and the transportation committees of the legislature by December 31, 2026.

(b) The independent review team must conduct an independent stakeholder engagement effort. The river transportation work group must be formed to provide data and guidance to the independent review team for the independent stakeholder engagement effort. The river transportation work group must be made up of stakeholders, including farming and agricultural production, fishing industry, tug and barge operators, shippers and receivers, public ports, railroad operators, cruise lines, the federal highway administration, and the army corps of engineers. Consultations with federally recognized tribes must also occur in coordination with the Washington state department of transportation.

(c) The independent review team shall make regular presentations to the joint transportation committee and, by request, to the transportation committees of the legislature.

(3) $274,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee for a study of the impacts of implementing California's emissions standards for ocean-going vessels at berth in Titles 13 and 17 of the California Code of Regulations in Washington. The study must include estimates of greenhouse gas emissions reductions, criteria air pollutant reductions, potential labor impacts, potential impacts on shipping costs and port competitiveness, and shore power infrastructure needs and costs. The joint transportation committee must, at a minimum, coordinate with the department of ecology, department of transportation, representatives from Washington ports, shippers, utilities, and the trucking industry, impacted labor unions, and environmental organizations. The joint transportation committee must report to the transportation committees of the legislature by December 31, 2025.

(4) $100,000 of the Puget Sound ferry operations account—state appropriation is for the joint transportation committee to convene a work group in advance of the 75th anniversary of the Washington state ferries on July 1, 2025, to review Washington state ferry funding requirements and options to increase dedicated funding sources for the ferry system. The executive committee of the joint transportation committee may appoint relevant stakeholders as part of the work group. A preliminary report must be submitted to the governor and transportation committees of the legislature by December 15, 2025, and the legislature intends that a final report will be submitted to the governor and transportation committees of the legislature by June 1, 2026.

(5) $75,000 of the motor vehicle account—state appropriation is for the joint transportation committee to continue the alternative project delivery methods and innovative practices study. The next phase of the study will provide additional consultation on collaborative procurement and contracting approaches that may be used by the Washington state department of transportation in public works contracting to increase contract competition and support containing costs and project delivery schedule. A supplemental report on findings and recommendations, including any changes in current practice and statutory requirements, is due to the transportation committees of the legislature by December 1, 2025.

NEW SECTION. **Sec. 205. FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account—State Appropriation. $2,843,000
Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation. $150,000
State Route Number 520 Corridor Account—State
Appropriation. $488,000
Tacoma Narrows Toll Bridge Account—State
Appropriation. $178,000
Alaskan Way Viaduct Replacement Project Account—
State Appropriation. $368,000
TOTAL APPROPRIATION. $4,027,000

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

(1) Within the parameters established under RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission shall consider adjusting maximum toll rates, minimum toll rates, and time-of-day rates, and restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue. The commission is encouraged to make any adjustments to toll rates in coordination with the planned expansion of express toll lanes between the cities of Renton and Bellevue.

(2) The commission shall provide regular updates on the status of ongoing coordination with the state of Oregon on any bistate agreements regarding the mutual or

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joint setting, adjustment, and review of toll rates and exemptions. Prior to finalizing any such agreement, the commission shall provide a draft of the agreement to the transportation committees of the legislature for review and input. Additionally, the commission shall advise on the status of any bistate agreements to the joint transportation committee beginning in September 2025 and quarterly thereafter until any agreements are finalized.

(3) The commission shall partner with the department of transportation to design and implement a toll relief program based upon income qualification. Implementation must start with facilities where tolling begins in fiscal year 2026 or later. The commission shall work with the department of transportation to assess potential impacts of extending the toll relief program based upon income qualification to existing tolled facilities that opened prior to fiscal year 2026. The assessment, at a minimum, must determine potential impacts to meeting current financial and legal requirements in place for each facility. The commission, in partnership with the department of transportation, shall provide annual updates on the program to the transportation committees of the legislature.

(4) $600,000 of the motor vehicle account ——state appropriation is provided solely for the commission for road usage charge research activities. This amount is intended to be a contingency, in the event the federal highway administration grant funding awarded under the strategic innovation for revenue collection (SIRC) program is not received. The office of financial management shall place the amount provided in this subsection in unallotted status until the office of financial management determines the SIRC funding will not be received. Should the SIRC funding be received, this appropriation lapses.

(5)(a) $200,000 of the state route number 520 corridor account——state appropriation and $200,000 of the Alaskan Way viaduct replacement project account——state appropriation are provided solely for the transportation commission to conduct a pilot of advanced tolling technology provided by a private sector vendor who offers toll collections via GPS utilizing multiple geofences that can collect tolls in low or no-signal environments. The commission shall retain a separate independent third-party vendor who can provide expert oversight, guidance, and advisement on the work, including: The pilot design; the evaluation plan; data analysis; participant survey design and data analysis; structuring industry briefings; and reporting on findings.

(b) The pilot shall operate for up to three months on an existing tolled facility. The purpose of the pilot is to determine the potential for increasing operational efficiencies and lowering costs of toll collections. The commission shall carry out the pilot in collaboration with the Washington state department of transportation, which must at a minimum support participant recruitment and provide tolling transaction data for the participants in support of conducting a comparative performance assessment between the current roadway toll system and the pilot technology. At a minimum, the pilot: Must be a simulation with no real money being collected; must include up to 200 participants; and a survey of participants must be conducted at the end of the pilot to gather input on the driver experience using the advanced technology tested.

(c) In addition to the pilot, the commission shall carry out the following activities:

(i) Serve as an active observer of an advanced tolling technology project being conducted on Interstate 15 in Utah in collaboration with the Utah department of transportation and the Washington state department of transportation; and

(ii) Host briefings during the 2025 interim, with private sector vendors who are not part of the pilot in subsection (a) of this section, but who are testing or operating advanced tolling technology in other states.

(d) A final report of findings is due to the transportation committees of the legislature by January 1, 2026. The report must, at a minimum: Outline the technology tested; provide a comparison of system performance, operations, costs, and revenue collection efficiencies between the test system and the roadway toll system in use today; assess the requirements for achieving compatibility with the existing back-office system; provide participant survey results and feedback; provide peer learnings and results discovered pursuant to subsection (c)(i) of this section; and provide recommendations on next steps.

NEW SECTION. **Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD**

Freight Mobility Investment Account——State Appropriation. $1,548,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Within appropriated funds, the freight mobility strategic investment board may opt in as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2025 and 2026 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

(2) The board shall on an annual basis provide a status update on project delivery, including information on project timeline, cost, and budgeted cash flow over time to the office of financial management and the transportation committees of the legislature on the delivery of the freight mobility strategic investment projects on LEAP Transportation Document 2025-2 ALL PROJECTS, as developed on March 23, 2025.

NEW SECTION. **Sec. 207. FOR THE WASHINGTON STATE PATROL**

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Alaskan Way Viaduct Replacement Project Account—
State Appropriation. $42,000
State Patrol Highway Account—State Appropriation. $729,400,000
State Patrol Highway Account—Federal Appropriation. $24,115,000
State Patrol Highway Account—Private/Local Appropriation. $4,604,000
Highway Safety Account—State Appropriation. $9,482,000
Ignition Interlock Device Revolving Account—State
Appropriation. $2,706,000
Multimodal Transportation Account—State
Appropriation. $331,000
State Route Number 520 Corridor Account—State
Appropriation. $90,000
Tacoma Narrows Toll Bridge Account—State
Appropriation. $274,000
I-405 and SR 167 Express Toll Lanes Account—State
Appropriation. $2,894,000
TOTAL APPROPRIATION. $773,938,000

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

(1) $580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2025, and semiannually thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2025, to the director of the office of financial management and the transportation committees of the legislature. At the end of the fiscal quarter in which it is estimated that more than $800,000 in state sales and use taxes have been remitted to the state since July 1, 2025, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406 of this act.

(2) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(3)(a) By December 1st of each year during the 2025-2027 fiscal biennium, the Washington state patrol must report to the transportation committees of the legislature on the status of recruitment and retention activities as follows:

(i) A summary of recruitment and retention strategies;

(ii) The number of transportation funded staff vacancies by major category;

(iii) The number of applicants for each of the positions by these categories;

(iv) The composition of workforce;

(v) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(vi) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach, and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(b) During the 2025-2027 fiscal biennium, the office of financial management, with assistance of the Washington state patrol, must conduct two surveys regarding the competitiveness with law enforcement agencies within the boundaries of the state of Washington pursuant to RCW 43.43.380, with the first survey being informational regarding the change since the last survey was conducted and the second survey used as part of the collective bargaining process. Prior to the 2026 legislative session, the office of financial management, with assistance of the Washington state patrol, must also provide comparison information regarding recruitment bonus amounts currently being offered by local law enforcement agencies in the state.

(4) $8,526,000 of the state patrol highway account—state appropriation is provided solely for debt service obligations for the land mobile radio system replacement, upgrade, and other related activities.

(5) $2,610,000 of the state patrol highway account—state appropriation is provided solely for enhancing the state patrol's diversity, equity, and inclusion program, a community engagement program to improve relationships with historically underrepresented communities and to recruit and retain a diverse workforce, and contracting with an external psychologist to perform exams. The state patrol will work with the governor's office of equity and meet all reporting requirements and responsibilities pursuant to RCW 43.06D.060. Funds provided for the community engagement program must ensure engagement with communities throughout the state.

(6)(a) $2,944,000 of the state patrol highway account—state appropriation is provided solely for administrative costs, advertising, outreach, and bonus payments associated with developing and implementing a state trooper expedited recruitment incentive program for the purpose of recruiting and filling vacant trooper positions in the 2025-2027 fiscal biennium. The legislature is committed to continuing the state trooper expedited recruitment incentive program until the vacancy levels are significantly reduced from current levels. The recruitment, advertising, and outreach associated with this program must

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continue efforts to create a more diverse workforce and must also provide an accelerated pathway for joining the state patrol for high quality individuals who have previously been employed as a general authority peace officer.

(b) The state trooper expedited recruitment incentive program established by the Washington state patrol must include:

(i) Thorough hiring procedures to ensure that only the highest quality candidates are selected as cadets and as lateral hires, including extensive review of past law enforcement employment history through extensive reference checks, Brady list identification, and any other issues that may impact the performance, credibility, and integrity of the individual.

(ii) An accelerated training program for lateral hires from other agencies that recognizes the knowledge and experience of candidates previously employed in law enforcement; and

(iii) A sign-on bonus for each trooper hired through the expedited recruitment incentive program as follows:

(A) $5,000 for each cadet after completion of the Washington state patrol academy;

(B) $5,000 for each successful graduating cadet after completion of a one-year probation period;

(C) $8,000 for each lateral hire after completion of the accelerated training program for lateral hires;

(D) $6,000 for each lateral hire after completion of a one-year probation period; and

(E) $6,000 for each lateral hire after completion of two years of service.

(c) The expenditure on the state trooper expedited recruitment incentive program is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Expenditures and eligibility for the state trooper expedited recruitment incentive program established in this section are subject to the availability of amounts appropriated for this specific purpose.

(d) For the purposes of this subsection:

(i) "Cadet" means a person employed for the express purpose of receiving the on-the-job training required for attendance at the Washington state patrol academy and for becoming a commissioned trooper.

(ii) "Lateral hire" means an eligible employee previously employed as a general authority peace officer.

(7)(a) $7,552,000 of the highway safety account—state appropriation is provided solely for cost associated with the work zone speed safety camera pilot program with the amounts for specific activities as follows:

(i) 2,353,000 for the Washington state patrol's oversight, administrative, overtime, and other costs associated with the processing of work zone speed safety violations;

(ii) $3,990,000 for interagency reimbursements to the office of administrative hearings for adjudication related expenses associated with work zone speed violations; and

(iii) $1,209,000 for interagency reimbursements to the office of attorney general for legal guidance and adjudication related expenses associated with work zone speed violations.

(b) Pursuant to section 217(6) of this act, the Washington state patrol, in conjunction with the other agencies involved in the work zone speed safety camera pilot program, must collaborate with the department of transportation on a preliminary report due from the department by December 1, 2025.

(8) $1,668,000 of the state patrol highway account—state appropriation is provided solely for three accelerated training programs for lateral hires. It is the intent of the legislature that the three accelerated training programs for lateral hires offered in 2025-2027 biennium achieve at least 30 qualified graduates based on the Washington state patrol aggressively recruiting, advertising bonus policies, and taking other steps to achieve this outcome.

(9) By December 1, 2025, the Washington state patrol must provide a report to the governor and appropriate committees of the legislature on the status of *McClain v. Washington State Patrol* and an update on legal expenses associated with the case.

(10) $7,572,000 of the state patrol highway account—state appropriation is provided solely for one additional trooper basic training class with troopers graduating in the 2025-2027 biennium and funding to initiate an additional trooper basic training class with troopers graduating in the 2027-2029 biennium.

(11) $6,904,000 of the state patrol highway account—state appropriation is provided solely for the planned replacement of aging Cessna aircrafts and of this amount $310,000 is provided solely for the downpayment and related costs of three planned replacements. It is the intent of the legislature to fund three planned Cessna replacements as soon as the aircrafts can be received in the 2025-2027 fiscal biennium, and therefore, the Washington state patrol may take the necessary steps to ensure delivery of the aircrafts as soon as possible in the 2025-2027 fiscal biennium.

(12) $796,000 of the state patrol highway account—state appropriation is provided solely for commissioned staff who reach 26 or more years of service in accordance with RCW 43.43.386.

(13) $3,000,000 of the state patrol highway account—state appropriation is provided solely for hiring additional staff and purchasing equipment for the toxicology laboratory to reduce the DUI processing backlog, with the expectation that processing times will be reduced.

(14) $3,500,000 of the state patrol highway account—state appropriation is provided solely to address emergent issues that may arise due to the high level of commissioned and noncommissioned vacancies. Potential uses of the funding include the following: Employee leave buyouts, increased contracting to maintain adequate service levels, unanticipated facility and equipment

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needs, increased overtime, travel, and other related costs.

(15) Within existing resources, the Washington state patrol must offer a minimum of 14 emergency vehicle operator courses per year at its Shelton driving track exclusively for basic law enforcement academies offered by the criminal justice training commission.

(16) $2,000,000 of the state patrol highway account—state appropriation is provided solely for staffing and security equipment for Washington State Patrol to staff the international border crossing and provide support for the department of homeland security, during the months of June and July 2026 for the purposes of the World Cup, to facilitate border crossings and screening against human trafficking, narcotics trafficking, unlawful crossings, and other unlawful activity.

NEW SECTION. **Sec. 208. FOR THE DEPARTMENT OF LICENSING**

Driver Licensing Technology Support Account—State
Appropriation. $1,771,000
Marine Fuel Tax Refund Account—State
Appropriation. $34,000
Motorcycle Safety Education Account—State
Appropriation. $5,408,000
Limited Fish and Wildlife Account—State
Appropriation. $496,000
Highway Safety Account—State Appropriation. $301,622,000
Highway Safety Account—Federal Appropriation $1,315,000
Motor Vehicle Account—State Appropriation. $94,692,000
Motor Vehicle Account—Private/Local
Appropriation. $1,336,000
Ignition Interlock Device Revolving Account—State
Appropriation. $6,842,000
Department of Licensing Services Account—State
Appropriation. $8,664,000
License Plate Technology Account—State
Appropriation. $3,765,000
Abandoned Recreational Vehicle Account—State
Appropriation. $3,115,000
Limousine Carriers Account—State
Appropriation. $128,000
Electric Vehicle Account—State Appropriation $465,000
DOL Technology Improvement & Data Management Account—State Appropriation. . $976,000
Agency Financial Transaction Account—State
Appropriation. $18,335,000
Move Ahead WA Flexible Account—State
Appropriation. $1,506,000
Driver's Education Safety Improvement Account—State
Appropriation. $15,379,000
TOTAL APPROPRIATION. $465,849,000

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

(1) $1,100,000 of the highway safety account—state appropriation and $1,100,000 of the move ahead WA flexible account—state appropriation are provided solely for the department to provide an interagency transfer to the department of children, youth, and families for the purpose of providing driver's license support. In addition to support services required under RCW 74.13.338(2), support services may include reimbursement of:

(a) The cost for a youth in foster care of any eligible age to complete a driver training education course, as outlined in chapter 46.82 or 28A.220 RCW;

(b) The costs incurred by foster youth in foster care for a motor vehicle insurance policy;

(c) The costs of roadside assistance, motor vehicle insurance deductibles, motor vehicle registration fees, towing services, car maintenance, comprehensive car insurance, and gas cards; and

(d) Any other costs related to obtaining a driver's license and driving legally and safely.

(2) The department shall report on a quarterly basis on licensing service office operations, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued and renewed, and the number of primary drivers' licenses and identicards issued and renewed. By November 1, 2024, the department must prepare a report with recommendations on the future of licensing service office operations based on the recent implementation of efficiency measures designed to reduce the time for licensing transactions and wait times, and the implementation of statutory and policy changes made during the pandemic.

(3) For the 2025-2027 fiscal biennium, the department shall charge $1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(4) $3,087,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2025-2027 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(5)(a) $750,000 of the highway safety account—state appropriation is provided solely for contracts with organizations providing driver's license assistance and other related support services in other parts of the state.

(b) By December 1st of each year, the department must submit information on the contracted providers, including: The annual budget of the contracted providers in the

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preceding year; information regarding private and other governmental support for the activities of the providers; and a description of the number of people served, services delivered, and outcome measures.

(6) $6,000 of the motorcycle safety education account—state appropriation, $1,000 of the limited fish and wildlife account—state appropriation, $406,000 of the highway safety account—state appropriation, $137,000 of the motor vehicle account—state appropriation, $5,000 of the ignition interlock device revolving account—state appropriation, and $6,000 of the department of licensing services account—state appropriation are provided solely for the department of licensing for additional finance and budget staff. By December 1, 2025, the department shall submit a report to the governor and appropriate committees of the legislature on the specific steps the department has taken to address the findings of the State Auditor's Office FY2022 Accountability Audit Report No. 1032793.

(7) $50,000 of the motor vehicle account—state appropriation is provided solely for the department to conduct a study on the feasibility of implementing and administering a per mile fee program. The study must identify the staffing and resources needed to implement and administer the program, including possible technical investments, leveraging existing technology platforms. The legislature intends to require a final report that includes potential third-party costs and options to the governor and the transportation committees of the legislature by December 31, 2025.

(8) $1,220,000 of the highway safety account—state appropriation is provided solely for estimated implementation costs associated with new revenues.

(9) $7,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . ., Laws of 2025 (Engrossed Substitute House Bill No. 1113) (misdemeanor dismissal). If chapter . . ., Laws of 2025 (Engrossed Substitute House Bill No. 1113) is not enacted by June 30, 2025, the amount provided in this subsection lapses.

(10) $106,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . ., Laws of 2025 (House Bill No. 1244) (driver training alternative). If chapter . . ., Laws of 2025 (House Bill No. 1244) is not enacted by June 30, 2025, the amount provided in this subsection lapses.

(11) $44,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . ., Laws of 2025 (Substitute House Bill No. 1371) (veteran parking privileges). If chapter . . ., Laws of 2025 (Substitute House Bill No. 1371) is not enacted by June 30, 2025, the amount provided in this subsection lapses.

(12) $831,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . ., Laws of 2025 (Engrossed Substitute House Bill No. 1596) (speeding). If chapter . . ., Laws of 2025 (Engrossed Substitute House Bill No. 1596) is not enacted by June 30, 2025, the amount provided in this subsection lapses.

(13) $542,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . ., Laws of 2025 (Engrossed Substitute House Bill No. 1822) (driver course/workzones). If chapter . . ., Laws of 2025 (Engrossed Substitute House Bill No. 1822) is not enacted by June 30, 2025, the amount provided in this subsection lapses.

(14) $2,631,000 of the highway safety account—state appropriation and $15,379,000 of the driver education safety improvement account—state appropriation is provided solely for the implementation of chapter . . ., Laws of 2025 (Engrossed Substitute House Bill No. 1878) (young driver safety). If chapter . . ., Laws of 2025 (Engrossed Substitute House Bill No. 1878) is not enacted by June 30, 2025, the amount provided in this subsection lapses.

(15) $50,000 of the highway safety account—state appropriation is provided solely for translating the written driver's manual and test into Dari, Farsi, and Somali.

(16)(a)(i) A legislative task force to review the special license plate process is established, with members as provided in this subsection:

(A) The president of the senate shall appoint two senate members from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives shall appoint two house members from each of the two largest caucuses of the house of representatives;

(C) At least one member from each caucus must be a member of the transportation committee, or successor committee; and

(D) The governor shall appoint two members representing the department of licensing.

(ii) The task force shall choose its chair from among its legislative membership. Legislators shall convene the initial meeting of the task force.

(b) The task force shall review the following issues:

(i) Application requirements and evaluation of special license plate requests;

(ii) Cost of implementing new special license plates and a funding policy for future requests;

(iii) Identifying metrics the department must use to recommend the discontinuation of special license plates;

(iv) The state's ability to recoup the cost of new special license plates; and

(v) Efficiency in processing special license plate legislation.

(c) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

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(d) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(e) The task force shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2025.

(17)(a) Within existing resources, the department of licensing must continue issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 217(2) of this act. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2025-2027 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing or renewing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent must collect a $5 fee when issuing or renewing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2027, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 217(2) of this act is terminated.

(h) The department may adopt rules to implement this subsection.

NEW SECTION. **Sec. 209. FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B**

Puget Sound Gateway Facility Account—State
Appropriation. $7,651,000
State Route Number 520 Corridor Account—State
Appropriation. $47,659,000
State Route Number 520 Civil Penalties Account—State
Appropriation. $2,378,000
Tacoma Narrows Toll Bridge Account—State
Appropriation. $38,545,000
Alaskan Way Viaduct Replacement Project Account—
State Appropriation. $26,566,000
Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation. $42,199,000

TOTAL APPROPRIATION. $164,998,000

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

(1) $1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and $12,820,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

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(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips; and

(b) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's website in a manner consistent with past practices as specified in section 209(5), chapter 186, Laws of 2022.

(4) As part of the department's 2027-2029 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

NEW SECTION. **Sec. 210. FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C**

Transportation Partnership Account—State Appropriation. $2,472,000
Motor Vehicle Account—State Appropriation. $128,388,000
Puget Sound Ferry Operations Account—State Appropriation. $307,000
Multimodal Transportation Account—State Appropriation. $3,088,000
Transportation 2003 Account (Nickel Account)—State Appropriation. $1,488,000
TOTAL APPROPRIATION. $135,743,000

NEW SECTION. **Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING**

Motor Vehicle Account—State Appropriation. $44,029,000
Move Ahead WA Account—State Appropriation. $2,044,000
State Route Number 520 Corridor Account—State Appropriation. $34,000
TOTAL APPROPRIATION. $46,107,000

NEW SECTION. **Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION EQUIPMENT FUND—PROGRAM E**

Move Ahead WA Account—State Appropriation. $20,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire move ahead WA account—state appropriation is provided solely for the department's costs related to replacing obsolete transportation equipment and replacing fuel sites. Beginning December 1, 2025, and annually thereafter, the department must provide a report to the office of financial management and the transportation committees of the legislature detailing the current progress on replacing obsolete equipment, progress towards reaching a level purchasing state, and the status of a fuel site replacement prioritization plan. The report must also include:

(1) A list of department owned and managed fuel sites prioritized by urgency of replacement;

(2) A discussion of department practices that would create a sustained revenue source for capital repair and replacement of fuel sites; and

(3) A discussion of to what extent the fuel site infrastructure can support zero emissions vehicles.

NEW SECTION. **Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F**

Aeronautics Account—State Appropriation. $12,929,000
Aeronautics Account—Federal Appropriation. $2,600,000
Aeronautics Account—Private/Local Appropriation. $60,000
TOTAL APPROPRIATION. $15,589,000

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

(1) $2,100,000 of the aeronautics account—state appropriation is provided solely for the move ahead WA aviation grants. The department shall prioritize projects eligible for federal funding.

(2) The department shall submit a report to the transportation committees of the legislature by October 1, 2025, identifying a selection of sustainable aviation projects for funding by the legislature. In considering projects to recommend to fund, the department shall only consider projects that advance the state of sustainable aviation technology and lead to future innovation. Innovative sustainable aviation projects may include, but are not limited to, pilot projects demonstrating the use of:

(a) Mobile battery charging technology;

(b) Hydrogen electrolyzers and storage;

(c) Electric ground equipment; and

(d) Hanger charging technology.

(3) $750,000 of the aeronautics account—state appropriation is provided solely for the city of Yakima for an overflow parking lot at the Yakima Air Terminal. The

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department may not require a match for this project.

(4) $300,000 of the aeronautics account—state appropriation is provided solely for the Port of Bremerton to conduct the second phase of a feasibility study on the possibility of offering commercial service at the Bremerton National Airport. The department may not require a match for this project.

(5) $1,774,000 of the aeronautics account—state appropriation is provided solely for the commercial aviation work group created in chapter 463, Laws of 2023. Funding is provided for:

(a) The state commercial aviation work group to comprehensively evaluate the long-range commercial aviation needs of Washington within the broader context of state transportation needs and the specific needs of western Washington taking into consideration airport capacity in adjacent states and provinces. The work group shall review existing data and conduct research to determine Washington's long-range commercial aviation facility needs while considering alternatives to additional airport capacity.

(b)(i) Except as provided in subsection (c) of this section, the work group shall investigate the expansion of existing aviation facilities and possible siting locations for new greenfield aviation facilities, with the expected outcome to be a report that compares the strengths and weaknesses of each site considered. In this investigation, the work group shall consider both new sites and those previously identified in previous aviation planning documents. The work group must consider all impacts that, whether by the expansion of a current facility or the location of a new greenfield site, the creation of a new primary commercial aviation facility may have, including impacts on:

(A) Community members and quality of life;

(B) The environment, including the impacts of a facility on water quality and the ability of the state to meet the greenhouse gas emissions limits established in RCW 70A.45.020;

(C) County master plans and other local planning and zoning, including development regulations and comprehensive plans adopted under chapter 36.70A RCW; and

(D) Current airspace operations.

(ii) The work group shall:

(A) Perform outreach to and make efforts to collaborate with:

(I) Applicable federal agencies including the federal aviation administration, the United States environmental protection agency, the United States department of defense, and the United States department of energy;

(II) Indian tribes, as defined in RCW 43.376.010, through outreach and collaboration by the work group under this subsection does not constitute or substitute for formal government-to-government consultation under the 1989 State-Tribal Relations/Centennial Accord and chapter 43.376 RCW;

(III) The environmental community;

(IV) Local communities;

(V) Economic development agencies;

(VI) Other states and provinces as appropriate;

(B) Identify potential site infrastructure shortfalls and make recommendations as to how they could be most suitably addressed, including the feasibility of the specific transportation infrastructure required to move people to the potential site. This process includes the delivery of an adequate supply of aircraft fuel and supporting infrastructure along with facilities needed to transition to the use of sustainable aviation fuels;

(C) Consider the cost of construction of a facility and supporting infrastructure;

(D) In cooperation with the federal aviation administration, analyze:

(I) Airspace requirements and airspace restrictions of potential sites;

(II) Any possible terrain and man-made obstacles that could possibly create a hazard to aircraft;

(III) Local weather patterns and microclimates to determine if they will create issues for the operation of large aircraft; and

(E) Carry out other duties as assigned by the legislature.

(c) The work group shall not consider:

(i) Expansion opportunities for a port or county run airport located in a county with a population of 2,000,000 or more; or

(ii) The expansion of an existing airport or the siting of a new airport that would be incompatible with the operations of a military installation.

(d) In addition, the work group shall provide information to the transportation committees of the legislature on the future of aviation growth in the state, including potential commercial aviation, general aviation, and air cargo demands, with consideration of new technologies, alternative transportation modes, and the airport of the future.

(e) Nothing in this section shall be construed to endorse, limit, or otherwise alter existing or future plans for capital development and capacity enhancement at existing commercial airports in Washington.

NEW SECTION. **Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H**

Motor Vehicle Account—State Appropriation. $70,960,000

Motor Vehicle Account—Federal Appropriation $500,000

Multimodal Transportation Account—State Appropriation. $1,180,000

Move Ahead WA Flexible Account—State Appropriation. $572,000

TOTAL APPROPRIATION. $73,212,000

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

(1) During the 2025-2027 fiscal biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property

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is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the first right of purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(2) The department may not execute a state highway route transfer under RCW 36.75.090 and 47.24.010 without approval from the receiving city or county from July 1, 2025, until June 30, 2026. The department may continue discussions with local jurisdictions regarding state highway route transfers to local jurisdictions that may occur after consideration of the final report and recommendations of the Washington State Route Jurisdiction Study expected by December 2025.

(3)(a) $572,000 of the move ahead WA flexible account—state appropriation is provided solely to track and maximize clean fuels credits and revenue generated by state agencies pursuant to chapter 70A.535 RCW.

(b) Pursuant to the reporting requirements of RCW 70A.535.050(5), the department must present a detailed projection of the credit revenues generated and achieved directly as a result of the funding and activities in this subsection.

(4)(a) $350,000 of the multimodal transportation account—state appropriation is provided solely for the department to explore alternative uses of the state's highway rights-of-way to address pressing public needs relating to climate change, equitable communications, renewable energy generation, electrical transmission and distribution projects, broadband projects, vegetation management, inductive charging in travel lanes, alternative fueling facilities, and other appropriate uses. In exploring alternative uses of the state's highway rights-of-way, the department shall:

(i) Review the utility accommodation policy and make recommendations to update the policy to include clean energy and connectivity projects under 23 C.F.R. Part 645. At a minimum, the recommendations for updated clean energy and connectivity projects must include renewable energy and electrical transmission and distribution;

(ii) Review and update the department's integrated roadside vegetation management plans to maximize carbon sequestration and develop habitat and forage for native pollinators, Monarch butterflies, and honeybees through plantings of native noninvasive flowering plants and grasses on the state highways rights-of-way and at safety rest areas;

(iii) Assess the state highways rights-of-way land areas most suitable for solar development by considering slope, elevation, vegetative cover, and solar radiation; and

(iv) Identify existing highway rights-of-way suitable as designated energy corridors for electric transmission and distribution and other energy infrastructure.

(b) In carrying out the requirements in (a) of this subsection, the department may consult with an organization that uses an advanced rights-of-way solar mapping tool that uses ArcGIS Pro software for faster and more precise analysis of rights-of-way solar using the state's full spatial rights-of-way data sets.

(c) The department must report its findings, recommendations, and status of its updates to the transportation committees of the legislature by June 30, 2026.

(5) The department is directed to initiate the process and carry out a sale in accordance with requirements of state law of the surplus property in the city of Seattle located between State route number 99 and First Avenue South and between South Royal Brougham Way and South Dearborn Street, King county parcel numbers 7666206955 and 7666206950.

(6) $250,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . ., Laws of 2025 (Substitute House Bill No. 1774) (lease of unused highway land). If chapter . . ., Laws of 2025 (Substitute House Bill No. 1774) is not enacted by June 30, 2025, the amount provided in this subsection lapses.

(7) $285,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . ., Laws of 2025 (Engrossed Substitute House Bill No. 1902) (streamlining of permitting for transportation projects work group). If chapter . . ., Laws of 2025 (Engrossed Substitute House Bill No. 1902) is not enacted by June 30, 2025, the amount provided in this subsection lapses.

NEW SECTION. **Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K**

Motor Vehicle Account—State Appropriation. $767,000
Multimodal Transportation Account—State Appropriation. $200,000
Multimodal Transportation Account—Federal Appropriation. $51,533,000
Carbon Emissions Reduction Account—State Appropriation. $167,102,000
TOTAL APPROPRIATION. $219,602,000

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

(1) $25,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program described in RCW 47.04.350.

(2) $130,851,000 of the carbon emissions reduction account—state appropriation is provided solely for a point-of-sale voucher incentive program, inclusive of costs for program administration and staffing, to encourage the faster adoption of zero-emission medium and heavy-duty vehicles to further state climate goals under RCW 70A.45.020 and state equity goals under chapter 70A.02 RCW. The voucher incentive program must be administered by a third-party administrator that has experience administering voucher incentive programs, with oversight conducted by the department.

(a) The voucher program is required to be designed based on the recommendations of the Joint Transportation Committee report *Washington State Infrastructure and*

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Incentive Program Design for MHD ZEVs, and to include:

(i) Simplified zero-emission vehicle eligibility requirements;

(ii) Vehicle and infrastructure incentives aligned with programs in other jurisdictions, where appropriate, to streamline user planning;

(iii) Financial enhancements for select populations based on equity considerations, including for vehicles in disadvantaged communities and vehicles to be purchased by small, minority-owned businesses, with consideration for support of the secondary vehicle market;

(iv) A centralized user and manufacturer portal for information, application, and assistance;

(v) A fleet assistance and qualification program to assist in zero-emission vehicle and infrastructure planning, to be administered by the Washington State University extension energy program in coordination with the department and the voucher program's third-party administrator; and

(vi) A voucher preapproval process to evaluate participant eligibility, readiness for fleet deployment, and infrastructure preparedness.

(b) The following battery electric and hydrogen fuel cell electric vehicle categories and associated charging, as well as refueling infrastructure for these categories, are eligible for the voucher program, subject to additional qualification criteria to be determined by the department and the voucher program third-party administrator:

(i) On-road vehicles from class 2b, heavy work pickups and vans, through class 8, heavy tractor-trailer units and refuse trucks; and

(ii) Cargo handling and off-road equipment.

(c) School buses and transit vehicles eligible for state grant programs for the purchase of zero-emission vehicles are not eligible for vouchers under this program, but are eligible for fleet assistance provided in association with the voucher program, which must include assistance in determining state and federal grant eligibility for these vehicles.

(d) The voucher amounts selected by the department and voucher program third-party administrator must further the policy goals of the program cited in this subsection by offsetting investments required for medium and heavy-duty vehicle and equipment owners to transition to zero-emission vehicles and equipment. The department and voucher program third-party administrator must condition vehicle and infrastructure voucher funding to ensure these program policy goals are furthered through the voucher funding provided.

(e) Consistent with voucher program design, the department is required to distribute funds to the voucher program third-party administrator sufficiently in advance of final requirements for voucher distribution being met to facilitate the voucher's timely distribution by the third-party administrator to sellers of zero-emission vehicles and infrastructure.

(3) $10,000,000 of the carbon emissions reduction account—state appropriation is provided solely for grants, and to serve as a state match for secured federal funds, to finance hydrogen refueling infrastructure for medium and heavy-duty vehicles, and along corridors designated as hydrogen corridors by the state, and near or on transit agency, port, or public utility district property, with a focus on locations in disadvantaged and overburdened communities, where possible. The department, in consultation with the interagency electric vehicle coordinating council, should pursue any federal funding available through the charging and fueling infrastructure discretionary grant program and any other sources under the federal infrastructure investment and jobs act (P.L. 29 117-58).

(4) $400,000 of the carbon emissions reduction account—state appropriation is provided solely for the cities of Bellevue and Redmond to each purchase an electric fire engine.

(5) $851,000 of the carbon emissions reduction account—state appropriation is provided solely for a Tacoma Public Utilities medium-duty zero-emission utility service vehicle pilot project that includes charging infrastructure and mobile battery units.

(6) $8,342,000 of the multimodal transportation account—federal appropriation is provided solely for the electric vehicle charger reliability and accessibility accelerator program for projects to support the repair or replacement of existing broken or nonoperational publicly accessible chargers.

(7) $3,164,000 of the multimodal transportation account—federal appropriation is provided solely for funding for the west coast charging and fueling corridor project for two medium and heavy-duty vehicle electric vehicle charging station sites and one site with a hydrogen refueling station along the I-5 corridor.

(8) The department shall notify the transportation committees of the legislature if approval of federal funding for department activities under the national electric vehicle infrastructure formula program, the electric vehicle charger reliability and accessibility accelerator program, or the west coast charging and fueling corridor project is permanently revoked.

NEW SECTION. **Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M**

Motor Vehicle Account—State Appropriation. $574,953,000

Motor Vehicle Account—Federal Appropriation $7,000,000

Move Ahead WA Account—State Appropriation. $50,000,000

Puget Sound Gateway Facility Account—State Appropriation. $3,402,000

RV Account—State Appropriation. . $1,100,000

State Route Number 520 Corridor Account—State Appropriation. $4,736,000

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Tacoma Narrows Toll Bridge Account—State Appropriation. $1,585,000
Alaskan Way Viaduct Replacement Project Account—
State Appropriation. $8,752,000
Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation. $2,624,000
TOTAL APPROPRIATION. $654,152,000

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

(1) $5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(2) $25,000,000 of the motor vehicle account—state appropriation is provided solely for repair and replacement of traffic barriers including, but not limited to, low-speed concrete barriers, beam guardrails, steel-backed timber guardrails, and other systems necessary to fabricate, construct, and install traffic barriers to improve safety on state highway infrastructures.

(3) $11,500,000 of the motor vehicle account—state appropriation is provided solely for lane striping using the most reflective paint available to maximize the visibility of lane striping, especially at night.

(4)(a) $5,000,000 of the motor vehicle account—state appropriation is provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of $2,000,000 of this appropriation must be used to deliver more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning November 1, 2025, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the transportation committees of the legislature on the status of these efforts, including:

(i) A summary of the activities related to addressing encampments, including information on arrangements with local governments or other entities related to these activities;

(ii) A description of the planned activities in the ensuing two quarters to further address the emergency hazards and risks along state highway rights-of-way; and

(iii) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(5) $1,000,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Spokane, to be administered in conjunction with subsection (4) of this section. The program must address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. $555,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Spokane shall enter into a reimbursable agreement to cover up to $445,000 of the city's expenses for clean-up crews and landfill costs.

(6) $1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (2) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(7) $1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (4) of this section. The program must address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. $570,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to $445,000 of the city's expenses for clean-up crews and landfill costs.

(8)(a) $1,200,000 of the motor vehicle account—state appropriation is provided

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solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits.

(b) The city must coordinate and work with the department and local governments and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way. State funds may be used to reimburse the organizations doing this outreach assistance who transition people into treatment or housing that is not on the rights-of-way or for debris clean up on highway rights-of-way.

(c) The department may hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees.

(d) Funds may also be used to reimburse local law enforcement costs or the Washington state patrol if they are participating as part of a state or local government agreement to provide enhanced safety related activities along state highway rights-of-way.

(e) It is the intent of the legislature that the city and collaborating partners should place particular emphasis on utilizing available funds for addressing large scale and multiple homeless encampments that impact public safety and health. Funding for initiatives associated with such encampments may include targeted assistance to local governments and social service organizations, directing moneys toward not only initial efforts to clear encampments, clean up debris and restore sightlines, but to ongoing work, monitoring, and maintenance of efforts to place individuals in housing, treatment, and services, and to better ensure individuals experiencing homelessness receive needed assistance while sites remain safe and secure for the traveling public.

(9) $180,000 of the motor vehicle account—state appropriation is provided solely for graffiti mitigation operations using spray drone technology.

(10) To the greatest extent practicable, the department shall schedule mowing along state highways to occur after litter pickup has been performed in the area to be mowed. This subsection is not intended to prevent mowing or other similar maintenance activities from being undertaken in the event litter pickup has not been performed.

NEW SECTION. **Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—OPERATING**

Highway Safety Fund—State Appropriation. $10,621,000
Motor Vehicle Account—State Appropriation. $89,907,000
Motor Vehicle Account—Federal Appropriation $2,099,000
Motor Vehicle Account—Private/Local Appropriation. $294,000
Move Ahead WA Account—State Appropriation. $3,074,000
Multimodal Transportation Account—State Appropriation. $5,000,000
State Route Number 520 Corridor Account—State Appropriation. $247,000
Tacoma Narrows Toll Bridge Account—State Appropriation. $44,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. $1,122,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. $36,000

TOTAL APPROPRIATION. $112,444,000

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

(1) $6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2025-2027 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the

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number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208(17) of this act. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet the requirements identified in section 208(17) of this act must be authorized to use the reserved portion of the highway.

(d) The department shall expand the high occupancy vehicle lane access pilot program to private, for hire vehicles regulated under chapter 81.72 RCW that have been specially manufactured, designed, or modified for the transportation of a person who has a mobility disability and uses a wheelchair or other assistive device. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, wheelchair-accessible taxicabs that are clearly and identifiably marked as such on all sides of the vehicle are considered public transportation vehicles and must be authorized to use the reserved portion of the highway.

(e) Nothing in this subsection is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least $100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.17.400, 46.44.090, and 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions.

(4) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted through June 30, 2027. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission, or both.

(5) $5,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to address emergent issues related to safety for pedestrians and bicyclists. Funds may only be spent after approval from the office of financial management. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all emergent issues addressed in the prior fiscal biennium.

(6) $10,621,000 of the highway safety account—state appropriation is provided solely for implementation of chapter 17, Laws of 2023 (speed safety cameras). Pursuant to the reporting requirements of RCW 46.63.200(10), the department, in collaboration with the Washington state patrol and the Washington traffic safety commission, must report to the transportation committees of the legislature by July 1, 2027, on the data and efficacy of speed safety camera system use in state highway work zones. A preliminary report on the pilot activities is due to the transportation committees of the legislature by December 1, 2025, and must include, but is not limited to: (a) The number of deployments and locations of the speed safety cameras, (b) staffing workload, (c) number of violations issued, (d) detailed expenses incurred by each agency in the pilot, and (e) efficiency measures each agency has taken in operating the pilot program in the most cost-effective manner possible.

(7) $1,279,000 of the move ahead WA account—state appropriation is provided solely for maintenance and operations of the virtual coordination center. The department is encouraged to apply for federal grant funds for the virtual coordination center and may use state funds as a match. By December 1, 2026, the department shall report to the transportation committees of the legislature: (a) Recommendations to expand the center's operations, including specific additional jurisdictions and corridors across the state; and (b) amounts received and dates of receipt of any new cash and in-kind matches from virtual coordination center partners including, but not limited to, the city of Seattle, King county, other state and local jurisdictions, and private sector partners.

(8)(a) $1,900,000 of the motor vehicle account—state appropriation is reappropriated and provided solely for the department, in coordination with the independent review team of the joint transportation committee, to conduct an analysis of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake river dams to highways, other roads, and rail, as pursuant to section 217(11)(a), chapter 472, Laws of 2023.

(b) The department shall provide status updates on a quarterly basis in coordination with the joint transportation committee. The department must submit a final report to the governor and the transportation committees of the legislature by December 31, 2026.

(9) Within appropriated amounts, the department shall appoint one full-time equivalent employee each within its traffic management centers in Shoreline and Parkland to watch the traffic monitors for graffiti artist activities on state highway infrastructures. The department shall notify the Washington state patrol upon observing such activities.

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NEW SECTION. **Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S**

Motor Vehicle Account—State Appropriation. $45,773,000
Motor Vehicle Account—Federal Appropriation $780,000
Motor Vehicle Account—Private/Local Appropriation. $500,000
Move Ahead WA Flexible Account—State Appropriation. $5,400,000
Puget Sound Ferry Operations Account—State Appropriation. $510,000
Multimodal Transportation Account—State Appropriation. $7,920,000
State Route Number 520 Corridor Account—State Appropriation. $220,000
Tacoma Narrows Toll Bridge Account—State Appropriation. $136,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. $127,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. $114,000

TOTAL APPROPRIATION. $61,480,000

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

(1)(a) $2,000,000 of the motor vehicle account—state appropriation and $5,400,000 of the move ahead WA flexible account—state appropriation are provided solely for efforts to increase diversity in the transportation construction workforce through:

(i) The preapprenticeship support services (PASS) and career opportunity maritime preapprenticeship support services (COMPASS) programs, which aim to increase diversity in the highway construction and maritime workforces and prepare individuals interested in entering the highway construction and maritime workforces. In addition to the services allowed under RCW 47.01.435, the PASS and COMPASS programs may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems to support their participation in a transportation-related preapprenticeship program and support services to obtain necessary maritime documents and coast guard certification; and

(ii) Assisting minority and women-owned businesses to perform work in the highway construction industry.

(b) The department shall report annually to the transportation committees of the legislature on efforts to increase diversity in the transportation construction workforce.

(2) $1,512,000 of the motor vehicle account—state appropriation and $488,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to develop, track, and monitor the progress of community workforce agreements, and to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall engage with relevant stakeholders, and provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2026.

(3) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by December 1, 2026.

(4) $6,791,000 of the multimodal transportation account—state appropriation is provided solely for the department to complete the transportation reporting and accounting information system to the current cloud version of the software.

NEW SECTION. **Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T**

Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. $2,500,000
Motor Vehicle Account—State Appropriation. $33,038,000
Motor Vehicle Account—Federal Appropriation $43,301,000
Motor Vehicle Account—Private/Local Appropriation. $400,000
Move Ahead WA Flexible Account—State Appropriation. $6,369,000
Multimodal Transportation Account—State Appropriation. $1,802,000
Multimodal Transportation Account—Federal Appropriation. $2,820,000
Multimodal Transportation Account—Private/Local Appropriation. $100,000
State Route Number 520 Corridor Account—State Appropriation. $657,000

TOTAL APPROPRIATION. $90,987,000

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

(1) $140,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to continue to support an equitable development initiative to reconnect the South Park neighborhood, currently divided by state route number 99.

(a) The support work must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning state route number 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

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(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of state route number 99.

(c) The city must provide an interim report on progress to date to the Seattle city council, state department of transportation, and the transportation committees of the legislature by June 30, 2025, and a final report that includes recommendations by June 30, 2027.

(2) $1,557,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade the department's linear referencing system (LRS) and highway performance monitoring system (HPMS).

(3)(a) $306,000 of the multimodal transportation account—state appropriation is provided solely for the department to appoint or designate a liaison to serve as a point of contact and resource for the department, local governments, and project proponents regarding land use decisions and processing development permit applications. The liaison must, as a priority, facilitate and expedite any department decisions required for project approval.

(b) The department must provide a report on the activities and results of the land use liaison during the 2023-2025 biennium, including the number of project approvals expedited and the number of clients served by the liaison. This report is due to the transportation committees of the legislature by November 15, 2025.

(4)(a) $11,922,000 of the move ahead WA flexible account—state appropriation is provided solely for an Interstate 5 planning and environmental linkage study and a statewide Interstate 5 master plan, building upon existing work under way in the corridor.

(b) The work under (a) of this subsection must include, but is not limited to, the following:

(i) Seismic resiliency planning to refine the level of effort and develop informed cost estimates for the seismic vulnerability analysis;

(ii) HOV lane system-wide performance planning and initial steps to launch a pilot project that progresses innovative and emerging technologies;

(iii) Interstate 5 corridor planning work, including development of a framework, coordination of corridor needs, development of core evaluation criteria and a prioritization process, and identification of early action priority projects that address safety or resiliency, or both, along the corridor; and

(iv) An interim report on the progress of the Interstate 5 master plan to the transportation committees of the legislature and the office of financial management by June 30, 2026.

(5) The department shall continue to coordinate planning work focused on the transportation system in western Washington across modes with the goal of maximizing system performance toward the policy goals in RCW 47.04.280 in the most cost-effective manner. This coordination must include, but is not limited to: The Interstate 5 highway corridor, existing rail infrastructure and future high-speed rail alignment, and commercial aviation capacity. The department must report on the status of these planning efforts including, but not limited to, a long-term strategy for addressing resilience of the transportation system in western Washington through consideration of changing demand, modal integration, and preservation needs. The coordinated work must include an analysis of different alternatives to promote system resilience, including performance and cost of each scenario. The report is due to the joint transportation committee by November 1, 2025.

(6) $657,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to contract with the University of Washington department of mechanical engineering, to further study measures to reduce noise impacts from the state route number 520 bridge expansion joints. The field testing shall be scheduled during existing construction, maintenance, or other scheduled closures to minimize impacts. The testing must also ensure safety of the traveling public. The study shall examine the types and durability of the materials used to provide noise mitigation and the costs associated with the differing types of materials. A draft report must be submitted to the transportation committees of the legislature and the governor by March 1, 2026. A final report must be submitted to the transportation committees of the legislature and the governor by December 31, 2026.

(7) $2,500,000 of the Interstate 405 and State Route Number 167 Express Toll Lanes Account—state appropriation is provided solely for the department to develop an implementation plan for state route number 167 that builds on the SR 167 master plan completed in June 2023. The SR 167 implementation plan must include, but is not limited to, high-level engineering and cost estimating work necessary to update the I-405/SR 167 corridor funding and phasing report that needs to be completed to advance priority project components developed in the SR 167 master plan. The SR 167 implementation plan with recommendations is due to the transportation committees of the legislature by December 1, 2026.

(8) $4,620,000 of the motor vehicle account—federal appropriation is provided solely for work on the road usage charge research project overseen by the Washington state transportation commission using amounts of the federal grant award.

NEW SECTION. **Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U**

Aeronautics Account—State Appropriation. $1,000

Transportation Partnership Account—State Appropriation. $56,000

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Motor Vehicle Account—State Appropriation. $108,902,000
Puget Sound Ferry Operations Account—State Appropriation. $244,000
State Route Number 520 Corridor Account—State Appropriation. $69,000
Connecting Washington Account—State Appropriation. $452,000
Multimodal Transportation Account—State Appropriation. $6,349,000
Tacoma Narrows Toll Bridge Account—State Appropriation. $43,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. $38,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. $43,000
TOTAL APPROPRIATION. $116,197,000

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

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds $5,000,000, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature within 30 days.

(2) On August 1, 2025, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) On August 1, 2025, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

NEW SECTION. **Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V**
Carbon Emissions Reduction Account—State Appropriation. $275,251,000
State Vehicle Parking Account—State Appropriation. $784,000
Rural Mobility Grant Program Account—State Appropriation. $32,223,000
Multimodal Transportation Account—State Appropriation. $83,159,000
Multimodal Transportation Account—Federal Appropriation. $4,491,000
Multimodal Transportation Account—Private/Local Appropriation. $100,000
TOTAL APPROPRIATION. $396,008,000

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

(1)(a) $62,698,000 of the multimodal transportation account—state appropriation and $78,525,000 of the carbon emissions reduction account—state appropriation are provided solely for a grant program for special needs transportation distributed in accordance with RCW 47.66.150. Fuel type may not be a factor in the grant selection process. For grant awards not yet under contract, as a condition of special needs transportation grants provided pursuant to this subsection, public transportation agencies may not delay, divert, supplant, or suspend the collection of approved local sales and use taxes for the purpose of public transportation during the 2025-2027 fiscal biennium.

(b) $425,000 of the carbon emissions reduction account—state appropriation is provided solely for the reappropriation of amounts provided for this purpose in the 2023-2025 fiscal biennium.

(2) The department shall not require more than a 10 percent match from nonprofit transportation providers for state grants.

(3) $33,077,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process. For grant awards not yet under contract, as a condition of rural mobility transportation grants provided pursuant to this subsection, public transportation agencies may not delay, divert, supplant, or suspend the collection of approved local sales and use taxes for the purpose of public transportation during the 2025-2027 fiscal biennium.

(4) $3,300,000 of the carbon emissions reduction account—state appropriation, $5,700,000 of the multimodal transportation account—state appropriation, and $784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. For grant awards not yet under contract, as a condition of CTR grants provided pursuant to this subsection, public transportation agencies may not delay, divert, supplant, or suspend the collection of approved local sales and use taxes for the purpose of

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public transportation during the 2025-2027 fiscal biennium.

(5) $188,930,000 of the carbon emissions reduction account—state appropriation is provided solely for transit support grants. The department must confirm zero-fare policies are in effect at transit agencies to be eligible for biennial distributions. For grant awards not yet under contract, as a condition of transit support grants provided pursuant to this subsection, public transportation agencies may not delay, divert, supplant, or suspend the collection of approved local sales and use taxes for the purpose of public transportation during the 2025-2027 fiscal biennium.

(6) $1,124,000 of the multimodal transportation account—state appropriation is provided solely for the department to provide a statewide vanpool benefit for all state employees. For department employees working in remote job sites, such as mountain passes, the department must ensure employees are able to access job sites via a subsidized vanpool or provide a modal alternative for the "last mile" to ensure employees can access the job site without additional charge.

(7) $500,000 of the carbon emissions reduction account—state appropriation is provided solely for an interagency transfer to the Washington State University extension energy program to administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and submit this report to the transportation committees of the legislature by November 15, 2025.

(8) $600,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to implement certain recommendations from the 2023 frequent transit service study. The department shall define levels and types of demand-response service and measure access to these services within Washington for the purpose of gaining a fuller picture of transit access. The department must collect ongoing transportation data and develop systems to allow for analysis of disparities in access to existing fixed route transit. The data collection should prioritize collecting information on accessibility and inclusion of people with disabilities, vulnerable populations in overburdened communities, and other underserved communities. The department shall submit a report on data collection efforts to the transportation committees of the legislature and the office of financial management by June 30, 2026.

(9) $100,000 of the multimodal transportation account—state appropriation is provided solely for King county metro for a pilot program to provide funds to nonprofit organizations to offer rideshare vouchers to persons who are low-income and people with disabilities who rely on paratransit to get to and from work or medical appointments. King county metro must work with a group who provides dialysis services in King county and with a group who provides employment services and supports to adults with disabilities in the four most populous counties in Washington. The department must submit a report to the office of financial management and the transportation committees of the legislature by June 1, 2026. The report must incorporate feedback from participants to the extent possible and evaluate the effectiveness of the program as an alternative to current public transportation programs.

(10) $3,400,000 of the carbon emissions reduction account—state appropriation is reappropriated and provided solely for the program described in RCW 47.04.355 to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards.

(11) $250,000 of the multimodal transportation account—state appropriation is provided solely for a grant to Pacific Transit to provide veterans with transportation to medical appointments.

(12) $6,000,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies for enhanced services between June 1, 2026, and July 30, 2026.

(a) Enhanced services consist of:

(i) Increased frequency on regular routes, creating temporary shuttle services, enhancing on-demand services, increasing frequency of water taxi services, and supporting incentives to encourage transit use; and

(ii) Enhancing customer experience by temporarily increasing operations, cleanliness, rider communications, wayfinding, and safety and security.

(b) Of the amounts provided in this subsection the department must distribute:

(i) Forty percent to King County metro;

(ii) Twenty percent to public transportation benefit areas and regional transit authorities operating in the four counties making up the largest regional transportation planning organization in the state, distributed proportionally based on agency service hours; and

(iii) Twenty percent to other public transit agencies operating in cities named by a world cup organizing committee to host fan zones, excluding agencies already included above, distributed proportionally based on agency service hours.

(c) Agencies must submit their planned expenditures to the department and the Washington State Transit Association for review by December 1, 2025. If any agency does not submit a plan to enhance services consistent with (a) of this subsection, the department must redistribute funding to other transit agencies using the distribution in (b) of this subsection.

(13) $350,000 of the multimodal transportation account—state appropriation is provided solely for Pierce county to support public transportation services on the Key Peninsula.

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NEW SECTION. **Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X**

Puget Sound Ferry Operations Account—State
Appropriation. $640,700,000
Puget Sound Ferry Operations Account—Federal
Appropriation. $115,315,000
Puget Sound Ferry Operations Account—Private/Local
Appropriation. $121,000
TOTAL APPROPRIATION. $756,136,000

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2025-2027 supplemental and 2027-2029 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) $75,047,000 of the Puget Sound ferry operations account—federal appropriation and $24,425,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2025-2027 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 704 of this act. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(3) $500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(4) The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(5) $11,962,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the Washington state ferries workforce development activities.

(6) During negotiations of the 2027-2029 collective bargaining agreements, (a) the department must identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce; (b) and the department must create a forum for direct discussion between the governor, labor leadership, the office of financial management and the Washington state ferries to collaboratively identify and resolve compensation and staffing issues, with the goal of service improvements for ferry riders. By January 1, 2027, the department must report to the transportation committees of the legislature on progress in incorporating the finding and recommendations from the December 2022 joint transportation committee study on the Washington state ferries' workforce.

(7) $2,600,000 of the Puget Sound ferry operations account—state appropriation solely for winter service enhancements in the San Juan Islands. By December 1, 2026, the department must report to the transportation committees of the legislature and the office of financial management impacts of the service increase, including but not limited to, ridership impacts and service reliability.

(8) $2,548,000 of the Puget Sound ferry operations account—state appropriation is provided solely for security services at Colman Dock.

(9) $6,950,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime and familiarization expenses incurred by engine, deck, and terminal staff. The department must provide updated staffing cost estimates for fiscal years 2026 and 2027 with its annual budget submittal and updated estimates by January 1, 2026.

(10) $855,000 of the Puget Sound ferry operations account—state appropriation is provided solely for a workforce development pilot at the Seattle Maritime Academy for the 2025-2027 fiscal biennium. Amounts provided in this subsection must be utilized for programs that are a benefit to the Washington state ferries or the prospective workforce pipeline of the Washington state ferries. Funding may not be expended until Washington state ferries certifies to the office of financial management that a memorandum of agreement with Seattle Central Community College has been executed.

(a) The memorandum of agreement with Seattle Central Community College must address:

(i) Prioritized use of training and other facilities and implementation of joint training opportunities for Washington state ferries' employees and trainees;

(ii) Development of a joint recruitment plan with Seattle Central Community College aimed at increasing enrollment of women and people of color, with specific strategies to recruit existing community and technical college students, maritime skills center students, high school students from maritime programs, including maritime skills center students, foster care graduates, and former juvenile rehabilitation and adult incarcerated individuals; and

(iii) Consultation between the parties on the development of the training program, recruitment plan and operational plan, with an emphasis on increasing enrollment of women and people of color.

(b) Washington state ferries must submit the joint training and recruitment plan to

the appropriate policy and fiscal committees of the legislature and the office of financial management by December 1, 2025. The Washington state ferries must submit findings of program effectiveness and recommendations for continuation of the pilot, to the appropriate committees of the legislature and the office of financial management by December 1, 2025.

(11) By December 31st of each year, as part of the annual ferries division performance report, the department must report on the status of efforts to increase the staff available for maintaining the customary level of ferry service, including staff for deck, engine, and terminals. The report must include data for a 12-month period up to the most recent data available, by staff group, showing the number of employees at the beginning of the 12-month period, the number of new employees hired, the number of employees separating from service, and the number of employees at the end of the 12-month period. The department report on additional performance measures must include:

(a) Numbers of trip cancellations due to crew availability or vessel mechanical issues;

(b) Current average monthly level of service compared to the average monthly full-service schedules in effect in 2019; and

(c) Retention rates of employees who have completed on the job workforce development programs and overall employee retention rates.

(12) $15,500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to increase deck and engine positions across the system, prioritizing positions that will mitigate crew related cancellations and reduce overtime expenditures. The department must include an update on the number of positions hired and the monthly staffing levels by job class as well at planned for staffing levels as part of the annual performance report.

(13) $2,757,000 of the Puget Sound ferry operations account—state appropriation is provided solely for temporary expanded weekday midday King county water taxi service support to and from Vashon Island through Labor Day 2026.

(14) $3,541,000 of the Puget Sound ferry operations account—state appropriation is provided solely for support of the Kitsap transit passenger ferry to supplement service on the Seattle-Bremerton route through Labor Day 2026.

(15) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least three percent in credit card and other financial transaction costs related to the collection of ferry fares imposed under RCW 47.60.290 and 47.60.315 beginning October 1, 2025. The department may recover transaction fees incurred through credit card transactions. The Washington state ferries must notify customers of the fee at the point of sale and itemize the fee on customer receipts.

(16) $375,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the implementation of chapter . . ., Laws of 2025 (Substitute House Bill No. 1264) (ferry system salaries). If chapter . . ., Laws of 2025 (Substitute House Bill No. 1264) is not enacted by June 30, 2025, the amount provided in this subsection lapses.

NEW SECTION. **Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—OPERATING**

Carbon Emissions Reduction Account—State Appropriation. $2,000,000
Multimodal Transportation Account—State Appropriation. $81,324,000
Multimodal Transportation Account—Private/Local Appropriation. $46,000
TOTAL APPROPRIATION. $83,370,000

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

(1) The department must report to the legislature annually on its ongoing efforts to provide high quality intercity passenger rail service, to align planning efforts for continued growth and on-time performance improvements, and to implement service enhancements, including the delivery and use of new trainsets. Status reports on these efforts must be provided to the transportation committees of the legislature and the office of financial management by December 1, 2025, and December 1, 2026.

(2) $200,000 of the multimodal transportation account—state appropriation is provided solely for the department to contract with the Pacific Northwest economic region to support the department as it undertakes a comprehensive outreach and engagement process to support intercity passenger rail planning efforts by enhancing department outreach activities through the solicitation of feedback regarding critical areas of passenger rail planning efforts including, but not limited to, ridership, revenue, economic development, environmental stewardship, transportation system resiliency, and long-term viability of the Amtrak Cascades service. Department outreach and engagement activities shall be conducted as part of the state rail plan update and Amtrak Cascades service development plan work. The department shall collaborate with the Pacific Northwest economic region to solicit input from a broad range of audiences to support plan development through venues such as PNWER Greater Northwest Rail Summits, open houses, and webinars.

NEW SECTION. **Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING**

Carbon Emissions Reduction Account—State Appropriation. $274,000
Motor Vehicle Account—State Appropriation. $13,946,000
Motor Vehicle Account—Federal Appropriation $2,562,000
Multiuse Roadway Safety Account—State Appropriation. $1,800,000
Multimodal Transportation Account—State

Appropriation. $9,380,000
TOTAL APPROPRIATION. $27,962,000

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

(1) $500,000 of the motor vehicle account—state appropriation is provided solely for development, administration, program management, and evaluation of the federal fund exchange pilot program.

(2) $750,000 of the multimodal transportation account—state appropriation is provided solely for a grant program to support local initiatives that expand or establish civilian intervention programs for nonmoving violations, focusing on nonpunitive interventions such as helmet voucher programs, fee offset programs, fix-it tickets, and repair vouchers that provide solutions for vehicle equipment failures for low-income road users.

(a) Grants must be awarded to local jurisdictions based on locally developed proposals to establish or expand existing programs, including programs with community led organizations. Eligible jurisdictions under the grant program include cities, counties, tribal government entities, tribal organizations, law enforcement agencies, or nonprofit organizations.

(b) The department shall report on its website by December 1st of each year on the recipients, locations, and types of projects funded under this subsection.

(3) $1,526,000 of the motor vehicle account—state appropriation is provided solely to help support the Wahkiakum ferry operation.

(4) $275,000 of the carbon emissions reduction account—state appropriation is provided solely to support Pierce, Skagit, Whatcom, and Wahkiakum county ferries with youth zero-fare policies.

(5) $150,000 of the motor vehicle account—state appropriation is provided solely for the department to fund one full-time equivalent liaison position within the local program multiagency permit program. The department shall provide a report with an update on activities in the program to the transportation committees of the legislature by December 1, 2026.

(6) $70,000 of the multimodal transportation account—state appropriation is provided solely for the department to contract with the Puget Sound harbor committee to support the development of the Puget Sound harbor safety plan.

(7) $60,000 of the multimodal transportation account—state appropriation is provided solely for the department to contract with the sailors union of the pacific for scholarship funding for a certified basic training program at a maritime academy. One of the expected outcomes is an increase in the number of trained maritime individuals to help address the personnel needs of the state ferry system and other maritime industry employers.

NEW SECTION. **Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION—CLEAN FUELS CREDIT PROGRAM**

The department of transportation, with the assistance of designated staff in the department, must register for the clean fuels credit program and start tracking revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act. The omnibus transportation appropriations act anticipates credits for ferry electrification for new hybrid electric vessels, active transportation, transit programs and projects, alternative fuel infrastructure, connecting communities, and multimodal investments.

(End of part)

TRANSPORTATION AGENCIES—CAPITAL

NEW SECTION. **Sec. 301. FOR THE WASHINGTON STATE PATROL**

State Patrol Highway Account—State Appropriation. $3,376,000

The appropriation in this section is subject to the following conditions and limitations:

(1) $3,376,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) $500,000 is for emergency repairs;

(b) $800,000 is for roof replacements;

(c) $120,000 is for vehicle identification number inspection shelters;

(d) $800,000 is for generator and electrical replacement.

(2) The Washington state patrol may transfer funds between projects specified in subsection (1) of this section to address cash flow requirements.

(3) If a project specified in subsection (1) of this section is completed for less than the amount provided, the remainder may be transferred to another project specified in subsection (1) of this section not to exceed the total appropriation provided in subsection (1) of this section after notifying the office of financial management and the transportation committees of the legislature 20 days before any transfer.

(4) By December 1, 2025, the Washington state patrol shall provide its capital improvement and preservation plan for agency facilities to the appropriate committees of the legislature.

NEW SECTION. **Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Move Ahead WA Account—State Appropriation. $9,333,000
Rural Arterial Trust Account—State Appropriation. $51,573,000
Motor Vehicle Account—State Appropriation. $2,103,000
County Arterial Preservation Account—State Appropriation. $30,242,000
TOTAL APPROPRIATION. $93,251,000

NEW SECTION. **Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Carbon Emissions Reduction Account—State Appropriation. $21,600,000

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Small City Pavement and Sidewalk Account—State
Appropriation. $3,953,000
Transportation Improvement Account—State
Appropriation. $251,289,000
Complete Streets Grant Program Account—State
Appropriation. $24,670,000
Move Ahead WA Account—State Appropriation. $9,333,000
TOTAL APPROPRIATION. $310,845,000

NEW SECTION. **Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL**
Motor Vehicle Account—State Appropriation. $18,408,000
Move Ahead WA Account—State Appropriation. $17,687,000
TOTAL APPROPRIATION. $36,095,000

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

(1) $4,025,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline. All payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract for this facility must be deposited into the motor vehicle account.

(2)(a) $10,164,000 of the move ahead WA account—state appropriation is provided solely for the department to improve its ability to keep facility assets in a state of good repair. In using the funds appropriated in this subsection, the department, with periodic reporting to the joint transportation committee, must develop and implement a prioritization of facility capital preservation needs and repair projects. The legislature intends these to be reasonable, forward-thinking investments that consider potential future space efficiency measures and consolidations, including those assessed as having high commercial value and potential returns to state transportation funds associated with the sale of the property. Prioritization must be based on, but not limited to, the following criteria: (i) Employee safety and facility security; (ii) state and federal regulatory and statutory requirements and compliance issues, including clean buildings requirements; (iii) quality of work issues; (iv) facility condition assessment evaluations and scoring; (v) asset preservation; and (vi) amount of operational support provided by the facility to the achievement of the department's performance measures and outcomes, including facility utilization based on field operations work supported at the location. "Field operations" include maintenance, transportation operations, materials testing, and construction.

(b) By October 15, 2025, covering the first 15 months of the 2025-2027 fiscal biennium, the department must provide a report based on the prioritization of facility preservation needs and repair projects developed pursuant to (a) of this subsection to the office of financial management and the transportation committees of the legislature. The report must include: (i) A by facility ranking based on the criteria implemented; (ii) detailed information on the actions taken in the previous period to address the identified issues and deficiencies; and (iii) the plan, by facility, to address issues and deficiencies for the remainder of the 2025-2027 fiscal biennium and the 2027-2029 fiscal biennium.

(c) The by facility ranking developed under (b) of this subsection must be the basis of an agency budget submittal for the 2027-2029 fiscal biennium.

NEW SECTION. **Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I**
Alaskan Way Viaduct Replacement Project Account—
State Appropriation. $7,406,000
Carbon Emissions Reduction Account—State
Appropriation. $4,879,000
Climate Active Transportation Account—State
Appropriation. $2,900,000
Move Ahead WA Account—Private/Local
Appropriation. $223,250,000
Puget Sound Gateway Facility Account—State
Appropriation. $43,434,000
Transportation Partnership Account—State
Appropriation. $9,548,000
Motor Vehicle Account—State Appropriation. $153,808,000
Motor Vehicle Account—Federal Appropriation
. . . . . $487,331,000
Coronavirus State Fiscal Recovery Fund—Federal
Appropriation. $54,334,000
Motor Vehicle Account—Private/Local
Appropriation. $53,581,000
Connecting Washington Account—State
Appropriation. $1,805,230,000
Special Category C Account—State
Appropriation. $10,637,000
Multimodal Transportation Account—State
Appropriation. $1,527,000
State Route Number 520 Corridor Account—State
Appropriation. $1,100,000
Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation. $554,187,000
Move Ahead WA Account—State Appropriation. $1,304,110,000
Move Ahead WA Account—Federal Appropriation
. . . . . $348,013,000
TOTAL APPROPRIATION. $5,065,275,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and

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amount in LEAP Transportation Document 2025-1 as developed March 23, 2025, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to $1,703,027,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The Puget Sound Gateway Facility account—state appropriation includes up to $26,511,000 in proceeds from the sale of bonds authorized in RCW 47.10.896.

(6) The Interstate 405 and state route number 167 express toll lanes account—state appropriation includes up to $376,158,000 in proceeds from the sale of bonds authorized in RCW 47.10.896.

(7) The move ahead WA account—state appropriation includes up to $708,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(8) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(9) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70A.205.700, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

(10)(a) $54,334,000 of the coronavirus state fiscal recovery fund—federal appropriation, $118,178,000 of the motor vehicle account—federal appropriation, $112,263,000 of the connecting Washington account—state appropriation, $796,352,000 of the move ahead WA account—state appropriation, $108,621,000 of the motor vehicle account—state appropriation, and $2,698,000 of the motor vehicle account—private/local appropriation are provided solely for the Fish Passage Barrier Removal project (0BI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030.

(b) Appropriations may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise full compliance with the court injunction by 2030.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2025, and June 1, 2026.

(d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(e) During the 2025-2027 fiscal biennium, the department shall semi-annually provide reports of the amounts of federal funding received for this project to the governor and transportation committees of the legislature.

(11) With respect to right-of-way acquisition and the construction of the SR 3 Freight Corridor project (T30400R), tribal consultation with the Suquamish tribe shall begin at the earliest stage of planning,

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including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required under state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe shall continue throughout the duration of any funding or program decisions and proposed project approval.

(12)(a) $134,500,000 of the move ahead WA account—federal appropriation, $223,250,000 of the move ahead WA account—state appropriation, and $223,250,000 of the move ahead WA account—private/local appropriation are provided solely for the I-5 Columbia river bridge project (L4000054). The legislature finds that the replacement of the I-5 Columbia river bridge is a project of national significance and is critical for the movement of freight. One span is now more than 105 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility for people, goods, and services is a high priority. The legislature intends to support the replacement of the I-5 Columbia river bridge with an investment of $1,000,000,000.

(b) The department shall provide regular updates on the status of ongoing coordination with the state of Oregon on any bistate agreements regarding sharing of revenues, use of revenues, and fiscal responsibilities of each state. Prior to finalizing any such agreement, the department shall provide a draft of the agreement to the transportation committees of the legislature for review and input. Additionally, the department shall continue to advise quarterly on the status of any bistate agreements to the joint transportation committee until any agreements are finalized.

(13) $185,484,000 of the connecting Washington account—state appropriation, $1,527,000 of the multimodal transportation account—state appropriation, $28,103,000 of the motor vehicle account—private/local appropriation, $212,157,000 of the motor vehicle account—federal appropriation, $213,513,000 of the move ahead WA account—federal appropriation, $217,959,000 of the move ahead WA account—state appropriation, $212,157,000 of the motor vehicle account—federal appropriation, and $43,434,000 of the Puget Sound gateway facility account—state appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) The entire multimodal transportation account—state appropriation in this subsection is for:

(i) The design phase of the Puyallup to Tacoma multiuse trail along the state route number 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park; and

(ii) Segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

(14) $15,988,000 of the connecting Washington account—state appropriation is provided solely for the SR 224/Red Mountain Vicinity Improvement project (L1000291). The department shall provide funding to the city of West Richland to complete the project within the project scope identified by the legislature and within the total amount provided by the legislature. The pathway in the project is planned to begin at milepost 3.15 and end at milepost 7.48. The department shall not amend the project's scope of work to add pavement preservation on state route number 224 from the West Richland city limits to Antinori Road.

(15) With respect to the SR 520 Seattle Corridor Improvements - West End project (M00400R), upon completion of the Montlake Phase of the West End project, the department shall sell or transfer that portion of the property not necessary for transportation purposes and shall initiate a process to convey or transfer such portion of the surplus property to a subsequent owner.

(16) $304,000 of the motor vehicle account—federal appropriation and $24,000 of the motor vehicle account—state appropriation are provided solely for the SR 900 Safety Improvements project (L2021118). The department must: (a) Work in collaboration with King county and the Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along state route number 900; and (b) work with the Skyway coalition to lead community

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planning engagement and active transportation activities.

(17) $17,500,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per $1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state, and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. $22,000,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status. The legislature intends to evaluate the utility and efficacy of the pilot program in the 2027 legislative session while reappropriating any remaining funds into the 2027-2029 fiscal biennium. Therefore, the department may issue additional calls for projects with any remaining funds provided in this subsection.

(18) $12,800,000 of the move ahead WA account—state appropriation is provided solely for the I-5 Nisqually Delta project (L4000008).

(19) $1,548,000 of the motor vehicle account—state appropriation, $5,229,000 of the connecting Washington account—state appropriation, and $10,416,000 of the move ahead WA account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/Engineering) project (NPARADI), specifically for design of, preliminary engineering, and right-of-way acquisition for the interchange and widening as a single project. The department must consider reserving portions of state route number 522, including designated lanes or ramps, for the exclusive or preferential use of public transportation vehicles, privately owned buses, motorcycles, private motor vehicles carrying not less than a specified number of passengers, or private transportation provider vehicles pursuant to RCW 47.52.025.

NEW SECTION. **Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P**

Move Ahead WA Account—State Appropriation. $154,883,000
Recreational Vehicle Account—State Appropriation. $751,000
Motor Vehicle Account—State Appropriation. $63,189,000
Motor Vehicle Account—Federal Appropriation $600,864,000
Motor Vehicle Account—Private/Local Appropriation. $7,935,000
Connecting Washington Account—State Appropriation. $39,840,000
State Route Number 520 Corridor Account—State
Appropriation. $7,515,000
Tacoma Narrows Toll Bridge Account—State
Appropriation. $1,871,000
Alaskan Way Viaduct Replacement Project Account—
State Appropriation. $5,376,000
Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation. $9,648,000
Transportation Partnership Account—State
Appropriation. $10,000,000
TOTAL APPROPRIATION. $901,872,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2025-1 as developed March 23, 2025, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide

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written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70A.205.700, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

(5) $6,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted.

(6) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

(7) The appropriations in this section include funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(8) $17,500,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per $1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. $22,000,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status. The legislature intends to evaluate the utility and efficacy of the pilot program in the 2027 legislative session while reappropriating any remaining funds into the 2027-2029 fiscal biennium. Therefore, the department may issue additional calls for projects with any remaining funds provided in this subsection.

NEW SECTION. **Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—CAPITAL**

Motor Vehicle Account—State Appropriation. $5,845,000
Motor Vehicle Account—Federal Appropriation $8,374,000
Motor Vehicle Account—Private/Local Appropriation. $635,000
TOTAL APPROPRIATION. $14,854,000

The appropriations in this section are subject to the following conditions and limitations: $5,621,000 of the motor vehicle account—state appropriation, $6,500,000 of the motor vehicle account—federal appropriation, and $635,000 of the motor vehicle account—private/local appropriation are provided solely for Programmatic Investment for Traffic Operations Capital projects (000005Q). By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all traffic operations capital project investments completed in the prior fiscal biennium.

NEW SECTION. **Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V—CAPITAL**

Regional Mobility Grant Program Account—State Appropriation. . . . $97,384,000
Multimodal Transportation Account—State Appropriation. $52,765,000
Carbon Emissions Reduction Account—State. $183,872,000
TOTAL APPROPRIATION. $334,021,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, Program - Public Transportation Program (V).

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(2) $1,673,000 of the multimodal transportation account—state appropriation is provided solely for the reappropriation of amounts provided for a public transit rideshare grant program in the 2023-2025 fiscal biennium.

(3)(a) $37,845,000 of the multimodal transportation account—state appropriation is provided solely for new regional mobility grant program projects proposed for funding for the 2025-2027 biennium in the 2025-2027 regional mobility grant program prioritized project list provided to the legislature pursuant to RCW 47.66.030. It is the intent of the legislature to provide $30,870,000 of funding in the 2027-2029 biennium for the completion of those projects. $38,937,000 of the regional mobility grant program account—state appropriation is provided solely for regional mobility grant projects identified in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, Program - Public Transportation Program (V). $58,447,000 of the regional mobility grant program account—state appropriation is provided solely for the reappropriation of amounts provided for this purpose in the 2023-2025 fiscal biennium. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall provide annual status reports on December 15, 2025, and December 15, 2026, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2025-2027 fiscal biennium, a transit agency must maintain a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. For grant awards not yet under contract, as a condition of regional mobility grants provided pursuant to (a) of this subsection, public transportation agencies may not delay, divert, supplant, or suspend the collection of approved local sales and use taxes for the purpose of public transportation during the 2025-2027 fiscal biennium.

(c) During the 2025-2027 fiscal biennium, the department shall consider applications submitted by regional transportation planning organizations and metropolitan planning organizations for the regional mobility grant program funding in the 2027-2029 fiscal biennium.

(4) $11,189,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects. Of the amounts provided in this subsection, $3,407,000 is for the reappropriation of amounts provided for this purpose in the 2023-2025 fiscal biennium. Entities identified to receive funding in the LEAP document referenced in this section receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP document referenced in this section before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(5) $2,058,000 of the multimodal transportation account—state appropriation and $50,799,000 of the carbon emissions reduction account—state appropriation are provided solely for green transportation capital projects identified in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, Program - Public Transportation Program (V). Of the amounts provided in this subsection, the entire multimodal transportation account amount and $18,536,000 of the carbon emissions reduction account amount are for the reappropriation of amounts provided for this purpose in the 2023-2025 fiscal biennium. Of the amount of carbon emissions reduction account funds appropriated in this subsection, in addition to $544,000, up to one percent may be used for program administration and staffing. For grant awards not yet under contract, as a condition of green transportation capital grants provided pursuant to this subsection, public transportation agencies may not delay, divert, supplant, or suspend the collection of approved local sales and use taxes for the purpose of public transportation during the 2025-2027 fiscal biennium.

(6) $12,232,000 of the carbon emissions reduction account—state appropriation is provided solely for move ahead WA tribal transit grant projects. Of the amounts provided in this subsection, $1,635,000 is for the reappropriation of amounts provided for this purpose in the 2023-2025 fiscal biennium. $100,000 of the amount provided in this subsection may be used for program administration and staffing. Grants to federally recognized tribes may be for any transit purpose, including planning, operating costs, maintenance, and capital costs. By December 1, 2026 the department must submit a prioritized list to the office of financial management and the transportation committees of the legislature of new projects totaling no more than $5,762,000.

(7) $11,800,000 of the carbon emissions reduction account—state appropriation is

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reappropriated and provided solely for the following projects:

(a) Base Refurbish & Expansion for Growth/Columbia County Public Transportation (L4000182);

(b) Kitsap Transit: Design & Shore Power (G2000115);

(c) Pierce Transit - Meridian (L2021197); and

(d) King County Metro South Annex Base - Electrification Elements (L4000174).

(8) For grant awards not yet under contract, as a condition of bus and bus facility grants identified in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, Program - Public Transportation Program (V), public transportation agencies may not delay, divert, supplant, or suspend the collection of approved local sales and use taxes for the purpose of public transportation during the 2025-2027 fiscal biennium.

NEW SECTION. **Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W**

Carbon Emissions Reduction Account—State Appropriation. $219,755,000
Move Ahead WA Account—State Appropriation. $310,620,000
Puget Sound Capital Construction Account—State Appropriation. $430,797,000
Puget Sound Capital Construction Account—Federal Appropriation. $19,185,000
Transportation Partnership Account—State Appropriation. $5,395,000
Connecting Washington Account—State Appropriation. $8,424,000
Capital Vessel Replacement Account—State Appropriation. $147,726,000
TOTAL APPROPRIATION. $1,141,902,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, Program - Washington State Ferries Capital Program (W).

(2) $5,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(3) $6,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for modernization of the ticketing and reservation system (990052C).

(4) The capital vessel replacement account—state appropriation includes up to $147,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(5) For the 2025-2027 biennium, the marine division shall provide to the office of financial management and the legislative transportation committees the following reports on ferry capital projects:

(a) On a semiannual basis the report must include a status update on projects with funding provided in this section including, but not limited to, the following:

(i) Anticipated cost increases and cost savings;

(ii) Anticipated cash flow and schedule changes; and

(iii) Explanations for the changes.

(b) On an annual basis, the report must include a status update on vessel and terminal preservation and improvement plans including, but not limited to, the following: (i) What work has been done; (ii) how have schedules shifted; and (iii) associated changes in funding among projects, accompanied by explanations for the changes.

(c) On an annual basis, the report must include an update on the implementation of the maintenance management system with recommendations for using the system to improve the efficiency of project reporting under this subsection.

(6) The legislature intends to reassess funding for the Bainbridge Island and Kingston terminal electrification projects based on progression of the electrification program and future recommendations of the department.

NEW SECTION. **Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL**

Carbon Emissions Reduction Account—State Appropriation. $86,138,000
Essential Rail Assistance Account—State Appropriation. $1,518,000
Motor Vehicle Account—State Appropriation. $316,000
Motor Vehicle Fund—Private/Local Appropriation. $326,000
Move Ahead WA Flexible Account—State Appropriation. $18,731,000
Transportation Infrastructure Account—State Appropriation. $7,193,000
Multimodal Transportation Account—State Appropriation. $79,327,000
Multimodal Transportation Account—Federal Appropriation. $113,163,000
TOTAL APPROPRIATION. $306,712,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, Program - Rail Program (Y).

(2) $1,500,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than 15 years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature

and the office of financial management on all FRIB loans issued.

(3) $5,000,000 of the transportation infrastructure account—state appropriation is provided solely for a low-interest loan for the Port of Longview Rail Corridor Expansion project (L1000347) to accommodate current and future port cargo-handling needs. The low-interest loan must comply with the requirements of RCW 47.76.460(2).

(4) $6,899,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(5) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2026, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(6)(a) $2,842,000 of the carbon emissions reduction account—state appropriation and $25,076,000 of the multimodal transportation account—federal appropriation are provided solely to support the department's continued work on a service development plan for a new ultra high-speed ground transportation corridor under the federal corridor identification and development program (L2021074). The department may not move forward with programmatic environmental review, or any other activities related to the federal corridor identification and development program, unless authorized to do so by the legislature.

(b) The department must coordinate with the chairs and ranking members of the transportation committees of the legislature to provide periodic updates and check-in points on progress made over the course of the biennium, with updates available no less frequently than semiannually, and must include written status updates to be provided with sufficient time for review prior to any update meetings held. An annual report on ultra high-speed ground transportation corridor identification and development program efforts must be provided to the transportation committees of the legislature and the office of financial management by December 1, 2025 and December 1, 2026.

(7) $18,731,000 of the move ahead WA flexible account—state appropriation, $54,785,000 of the multimodal transportation account—federal appropriation, and $326,000 of the motor vehicle account—local appropriation are provided solely for rehabilitation of the Palouse River and Coulee City Railroad (L4000079).

(8) $5,277,000 of the carbon emissions reduction account—state appropriation is provided solely to fund a zero emission drayage truck demonstration project (L1000324) at Northwest Seaport Alliance facilities.

(9) $27,500,000 of the carbon emissions reduction account—state appropriation is provided solely to fund a zero emission shore power infrastructure demonstration project at Northwest Seaport Alliance facilities (L1000325). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

(10) $2,600,000 of the carbon emissions reduction account—state appropriation is provided solely to fund the replacement of two Tacoma rail diesel-electric switcher locomotives with zero emission battery-electric switcher locomotives and to install on-site charging equipment at a Tacoma rail facility (L1000327). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

(11) $26,200,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification competitive grants (L2021182). All public ports are eligible to receive funds under this subsection. A port seeking to use funds under this subsection to install shore power must adopt a policy that requires vessels that dock at the port facility to use shore power if such vessel is capable of using such power and when such power is available at the port facility.

(12) $1,000,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification at the port of Bremerton (L1000337), which may include the purchase and installation of zero emission port shore power systems and other zero emission infrastructure, equipment, and technology.

(13) $1,219,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification at the port of Anacortes (L1000338), which may include the purchase and installation of zero emission port shore power systems and other zero emission infrastructure, equipment, and technology.

(14) $19,500,000 of the carbon emissions reduction account—state appropriation is provided solely for the Puyallup Tribe Port Electrification project (L1000346).

(15)(a) $3,600,000 of the multimodal transportation account—state appropriation is provided solely for the Cascades corridor delivery program for advancing the Cascades corridor (R00003A), including through planning and project development activities conducted as part of the federal corridor identification and development program. The department must continue to pursue funding opportunities for the Cascades corridor through the corridor identification and development program and the federal-state partnership programs at the federal rail administration. The department must notify the office of the governor and the transportation committees of the legislature of funding opportunities from the programs and any corresponding state match needs.

(b) In conducting project development work, including as part of the federal corridor identification and development program, and for future efforts as part of the federal-state partnership for intercity

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passenger rail grant program, the department shall emphasize the need to prioritize the improvement of intercity passenger rail through data-driven analyses that aim to fully leverage opportunities for federal funding for public intercity passenger rail to drive transformative improvements in trip speed, reliability, and frequency to make traveling by rail along this corridor more convenient and accessible to the traveling public.

(c) The department shall emphasize achieving ambitious goals in the following areas as part of this project development work:

(i) Service reliability: Increasing on-time performance with a goal of minimum trip reliability of 88 percent on-time performance in accordance with the executed service outcome agreement.

(ii) Service frequencies: Increasing service frequencies consistent with forecasted market and ridership demand sufficiently to facilitate convenient use by the public intercity passenger rail as a competitive alternative to other modes of transportation.

(iii) Speeds: Increasing speeds to shorten travel times through consideration of major infrastructure investments to raise speeds to maximum operating speeds where feasible. The department shall engage with host railroads and infrastructure owners on increasing speeds beyond current maximum operating speeds.

(iv) Improvements to first and last-mile connections: Creating improved multimodal connectivity to other transportation options at stations.

(v) Emission reductions: Reducing greenhouse gas emissions in alignment with state goals.

(d) The department shall report to the transportation committees of the legislature, as well as to the joint transportation committee, by December 1, 2025, and by December 1, 2026, on analyses conducted and progress made to achieve the benefits identified in (c) of this subsection, and shall include information on how this progress can contribute to development of a compelling and ambitious vision for the future of public intercity passenger rail that can be effectively communicated to the public.

NEW SECTION. **Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL**

Carbon Emissions Reduction Account—State Appropriation. $92,337,000
Climate Active Transportation Account—State Appropriation. $186,865,000
Freight Mobility Investment Account—State Appropriation. $19,335,000
Freight Mobility Multimodal Account—State Appropriation. $24,952,000
Highway Infrastructure Account—Federal Appropriation $1,500,000
Move Ahead WA Account—State Appropriation. $76,442,000
Move Ahead WA Flexible Account—State Appropriation. $37,500,000
Motor Vehicle Account—State Appropriation. $24,120,000
Motor Vehicle Account—Federal Appropriation $106,461,000
Motor Vehicle Account—Private/Local Appropriation. $75,000,000
Connecting Washington Account—State Appropriation. $66,794,000
Multimodal Transportation Account—State Appropriation. $105,838,000
TOTAL APPROPRIATION. $817,144,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, Program - Local Programs Program (Z), except that: An additional $6,600,000 of the multimodal transportation account—state appropriation is provided solely for the Mountains to Sound Greenway Trail 'Bellevue Gap' project (L4000152); an additional $5,500,000 of the multimodal transportation account—state appropriation is provided solely for the Maple Valley Pedestrian Bridge over SR 169 project (L2021093); an additional $2,500,000 of the move ahead WA flexible account—state appropriation is provided solely for the Bradley Road Safe Routes Pedestrian Improvements project (L4000143); an additional $10,206,000 of the connecting Washington account—state appropriation is provided solely for the North Lewis County Industrial Access project (N400526I); an additional $44,660,000 of the connecting Washington account—state appropriation is provided solely for the Aberdeen US 12 Highway-Rail Separation project (L1000331); an additional $10,000,000 of the move ahead WA account—state appropriation is provided solely for the Poplar Way Bridge project (L4000102); and the scope for the SR 520 & 148th Avenue NE Bicycle/Pedestrian Crossing project (L2021047) must be modified to address priority multimodal safety and access improvements in the Overlake area and provide multimodal connectivity to services for residents and workers in the area.

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) $38,380,000 of the multimodal transportation account—state appropriation and $43,372,000 of the climate active transportation account—state appropriation are provided solely for pedestrian and bicycle safety program projects (L2000188 and L1000335). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(b) $16,933,000 of the motor vehicle account—federal appropriation, $53,139,000 of the climate active transportation account—state appropriation, and $13,321,000 of the multimodal transportation account—state

appropriation are provided solely for safe routes to school projects (L2000189 and L1000334). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(c) For future rounds of grant selection, the department must continue efforts to increase geographic diversity of jurisdictions consistent with the requirements of the healthy environment for all (HEAL) act.

(3) $18,781,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(4) $35,528,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will select projects as part of its update of the state freight plan, in consultation with the freight mobility strategic investment board and other stakeholders.

(5) $22,000,000 of the motor vehicle account—state appropriation is provided solely for a federal fund exchange pilot program. The pilot program will allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per $1.00 in federal funds. The entirety of the appropriation in this subsection must be held in unallotted status until: Surface transportation block grant population funding has been offered to the state, the department determines that a federalized project or projects funded in section 305 or 306 of this act is eligible to spend the surface transportation block grant population funding, and state funds appropriated in section 305 or 306 of this act for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding have been placed in unallotted status. A report on the effectiveness of the exchange program, the total estimated cost of program administration, and recommendations for continuing the pilot program is due to the governor and transportation committees of the legislature by December 1, 2026.

(6) $66,442,000 of the move ahead WA account—state appropriation, $29,900,000 of the move ahead WA flexible account—state appropriation, and $75,000,000 of the motor vehicle account—state appropriation are provided solely for new move ahead WA road and highway projects listed in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, Program - Local Programs Program (Z).

(7) $57,154,000 of the climate active transportation account—state appropriation and $39,675,000 of the carbon emissions reduction account are provided solely for move ahead WA pedestrian and bike projects listed in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, Program - Local Programs Program (Z).

(8) $27,200,000 of the climate active transportation account—state appropriation is provided solely for the statewide school-based bicycle education grant program (L1000309). The department may partner with a statewide nonprofit to deliver programs.

(9) $33,200,000 of the climate active transportation account—state appropriation is provided solely for the Sandy Williams connecting communities pilot program (L1000308) to deliver projects to reconnect communities that have been bifurcated by state highways. Priority must be given to historically marginalized or overburdened communities. The department may consult with the Cooper Jones active transportation safety council to identify geographic locations where there are high incidences of serious injuries and fatalities of active transportation users among vulnerable populations.

(10) $5,100,000 of the move ahead WA flexible account—state appropriation is provided solely for development of an applied sustainable aviation evaluation center (L2021135). Snohomish county, in partnership with Washington State University, shall plan and establish facilities to evaluate, qualify or certify, and research technologies that can minimize the impact of aviation on human health and the environment. Funds may be used for, but are not limited to, planning, construction, and land acquisition for sustainable aviation fuel (SAF) qualification testing (ASTM D4054), research on the impact of SAF on the environment and human health, and SAF storage for the purpose of advancing sustainable aviation. At a minimum, three sustainable aviation platforms must be considered:

(a) Sustainable aviation fuel (SAF);

(b) Hydrogen; and

(c) Battery electric energy storage mechanisms.

(11) The legislature intends to fund the Ballard and Magnolia Bridge project (L4000123), as described in section 911(18), chapter 472, Laws of 2023.

(12) $170,000 of the multimodal transportation account—state appropriation is provided solely for the Seattle office of planning and community development to finish updating the 2020 I-5 Lid Feasibility Study (L2021140).

(13) $500,000 of the multimodal transportation account—state appropriation is provided solely for the department to award grants to local jurisdictions to implement network-wide traffic conflict screening programs using video analytics in controlled intersections with a disproportionate number of traffic violations and injuries to active transportation users (L2021149). Grants must be awarded proportionally across the state and include controlled intersections in both urban and rural environments and along state highways and county roads. Grant recipients must report back to the department all traffic violation and active transportation facility data acquired during the grant period and provide the department with

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appropriate next steps for the state and the local jurisdiction to improve traffic safety for active transportation users in such intersections. The department must report such findings and recommendations to the transportation committees of the legislature by December 1, 2026.

(14)(a)(i) $7,000,000 of the carbon emissions reduction account—state appropriation is provided solely for a program for providing rebates to qualifying persons who purchase e-bikes and qualifying equipment and services from a qualifying retailer. Of this amount, $4,200,000 is for rebate amounts as described under (a)(iii)(A) of this subsection, and $2,800,000 is for rebate amounts as described under (a)(iii)(B) of this subsection.

(ii) To qualify for and use the rebate under this subsection, a person must be a resident of Washington state and purchase an e-bike and qualifying equipment and services, if any, from a qualifying retailer in this state. Qualifying equipment and services must be purchased as part of the same transaction as the e-bike.

(iii)(A) For persons who are at least 16 years of age and reside in households with incomes at or below 80 percent of the county area median income, the amount of the rebate is up to $1,200 on the sale of an e-bike and any qualifying equipment and services.

(B) For all other persons who are at least 16 years of age, the amount of the rebate is up to $300 on the sale of an e-bike and any qualifying equipment and services.

(C) No more than one rebate may be awarded per household.

(iv)(A) If an applicant qualifies for a rebate amount and there are sufficient funds to award the applicant with the appropriate rebate amount, the department must provide the qualifying individual the rebate amount in a format that can be redeemed at the time of purchase at a qualifying retailer.

(B) An applicant must provide contact information, including a physical address, email address, and phone number, and demographic information, including the applicant's age, gender, race, and ethnicity, to the department on a form provided by the department at the time of applying for the rebate.

(v) A qualifying retailer must register with the department before participating in the rebate program. A qualifying retailer must:

(A) Verify the identity of the qualifying individual at the time of purchase; and

(B) Calculate and apply the rebate at the time of purchase.

(vi) The department must reimburse a qualifying retailer that accepts a rebate from a qualifying individual no later than 30 days after the rebate is redeemed.

(vii) For purposes of this subsection (14)(a):

(A) "E-bike" means an electric assisted bicycle as defined in RCW 46.04.169, but does not include mountain bikes.

(B) "Qualifying equipment and services" means a bicycle helmet, safety vest, bicycle light, or bicycle lock, and any maintenance or other services agreed upon by the qualifying retailer and qualifying individual at the time of purchase.

(C) "Qualifying retailer" means a retail business establishment with one or more physical retail locations in this state that provides on-site e-bike sales, service, and repair and has registered with the department to participate in the rebate program established under this subsection.

(b) $3,568,000 of the carbon emissions reduction account—state appropriation is provided solely for an e-bike lending library and ownership grant program. The department may accept grant applications from other state entities, local governments, and tribes that administer or plan to administer an e-bike lending library or ownership program for their employees for commute trip reduction purposes. The department may also accept grant applications from nonprofit organizations or tribal governments that serve persons who are low-income or reside in overburdened communities and that administer or plan to administer an e-bike lending library or ownership program for qualifying persons.

(c) It is the intent of the legislature that funding provided in (a) and (b) of this subsection continue to be appropriated in the 2027-2029 fiscal biennium.

(e) The department may not collect more than five percent of appropriated amounts to administer the programs under (a) and (b) of this subsection.

(15) $19,335,000 of the freight mobility investment account—state appropriation and $24,952,000 of the freight mobility multimodal account—state appropriation are provided solely for freight mobility strategic investment board projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(16) $3,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to assist local jurisdictions in addressing emergent issues related to safety for pedestrians and bicyclists (LXXXPBF). Funds may only be spent after approval from the office of financial management. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all emergent issues addressed in the prior fiscal biennium. Reporting may be done in conjunction with the transportation operations division.

NEW SECTION. **Sec. 312. ANNUAL REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

As part of its annual budget submittal, the department of transportation shall provide an update to the report provided to the legislature in the prior fiscal year in a manner consistent with past practices as specified in section 312, chapter 333, Laws of 2021.

NEW SECTION. **Sec. 313. QUARTERLY REPORTING REQUIREMENTS FOR CAPITAL PROGRAM**

On a quarterly basis, the department of transportation shall provide to the office of financial management and the legislative transportation committees a report for all

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capital projects in a manner consistent with past practices as specified in section 313, chapter 186, Laws of 2022.

NEW SECTION. **Sec. 314. NOTIFICATION REQUIREMENTS FOR PAUSES AND CANCELLATIONS**

(1) The department of transportation shall notify the transportation committees of the legislature when it intends to pause for a significant length of time or not proceed with operating items or capital projects included as budget provisos or on project lists. When feasible, this notification shall be provided prior to the pause or cancellation and at least seven days in advance of any public announcement related to such a pause or cancellation.

(2) At the time of notification, the department shall provide an explanation for the reason or reasons for the pause or cancellation for each operating budget item and capital project. The explanation shall include specific reasons for each pause or cancellation, in addition to a statement of the broad rationale for the pause or cancellation.

(3) When feasible, the department shall make best efforts to keep the transportation committees of the legislature informed of an evaluation process underway for selecting operating budget items and capital projects to be paused or canceled, providing updates as its selection efforts proceed.

(4) When exigent circumstances prevent prior notice of a pause or cancellation from being provided to the transportation committees of the legislature, the department shall provide the information required under this section to the transportation committees of the legislature as soon as is practicable.

NEW SECTION. **Sec. 315. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION—FUNDS MANAGEMENT**

As part of the department's 2026 supplemental and 2027-2029 biennial budget requests, the department shall also report on:

(1) The federal grant programs it has applied for; and

(2) The federal competitive grant programs it could have applied for but did not and the reason or reasons it did not apply.

(End of part)

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. **Sec. 401. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Transportation Partnership Account—State Appropriation. $4,320,000
Connecting Washington Account—State Appropriation. $15,817,000
Puget Sound Gateway Facility Account—State Appropriation. $133,000
Highway Bond Retirement Account—State Appropriation. $1,590,140,000
Transportation Improvement Board Bond Retirement Account—State Appropriation. $5,619,000
Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation. $28,249,000
Toll Facility Bond Retirement Account—State Appropriation. $84,516,000
Interstate 405 and State Route 167 Express Toll Lanes Account—State Appropriation. $1,881,000
Special Category C Account—State Appropriation. $644,000
TOTAL APPROPRIATION. $1,731,319,000

NEW SECTION. **Sec. 402. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Transportation Partnership Account—State Appropriation. $864,000
Connecting Washington Account—State Appropriation. $3,163,000
Puget Sound Gateway Facility Account—State Appropriation. $27,000
Interstate 405 and State Route 167 Express Toll Lanes Account—State Appropriation. $376,000
Special Category C Account—State Appropriation. $128,000
TOTAL APPROPRIATION. $4,558,000

NEW SECTION. **Sec. 403. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax statutory distributions to cities and counties. $443,860,000
Multimodal Transportation Account—State Appropriation: For distribution to cities and counties. $26,786,000
Motor Vehicle Account—State Appropriation: For distribution to cities and counties. $23,438,000
TOTAL APPROPRIATION. $494,084,000

NEW SECTION. **Sec. 404. FOR THE STATE TREASURER—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers. $1,877,014,000

NEW SECTION. **Sec. 405. FOR THE DEPARTMENT OF LICENSING—TRANSFERS**

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers. $206,302,000

NEW SECTION. **Sec. 406. FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS**

(1) Transportation Partnership Account—State

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Appropriation: For transfer to the Motor Vehicle
Account—State. $30,000,000
(2) Connecting Washington Account—State
Appropriation: For transfer to the Move Ahead WA
Account—State. $392,000,000
(3) Electric Vehicle Account—State appropriation:
For transfer to the Move Ahead WA Flexible
Account—State. $3,600,000
(4) Carbon Emissions Reduction Account—State
Appropriation: For transfer to the Climate Active
Transportation Account—State. . $124,000,000
(5) Carbon Emissions Reduction Account—State
Appropriation: For transfer to the Puget Sound Ferry
Operations Account—State. $4,200,000
(6) Move Ahead WA Flexible Account—State
Appropriation: For transfer to the Move Ahead WA
Account—State. $189,000,000
(7) Alaskan Way Viaduct Replacement Project
Account—State Appropriation: For transfer to the
Motor Vehicle Account—State. . . $11,992,000
(8)(a) Transportation Partnership
Account—State Appropriation: For transfer to the
Tacoma Narrows Toll Bridge Account—State. . $15,999,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(9) Motor Vehicle Account—State Appropriation:
For transfer to the State Patrol Highway
Account—State. $43,000,000
(10) Motor Vehicle Account—State Appropriation:
For transfer to the County Arterial Preservation
Account—State. $4,844,000
(11) Motor Vehicle Account—State Appropriation:
For transfer to the Freight Mobility Investment
Account—State. $8,511,000
(12) Motor Vehicle Account—State
Appropriation: For transfer to the Rural Arterial
Trust Account—State. $4,844,000
(13) Motor Vehicle Account—State
Appropriation: For transfer to the Transportation
Improvement Account—State. . . . $9,688,000
(14)(a) State Route Number 520 Civil Penalties
Account—State Appropriation: For transfer to the Motor
Vehicle Account—State. $1,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(15) State Route Number 520 Civil Penalties
Account—State Appropriation: For transfer to the
State Route Number 520 Corridor Account—State. $1,752,000
(16) Capital Vessel Replacement
Account—State Appropriation: For transfer to the
Transportation Partnership Account—State. . $25,000,000
(17) Multimodal Transportation Account—State
Appropriation: For transfer to the Complete Streets
Grant Program Account—State. . . $14,670,000
(18) Multimodal Transportation Account—State
Appropriation: For transfer to the Connecting Washington
Account—State. $32,000,000
(19) Multimodal Transportation Account—State
Appropriation: For transfer to the Freight Mobility
Multimodal Account—State. $8,511,000
(20) Multimodal Transportation Account—State
Appropriation: For transfer to the Puget Sound Capital
Construction Account—State. . . $316,000,000
(21) Multimodal Transportation Account—State
Appropriation: For transfer to the Regional Mobility
Grant Program Account—State. . . $27,679,000
(22) Multimodal Transportation Account—State
Appropriation: For transfer to the Rural Mobility
Grant Program Account—State. . . $12,223,000
(23) Multimodal Transportation Account—State
Appropriation: For transfer to the State Patrol Highway
Account—State. $160,000,000
(24) Alaskan Way Viaduct Replacement
Project Account—State Appropriation: For transfer to
the Transportation Partnership Account—State
. . . . . $22,896,000
(25) Puget Sound Ferry Operations Account—State
Appropriation: For transfer to the Puget Sound Capital
Construction Account—State. . . $62,340,000
(26) Move Ahead WA Account—State
Appropriation: For transfer to the Puget Sound Ferry
Operations Account—State. . . . $125,000,000
(27) Regional Mobility Grant Program Account—State
Appropriation: For transfer to the Multimodal
Transportation Account—State. . $51,000,000
(28) Move Ahead WA Account—State Appropriation:
For transfer to the Transportation Partnership
Account—State. $25,000,000

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(29) Motor Vehicle Account—State Appropriation:
For transfer to the Connecting Washington Account—State. $152,000,000
(30) Transportation 2003 Account (Nickel) —State
Appropriation: For transfer to the State Patrol Highway Account—State. $25,000,000
(31)(a) Transportation Partnership Account—State
Appropriation: For transfer to the Capital Vessel Replacement Account—State. . . $147,000,000
(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873. Transfers under this subsection are deemed to be for projects or improvements identified as transportation partnership projects or improvements for purposes of RCW 47.10.873. Appropriations in the amount of this transfer are made in this act to reflect proceeds from the sale of bonds authorized in RCW 47.10.873.
(32)(a) Transportation Partnership Account—State
Appropriation: For transfer to the Move Ahead WA Account—State. $708,000,000
(b) The amount transferred in this subsection represents proceeds from the sale of bonds authorized in RCW 47.10.873. Transfers under this subsection are deemed to be for projects or improvements identified as transportation partnership projects or improvements for purposes of RCW 47.10.873. Appropriations in the amount of this transfer are made in this act to reflect proceeds from the sale of bonds authorized in RCW 47.10.873.
(33) Move Ahead WA Flexible Account—State
Appropriation: For transfer to the Multimodal Transportation Account—State. . . $5,230,000
(34) Highway Safety Account—State Appropriation:
For transfer to the Multimodal Transportation Account—State. $25,000,000
(35) Capital Vessel Replacement Account—State
Appropriation: For transfer to the Puget Sound Capital Construction Account—State. . . $16,000,000

NEW SECTION. **Sec. 407. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE**
Toll Facility Bond Retirement Account—State Appropriation. $25,372,000

(End of part)

COMPENSATION

NEW SECTION. **Sec. 501. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED**
Nothing in this act prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of this section.

NEW SECTION. **Sec. 502. COLLECTIVE BARGAINING AGREEMENTS**
In accordance with chapters 41.80, 41.56, and 47.64 RCW, agreements have been reached between the governor and employee organizations representing state employee bargaining units for the 2025-2027 fiscal biennium. Funding is provided in this act to fund these agreements. The collective bargaining agreements that have been reached and are funded in this act, and the description of the major economic terms in each of the listed agreements are specified in OFM Transportation Document 2025-4: 2025-27 Collective Bargaining Agreements as developed December 17, 2024.

NEW SECTION. **Sec. 503. COMPENSATION—REPRESENTED EMPLOYEES—HEALTH CARE—COALITION—INSURANCE BENEFITS**
An agreement was reached for the 2025-2027 fiscal biennium between the governor and the health care coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2025-2027 collective bargaining agreement, which maintains the provisions of the prior agreement, and are subject to the following conditions and limitations:
(1) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $1,347 per eligible employee for fiscal year 2026. For fiscal year 2027, the monthly employer funding rate shall not exceed $1,348 per eligible employee. These funding rates are sufficient to cover, effective January 1, 2026, the following:
(a) In the uniform medical plan, coverage for Doula services;
(b) In the uniform dental plan the following:
(i) Increasing the temporomandibular joint benefit to $1,000 annually and $5,000 per lifetime;
(ii) Eliminating the deductible for children up to age 15;
(c) Implementation of Substitute House Bill No. 1123 (ensuring access to primary care, behavioral health, and affordable hospital services).
(2) The funding rates in subsection (1) of this section are not sufficient to continue offering an Accountable Care Plan as of plan year 2026.
(3) Current funding allows for the public employees' benefits board to adjust the employer paid long-term disability benefit to a maximum monthly benefit of $450 within the current funding resources.
(4) The board shall collect a $25 per month surcharge payment from members who use tobacco products and a surcharge payment of not less than $50 per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to

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enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment if directed by the legislature.

(5) The rates are sufficient to cover a diabetes management program and apply the cost-share provisions outlined in chapter 366, Laws of 2023 (breast examinations—health plan cost sharing) in the uniform medical plan, effective January 1, 2025. The rates are not sufficient to add coverage of prescription drugs for the treatment of obesity or weight loss. The authority shall not add coverage of prescription drugs for the treatment of obesity or weight loss without a specific appropriation from the legislature. Nothing in this section requires removal of any existing coverage of prescription drugs to treat diabetes.

NEW SECTION. **Sec. 504. COMPENSATION—REPRESENTED EMPLOYEES—OUTSIDE HEALTH CARE—COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the coalition for health benefits, and are subject to the following conditions and limitations: The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, may not exceed $1,347 per eligible employee for fiscal year 2026. For fiscal year 2027, the monthly employer funding rate may not exceed $1,348 per eligible employee.

NEW SECTION. **Sec. 505. COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

(1) Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations: The employer monthly funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed $1,347 per eligible employee for fiscal year 2026. For fiscal year 2027, the monthly employer funding rate shall not exceed $1,348 per eligible employee.

(2) The rates are sufficient to cover a diabetes management program and apply the cost-share provisions outlined in chapter 366, Laws of 2023 (breast examinations—health plan cost sharing) in the uniform medical plan, effective January 1, 2025. The rates are not sufficient to add coverage of prescription drugs for the treatment of obesity or weight loss. The authority shall not add coverage of prescription drugs for the treatment of obesity or weight loss without a specific appropriation from the legislature. Nothing in this section requires removal of any existing coverage of prescription drugs to treat diabetes.

NEW SECTION. **Sec. 506. GENERAL WAGE INCREASES**

(1) Appropriations for state agency employee compensation in this act are sufficient to provide general wage increases to state agency employees and employees of institutions of higher education, who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475.

(2) Funding is provided for a three percent general wage increase effective July 1, 2025, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2025, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a two percent general wage increase effective July 1, 2027, for all classified employees as specified in subsection (1) of this section, employees in the Washington management service, and exempt employees under the jurisdiction of the office of financial management. The appropriations are also sufficient to fund a two percent salary increase effective July 1, 2027, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

NEW SECTION. **Sec. 507. COMPENSATION—PENSION CONTRIBUTIONS**

Appropriations are adjusted to reflect changes to agency appropriations to reflect savings resulting from changes to pension funding as provided in Substitute House Bill No. 1467 (actuarial funding of pension systems).

(End of part)

IMPLEMENTING PROVISIONS

NEW SECTION. **Sec. 601. MANAGEMENT OF TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS NOT IN SESSION**

(1) The 2005 transportation partnership projects or improvements, 2015 connecting Washington projects or improvements, and move ahead WA projects or improvements are listed in the LEAP Transportation Document 2025-1 as developed March 23, 2025, which consists of a list of specific projects by fund source and amount over multiple biennia. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a 16-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account, connecting Washington account, and move

ahead WA account projects on the LEAP transportation document referenced in this subsection. For the 2023-2025 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations, connecting Washington account appropriations, or move ahead WA account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;

(d) Transfers may not occur for projects not identified on the applicable project list;

(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;

(f) Transfers may not be made while the legislature is in session;

(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;

(h) The total amount of transfers under this section may not exceed $50,000,000;

(i) Except as otherwise provided in (k) of this subsection, transfers made to a single project may not cumulatively total more than $20,000,000 per fiscal biennium;

(j) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and

(k) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1)(k), provided that the transfer amount to a single project does not exceed $250,000 or 10 percent of the total project per fiscal biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.

(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.

(3) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.

NEW SECTION. **Sec. 602. BOND REIMBURSEMENT**

To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, state route number 520 corridor account, connecting Washington account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made before the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

NEW SECTION. **Sec. 603. BELATED CLAIMS**

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. **Sec. 604. REAPPROPRIATIONS REPORTING**

(1) As part of its 2026 supplemental budget submittal, the department of transportation shall provide a report to the legislature and the office of financial management that:

(a) Identifies, by capital project, the amount of state funding that has been

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reappropriated from the 2023-2025 fiscal biennium into the 2025-2027 fiscal biennium; and

(b) Identifies, for each project, the amount of cost savings or increases in funding that have been identified as compared to the 2023 enacted omnibus transportation appropriations act.

(2) As part of the agency request for capital programs, the department shall load reappropriations separately from funds that were assumed to be required for the 2025-2027 fiscal biennium into budgeting systems.

NEW SECTION. **Sec. 605. WEBSITE REPORTING REQUIREMENTS**

The department of transportation shall post on its website every report that is due from the department to the legislature during the 2025-2027 fiscal biennium on one web page in a manner consistent with past practices as specified in section 605, chapter 333, Laws of 2021.

NEW SECTION. **Sec. 606. TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING**

By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, in a manner consistent with past practices as specified in section 602, chapter 186, Laws of 2022.

NEW SECTION. **Sec. 607. PROJECT SCOPE CHANGES**

(1) During the 2025-2027 fiscal biennium, while the legislature is not in session, the director of the office of financial management may approve project scope change requests to connecting Washington projects and move ahead WA projects in the highway improvements program, provided that the requests meet the criteria outlined in RCW 47.01.480 if a connecting Washington project, and are subject to the limitations in this section.

(2) At the time the department of transportation submits a request for a project scope change under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested project scope changes.

(4) No fewer than 10 days after the receipt of a scope change request, the director of the office of financial management must provide written notification to the department of any decision regarding project scope changes, with copies submitted to the transportation committees of the legislature.

(5) As part of its annual budget submittal, the department of transportation must report on all approved scope change requests from the prior year, including a comparison of the scope before and after the requested change.

NEW SECTION. **Sec. 608. TOLL CREDITS**

The department of transportation may provide up to $5,000,000 in toll credits to Kitsap transit for its role in delivering capital projects related to Kitsap transit public transportation services including, but not limited to, ferry service. The number of toll credits provided must be equal to, but no more than, the number sufficient to meet federal match requirements for grant funding for passenger-only ferry service, but must not exceed the amount authorized in this section.

NEW SECTION. **Sec. 609. LOCAL PARTNER COOPERATIVE AGREEMENTS**

(1) If a transportation project, where the Washington state department of transportation is the lead and the project is scheduled to be delivered or completed in the 2025-2027 fiscal biennium as shown on the LEAP Transportation Document 2025-2 ALL PROJECTS as developed March 23, 2025, is in jeopardy of being delayed because the department is unable to deliver or complete the project within the 2025-2027 fiscal biennium and other local jurisdictions are able to deliver or complete the work, the department must coordinate with the appropriate local jurisdictions to determine if a potential local partner is ready, willing, and able to execute delivery and completion of the project within the 2025-2027 fiscal biennium.

(2) The department must compile a list of projects under this section, including the timing under which the local partner agency can deliver or complete the projects within the 2025-2027 and 2027-2029 fiscal biennia. The department must submit the compiled list of projects to the governor and the transportation committees of the legislature by November 1, 2025.

(End of part)

MISCELLANEOUS 2025-2027 FISCAL BIENNIUM

NEW SECTION. **Sec. 701.** Appropriations in this act from the natural climate solutions account, carbon emissions reduction account, climate transit programs account, and climate active transportation account are subject to the requirements of RCW 70A.65.030.

NEW SECTION. **Sec. 702. DEVELOPMENT OF CLIMATE COMMITMENT ACT EVALUATION TOOLS**

The department of transportation shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs, projects, and other activities that receive funding from the carbon emissions reduction account.

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Sec. 703. RCW 14.40.020 and 2024 c 310 s 601 are each amended to read as follows:

The state commercial aviation work group shall submit a progress report to the governor and the transportation committees of the legislature by December 1, ((~~2024~~))2026, and annually every July 1st thereafter. The first report of the work group shall include a list of areas that will not have further review as the areas are in conflict with the operations of a military installation. The 2025 report must also identify unsuitable geographies due to either environmental impacts or impacts to overburdened communities. Additionally, during the 2025-2027 biennium, the work group must:

(1) Work to understand what studies currently exist on state transportation needs and capacities and identify any gaps of information; and

(2) Conduct meaningful community engagement with overburdened and vulnerable populations with a focus on the environmental justice impact of aviation on communities.

Sec. 704. RCW 43.19.642 and 2023 c 472 s 703 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Except as provided in subsection (5) of this section, effective June 1, 2009, state agencies are required to use a minimum of 20 percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2016, file annual reports with the department of enterprise services documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) By December 1, 2009, the department of enterprise services shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

(5) During the 2021-2023 ((~~and~~)), 2023-2025, and 2025-2027 fiscal biennia, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels, as long as the price of a B5 or B10 biodiesel blend does not exceed the price of conventional diesel fuel by five percent or more.

Sec. 705. RCW 46.20.745 and 2023 c 472 s 704 are each amended to read as follows:

(1) The ignition interlock device revolving account program is created within the department to assist in covering the monetary costs of installing, removing, and leasing an ignition interlock device, and applicable licensing, for indigent persons who are required under RCW 46.20.385, 46.20.720, and 46.61.5055 to install an ignition interlock device in all vehicles owned or operated by the person. For purposes of this subsection, "indigent" has the same meaning as in RCW 10.101.010, as determined by the department. During the ((~~2021-2023 and~~)) 2023-2025 and 2025-2027 fiscal biennia, the ignition interlock device revolving account program also includes ignition interlock enforcement work conducted by the Washington state patrol.

(2) A pilot program is created within the ignition interlock device revolving account program for the purpose of monitoring compliance by persons required to use ignition interlock devices and by ignition interlock companies and vendors.

(3) The department, the state patrol, and the Washington traffic safety commission shall coordinate to establish a compliance pilot program that will target at least one county from eastern Washington and one county from western Washington, as determined by the department, state patrol, and Washington traffic safety commission.

(4) At a minimum, the compliance pilot program shall:

(a) Review the number of ignition interlock devices that are required to be installed in the targeted county and the number of ignition interlock devices actually installed;

(b) Work to identify those persons who are not complying with ignition interlock requirements or are repeatedly violating ignition interlock requirements; and

(c) Identify ways to track compliance and reduce noncompliance.

(5) As part of monitoring compliance, the Washington traffic safety commission shall also track recidivism for violations of RCW 46.61.502 and 46.61.504 by persons required to have an ignition interlock driver's license under RCW 46.20.385 and 46.20.720.

Sec. 706. RCW 47.28.030 and 2015 c 282 s 1 are each amended to read as follows:

(1)(a) A state highway shall be constructed, altered, repaired, or improved, and improvements located on property acquired for right-of-way purposes may be repaired or renovated pending the use of such right-of-way for highway purposes, by contract or state forces. The work or portions thereof may be done by state forces when the estimated costs thereof are less than ((~~fifty thousand dollars~~))$50,000 and effective July 1, 2005, ((~~sixty thousand dollars~~))$60,000.

(b) When delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public,

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the work may be done by state forces when the estimated cost thereof is less than ((~~eighty thousand dollars~~))$80,000 and effective July 1, 2005, ((~~one hundred thousand dollars~~))$100,000.

(c) When the department of transportation determines to do the work by state forces, it shall enter a statement upon its records to that effect, stating the reasons therefor.

(d) To enable a larger number of small businesses and veteran, minority, and women contractors to effectively compete for department of transportation contracts, the department may adopt rules providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed ((~~eighty thousand dollars~~))$80,000 and effective July 1, 2005, ((~~one hundred thousand dollars~~))$100,000.

(2) The rules adopted under this section:

(a) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(b) Need not require the furnishing of a bid deposit nor a performance bond, but if a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, material suppliers, mechanics, and subcontractors from the previous partial payment; and

(c) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

(3) The department of transportation shall comply with such goals and rules as may be adopted by the office of minority and women's business enterprises to implement chapter 39.19 RCW with respect to contracts entered into under this chapter. The department may adopt such rules as may be necessary to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39.19 RCW.

(4)(a) Work for less than ((~~one hundred thousand dollars~~))$100,000 may be performed on ferry vessels and terminals by state forces. During the 2025-2027 fiscal biennium, work for less than $350,000 may be performed on ferry vessels and terminals by state forces.

(b) When the estimated cost of work to be performed on ferry vessels and terminals is between ((~~one hundred thousand dollars~~)) $100,000 and ((~~two hundred thousand dollars~~))$200,000, or between $350,000 and $450,000 during the 2025-2027 fiscal biennium, the department shall contact, by mail or ((~~electronic mail~~))email, contractors that appear on the department's small works roster as created pursuant to procedures in chapter 39.04 RCW to do specific work the contractors are qualified to do to determine if any contractor is interested and capable of doing the work. If there is a response of interest within ((~~seventy-two~~))72 hours, the small works roster procedures commence. If no qualified contractors respond with interest and availability to do the work, the department may use its regular contracting procedures. If the secretary determines that the work to be completed is an emergency, procedures governing emergencies apply.

(c) The department shall hire a disinterested, third party to conduct an independent analysis to identify methods of reducing out-of-service times for vessel maintenance, preservation, and improvement projects. The analysis must include options that consider consolidating work while vessels are at shipyards by having state forces perform services traditionally performed at Eagle Harbor at the shipyard and decreasing the allowable time at shipyards. The analysis must also compare the out-of-service vessel times of performing services by state forces versus contracting out those services which in turn must be used to form a recommendation as to what the threshold of work performed on ferry vessels and terminals by state forces should be. This analysis must be presented to the transportation committees of the senate and house of representatives by December 1, 2010.

(d) The department shall develop a proposed ferry vessel maintenance, preservation, and improvement program and present it to the transportation committees of the senate and house of representatives by December 1, 2010. The proposed program must:

(i) Improve the basis for budgeting vessel maintenance, preservation, and improvement costs and for projecting those costs into a ((~~sixteen-year~~))16-year financial plan;

(ii) Limit the amount of planned out-of-service time to the greatest extent possible, including options associated with department staff as well as commercial shipyards; and

(iii) Be based on the service plan in the capital plan, recognizing that vessel preservation and improvement needs may vary by route.

(e) In developing the proposed ferry vessel maintenance, preservation, and improvement program, the department shall consider the following, related to reducing vessel out-of-service time:

(i) The costs compared to benefits of Eagle Harbor repair and maintenance facility operations options to include staffing costs and benefits in terms of reduced out-of-service time;

(ii) The maintenance requirements for on-vessel staff, including the benefits of a systemwide standard;

(iii) The costs compared to benefits of staff performing preservation or maintenance work, or both, while the vessel is underway, tied up between sailings, or not deployed;

(iv) A review of the department's vessel maintenance, preservation, and improvement program contracting process and contractual requirements;

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(v) The costs compared to benefits of allowing for increased costs associated with expedited delivery;

(vi) A method for comparing the anticipated out-of-service time of proposed projects and other projects planned during the same construction period;

(vii) Coordination with required United States coast guard dry dockings;

(viii) A method for comparing how proposed projects relate to the service requirements of the route on which the vessel normally operates; and

(ix) A method for evaluating the ongoing maintenance and preservation costs associated with proposed improvement projects.

Sec. 707. RCW 46.68.063 and 2023 c 472 s 706 are each amended to read as follows:

The department of licensing technology improvement and data management account is created in the highway safety account. All receipts from fees collected under RCW 46.12.630(5) must be deposited into the account. Expenditures from the account may be used only for investments in technology and data management at the department. During the ((~~2021-2023 and~~)) 2023-2025 and 2025-2027 fiscal biennia, the account may also be used for responding to public records requests. Moneys in the account may be spent only after appropriation.

Sec. 708. RCW 46.68.290 and 2023 c 472 s 707 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the motor vehicle account. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

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(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within 30 days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of $4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section.

(11) During the ((~~2021-2023 and~~)) 2023-2025 and 2025-2027 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation partnership account to the motor vehicle account and the Tacoma Narrows toll bridge account.

Sec. 709. RCW 46.68.300 and 2024 c 310 s 603 are each amended to read as follows:

The freight mobility investment account is hereby created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for freight mobility projects that have been recommended by the freight mobility strategic investment board in RCW 47.06A.020 and may include any principal and interest on bonds authorized for the projects or improvements. During the ((~~2021-2023 and~~)) 2023-2025 and 2025-2027 fiscal biennia, the expenditures from the account may also be used for the administrative expenses of the freight mobility strategic investment board.

Sec. 710. RCW 46.68.320 and 2024 c 310 s 604 are each amended to read as follows:

(1) The regional mobility grant program account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.030.

(2) Beginning with September 2007, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account $5,000,000.

(3) Beginning with September 2015, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account $6,250,000.

(4) During the 2023-2025 and 2025-2027 fiscal ((~~biennium~~))biennia, the legislature may direct the state treasurer to make transfers of moneys from the regional mobility grant program account to the multimodal transportation account.

Sec. 711. RCW 46.68.370 and 2023 c 472 s 709 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.17.015 must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle ((~~account [fund]~~))fund for any appropriation made to implement the digital

license plate system. During the 2011-2013 and 2013-2015 fiscal biennia, the legislature may transfer from the license plate technology account to the highway safety fund such amounts as reflect the excess fund balance of the license plate technology account. During the ((~~2021-2023 and~~)) 2023-2025 and 2025-2027 fiscal biennia, the account may also be used for the maintenance of recently modernized information technology systems for vehicle registrations.

Sec. 712. RCW 46.68.395 and 2023 c 472 s 710 are each amended to read as follows:

(1) The connecting Washington account is created in the motor vehicle account. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as connecting Washington projects or improvements in a transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) Moneys in the connecting Washington account may not be expended on the state route number 99 Alaskan Way viaduct replacement project.

(3) During the 2023-2025 and 2025-2027 fiscal ((~~biennium~~))biennia, the legislature may direct the state treasurer to make transfers of moneys in the connecting Washington account to the move ahead WA account.

Sec. 713. RCW 46.68.490 and 2023 c 472 s 711 are each amended to read as follows:

(1) The climate active transportation account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following active transportation grant programs: Safe routes to schools, school-based bike program, bicycle and pedestrian grant program, complete streets grants program, and connecting communities grant program, as well as pedestrian and bicycle or other active transportation projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 24 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate active transportation account. This subsection does not apply during the 2023-2025 and 2025-2027 fiscal ((~~biennium~~))biennia.

Sec. 714. RCW 46.68.500 and 2023 c 472 s 712 are each amended to read as follows:

(1) The climate transit programs account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the following transit grant programs: Transit support grant program, tribal transit mobility grants, transit coordination grants, special needs transit grants, bus and bus facility grant program, green transit grants, and transportation demand management grants, as well as transit projects identified in an omnibus transportation appropriations act as move ahead WA projects.

(2) Beginning July 1, 2023, the state treasurer shall annually transfer 56 percent of the revenues accruing annually to the carbon emissions reduction account created in RCW 70A.65.240 to the climate transit programs account. This subsection does not apply during the 2023-2025 and 2025-2027 fiscal ((~~biennium~~))biennia.

Sec. 715. RCW 46.68.510 and 2024 c 310 s 605 are each amended to read as follows:

The move ahead WA account is created in the motor vehicle fund. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as move ahead WA projects or improvements in an omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements. During the 2023-2025 and 2025-2027 fiscal ((~~biennium~~))biennia, the legislature may direct the state treasurer to make transfers of moneys from the move ahead WA account to the motor vehicle fund and the transportation partnership account.

Sec. 716. RCW 47.56.876 and 2023 c 472 s 713 are each amended to read as follows:

(1) A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account must be used to fund legal obligations associated with bonds and loans associated with the construction and operation of state route number 520 under circumstances where the toll revenue collections at the time are not sufficient to fully cover such legal obligations, and then may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation. The legislature may direct the state treasurer to make transfers of moneys in the state route number 520 civil penalties account to the state route number 520 corridor account. During the ((~~2021-2023 and~~)) 2023-2025 and 2025-2027 fiscal biennia, the legislature may direct the state treasurer to transfer moneys in the state route number 520 civil penalties account to the motor vehicle ((~~account [fund]~~))fund.

(2) For purposes of this section, "legal obligations associated with bonds and loans" includes, but is not limited to, debt service and all other activities necessary to comply with financial covenants associated with state route number 520, costs associated with the civil penalties program, and operation and maintenance costs.

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Sec. 717. RCW 47.60.315 and 2023 c 472 s 714 are each amended to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare or except as provided in section 715, chapter 333, Laws of 2021 during the 2021-2023 biennium ((~~and~~)), section 716, chapter 472, Laws of 2023 during the 2023-2025 fiscal biennium, and section 719, chapter . . ., Laws of 2025 (section 719 of this act) during the 2025-2027 fiscal biennium.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under RCW 47.60.290, or September 1, 2009, whichever is later.

(7) The commission shall impose a vessel replacement surcharge of 25 cents on every one-way and round-trip ferry fare sold, including multiride and monthly pass fares. This surcharge must be clearly indicated to ferry passengers and drivers and, if possible, on the fare media itself.

(8) Except as provided in subsection (10) of this section, beginning May 1, 2020, the commission shall impose an additional vessel replacement surcharge in an amount sufficient to fund 25 year debt service on one 144-auto hybrid vessel taking into account funds provided in chapter 417, Laws of 2019 or chapter . . . (SSB 5419), Laws of 2019. The department of transportation shall provide to the commission vessel and debt service cost estimates. Information on vessels constructed or purchased with revenue from the surcharges must be publicly posted including, but not limited to, the commission website.

(9) The vessel replacement surcharges imposed in this section may only be used for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of new ferry vessels.

(10) The commission shall not impose the additional vessel replacement surcharge in subsection (8) of this section if doing so would increase fares by more than 10 percent.

(11) For the 2023-2025 and 2025-2027 fiscal ((~~biennium~~))biennia, any ferry fuel surcharge imposed by the commission may not go into effect until after the ensuing regular legislative session. If a fuel surcharge is imposed as provided under this subsection, the commission must reevaluate the need for the surcharge on at least a quarterly basis to determine if the surcharge is still needed to cover increased fuel costs, and revoke the surcharge if the determination is that the surcharge is no longer needed for this purpose.

Sec. 718. RCW 47.60.322 and 2023 c 472 s 715 are each amended to read as follows:

(1) The capital vessel replacement account is created in the motor vehicle account. All revenues generated from the vessel replacement surcharge under RCW 47.60.315(7) and service fees collected by the department of licensing or county auditor or other agent appointed by the director under RCW 46.17.040, 46.17.050, and 46.17.060 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the construction or purchase of ferry vessels and to pay the principal and interest on bonds authorized for the construction or purchase of ferry vessels. However, expenditures from the account must first be used to support the construction or purchase, including any applicable financing costs, of a ferry vessel with a carrying capacity of at least one hundred forty-four cars.

(2) The state treasurer may transfer moneys from the capital vessel replacement account to the transportation 2003 account (nickel account) for debt service on bonds issued for the construction of 144-car class ferry vessels.

(3) The legislature may transfer from the capital vessel replacement account to the connecting Washington account created under RCW 46.68.395 such amounts as reflect the excess fund balance of the capital vessel replacement account to be used for ferry terminal construction and preservation.

(4) During the ((~~2021-2023 and~~)) 2023-2025 and 2025-2027 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the capital vessel replacement account to the transportation partnership account and the connecting Washington account.

Sec. 719. RCW 47.60.530 and 2023 c 472 s 716 are each amended to read as follows:

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(1) The Puget Sound ferry operations account is created in the motor vehicle account.

(2) The following funds must be deposited into the account:

(a) All moneys directed by law;

(b) All revenues generated from ferry fares; and

(c) All revenues generated from commercial advertising, concessions, parking, and leases as allowed under RCW 47.60.140.

(3) Moneys in the account may be spent only after appropriation.

(4) Expenditures from the account may be used only for the maintenance, administration, and operation of the Washington state ferry system.

(5) During the ((~~2021-2023 and~~)) 2023-2025 and 2025-2027 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the Puget Sound ferry operations account to the Puget Sound capital construction account.

Sec. 720. RCW 47.66.120 and 2024 c 104 s 1 are each amended to read as follows:

(1)(a) The department's public transportation division shall establish a green transportation capital grant program. The purpose of the grant program is to aid any transit authority in funding cost-effective capital projects to reduce the carbon intensity of the Washington transportation system, examples of which include: Electrification of vehicle fleets, including battery and fuel cell electric vehicles; modification or replacement of capital facilities in order to facilitate fleet electrification and/or hydrogen refueling; necessary upgrades to electrical transmission and distribution systems; and construction of charging and fueling stations. The department's public transportation division shall identify projects and shall submit a prioritized list of all projects requesting funding to the legislature by December 1st of each even-numbered year.

(b) The department's public transportation division shall select projects based on a competitive process that considers the following criteria:

(i) The cost-effectiveness of the reductions in carbon emissions provided by the project; and

(ii) The benefit provided to transitioning the entire state to a transportation system with lower carbon intensity.

(c) During the 2023-2025 fiscal biennium, the department must incorporate principles into the grant selection process with the goal of increasing the distribution of funding to communities based on addressing environmental harms and providing environmental benefits for overburdened communities, as defined in RCW 70A.02.010, and vulnerable populations.

(2) The department's public transportation division must establish an advisory committee to assist in identifying projects under subsection (1) of this section. The advisory committee must include representatives from the department of ecology, the department of commerce, the utilities and transportation commission, and at least one transit authority.

(3) In order to receive green transportation capital grant program funding for a project, a transit authority must provide matching funding at the level deemed appropriate by the department.

(4) The department's public transportation division must report annually to the transportation committees of the legislature on the status of any grant projects funded by the program created under this section.

(5) For purposes of this section, "transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county public transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transit authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(6) During the 2021-2023 fiscal biennium, the department may provide up to 20 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects. During the 2023-2025 and 2025-2027 fiscal ((~~biennium~~))biennia, the department may provide up to 10 percent of the total green transportation capital grant program funding for zero emissions capital transition planning projects.

Sec. 721. RCW 46.68.280 and 2019 c 416 s 706 are each amended to read as follows:

(1) The transportation 2003 account (nickel account) is hereby created in the motor vehicle fund. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(2) During the 2015-2017 fiscal biennium, the legislature may transfer from the transportation 2003 account (nickel account) to the connecting Washington account such amounts as reflect the excess fund balance of the transportation 2003 account (nickel account).

(3) During the 2017-2019 and the 2019-2021 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the transportation 2003 account (nickel account) to the

connecting Washington account, the Puget Sound capital construction account, and the Tacoma Narrows toll bridge account.

(4) During the 2025-2027 fiscal biennium, the legislature may direct the state treasurer to make transfers of moneys in the transportation 2003 account (nickel account) to the state patrol highway account.

(5) The "nickel account" means the transportation 2003 account.

Sec. 722. RCW 82.44.200 and 2023 c 472 s 718 are each amended to read as follows:

The electric vehicle account is created in the transportation infrastructure account. Proceeds from the principal and interest payments made on loans from the account must be deposited into the account. Expenditures from the account may be used only for the purposes specified in RCW 47.04.350, 82.08.9999, and 82.12.9999, and the support of other transportation electrification and alternative fuel related purposes, including RCW 47.01.520. Moneys in the account may be spent only after appropriation. During the ((~~2021-2023 and~~)) 2023-2025 and 2025-2027 fiscal biennia, the legislature may direct the state treasurer to make transfers of moneys in the electric vehicle account to the move ahead WA flexible account and multimodal transportation account.

Sec. 723. RCW 82.70.020 and 2024 c 310 s 608 are each amended to read as follows:

(1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before January 1, ((~~2025~~))2027, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed $60 per employee per fiscal year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before January 1, ((~~2024~~))2027, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed $60 per person per fiscal year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by 50 percent, but may not exceed $60 per employee per fiscal year. No refunds may be granted for credits under this section.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

Sec. 724. RCW 82.70.040 and 2024 c 310 s 609 are each amended to read as follows:

(1)(a) The department must keep a running total of all credits allowed under RCW 82.70.020 during each fiscal year. The department may not allow any credits that would cause the total amount allowed to exceed $2,750,000 in any fiscal year.

(b) If the total amount of credit applied for by all applicants in any year exceeds the limit in this subsection, the department must ratably reduce the amount of credit allowed for all applicants so that the limit in this subsection is not exceeded. If a credit is reduced under this subsection, the amount of the reduction may not be carried forward and claimed in subsequent fiscal years.

(2)(a) Tax credits under RCW 82.70.020 may not be claimed in excess of the amount of tax otherwise due under chapter 82.04 or 82.16 RCW.

(b) Through June 30, 2005, a person with taxes equal to or in excess of the credit under RCW 82.70.020, and therefore not subject to the limitation in (a) of this subsection, may elect to defer tax credits for a period of not more than three years after the year in which the credits accrue. For credits approved by the department through June 30, 2015, the approved credit may be carried forward and used for tax reporting periods through December 31, 2016. Credits approved after June 30, 2015, must be used for tax reporting periods within the calendar year for which they are approved by the department and may not be carried forward to subsequent tax reporting periods. Credits carried forward as authorized by this subsection are subject to the limitation in subsection (1)(a) of this section for the fiscal year for which the credits were originally approved.

(3) No person may be approved for tax credits under RCW 82.70.020 in excess of $100,000 in any fiscal year. This limitation does not apply to credits carried forward from prior years under subsection (2)(b) of this section.

(4) No person may claim tax credits after June 30, ((~~2025~~))2027.

(5)(a) During the 2025-2027 fiscal biennium, the director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken under RCW 82.70.020 during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(b) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, shall deposit to the general fund a sum equal to the dollar amount of the credit provided under RCW 82.70.020 from the multimodal transportation account.

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Sec. 725. RCW 82.70.900 and 2024 c 310 s 610 are each amended to read as follows:

This chapter expires July 1, ((~~2025~~))2027.

NEW SECTION. **Sec. 726. FUEL CONVERSION ACTIVITY REPORTING**

(1) The department of transportation shall continue to cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204 of this act for programs, projects, and other activities that receive funding from the carbon emissions reduction account.

(2) The department shall provide information related to emission reductions resulting from fuel conversion activities funded with appropriations from the carbon emissions reduction account to the joint transportation committee in accordance with section 701, chapter . . ., Laws of 2025 (House Bill No. 2043) (concerning transportation resources).

Sec. 727. RCW 47.04.390 and 2023 c 431 s 7 are each amended to read as follows:

(1) The department shall establish a statewide school-based bicycle education grant program. The grant will support two programs: One for elementary and middle school; and one for junior high and high school aged youth to develop the skills and street safety knowledge to be more confident bicyclists for transportation and/or recreation. In development of the grant program, the department is encouraged to consult with the environmental justice council and the office of equity.

(2)(a) For the elementary and middle school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint and demonstrable experience deploying bicycling and road safety education curriculum via a train the trainer model in schools. The selected nonprofit shall identify partner schools that serve target populations, based on the criteria in subsection (3) of this section. Partner schools shall receive from the nonprofit: In-school bike and pedestrian safety education curriculum, materials, equipment guidance and consultation, and physical education teacher trainings. Youth grades three through eight are eligible for the program.

(b) Selected school districts shall receive and maintain a fleet of bicycles for the youth in the program. Youth and families participating in the school-base bicycle education grant program shall have an opportunity to receive a bike, lock, helmet, and lights free of cost.

(3) For the junior high and high school program, the department shall contract with a nonprofit organization with relevant reach and experience, including a statewide footprint; demonstrable experience developing and managing youth-based programming serving youth of color in an after-school and/or community setting; and deploying bicycling and road safety education curriculum via a train the trainer model. The selected nonprofit shall use the equity-based criteria in subsection (4) of this section to identify target populations and partner organizations including, but not limited to, schools, community-based organizations, housing authorities, and parks and recreation departments, that work with the eligible populations of youth ages 14 to 18. Partner organizations shall receive from the nonprofit: Education curriculum, materials, equipment including, but not limited to, bicycles, helmets, locks, and lights, guidance and consultation, and initial instructor/volunteer training, as well as ongoing support.

(4) In selecting schools and partner organizations for the school-based bicycle education grant program, the department and nonprofit must consider, at a minimum, the following criteria:

(a) Population impacted by poverty, as measured by free and reduced lunch population or 200 percent federal poverty level;

(b) People of color;

(c) People of Hispanic heritage;

(d) People with disabilities;

(e) Environmental health disparities, such as those indicated by the diesel pollution burden portion of the Washington environmental health disparities map developed by the department of health, or other similar indicators;

(f) Location on or adjacent to an Indian reservation;

(g) Geographic location throughout the state;

(h) Crash experience involving pedestrians and bicyclists;

(i) Access to a community facility or commercial center; and

(j) Identified need in the state active transportation plan or a regional, county, or community plan.

(5) The department shall submit a report for both programs to the transportation committees of the legislature by December 1, 2022, and each December 1st thereafter identifying the selected programs and school districts for funding by the legislature. The report must also include the status of previously funded programs.

(6) For the purposes of the program in the 2025-2027 fiscal biennium:

(a) The program for elementary and middle school is for youth in grades three through eight.

(b) The program for junior high and high school is for youth in grades six through 12.

(c) The opportunity to receive a bike, lock, helmet, and lights free of cost must be limited to youth participants in both programs.

(d) For the purposes of the program for youth in grades three through eight, the contracted nonprofit may identify partner organizations, in addition to partner schools, that serve target populations based on the criteria in subsection (4) of this section, and provide the partner organizations with the same curricula, materials, guidance, consultation, and trainings that are provided to the partner schools.

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(End of part)

2023-2025 FISCAL BIENNIUM

GENERAL GOVERNMENT AGENCIES—OPERATING

Sec. 801. 2024 c 310 s 103 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMERCE
Carbon Emissions Reduction Account—State Appropriation. . . . . ((~~$5,000,000~~)) $80,000
Electric Vehicle Account—State Appropriation $220,000
TOTAL APPROPRIATION. . . . . ((~~$5,220,000~~)) $300,000

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

(1) $220,000 of the electric vehicle account—state appropriation is provided solely to the department to commission an independent study, based on the findings of the transportation electrification strategy authorized under RCW 43.392.040, of costs of installation, maintenance, and operation of electrical distribution infrastructure on the utility's side of the meter to commercial customers installing electric vehicle supply equipment. The department shall gather data from at least five electric utilities serving retail customers in the state for purposes of completing the study. The department shall submit a report of study findings and an explanation of how those findings will support implementation of the transportation electrification strategy authorized under RCW 43.392.040 to the governor and appropriate legislative committees by November 1, 2024.

(2) Beginning January 1, 2025, ((~~$5,000,000~~))$80,000 of the carbon emissions reduction account—state appropriation is provided solely for a tribal electric boat grant program. Federally recognized tribes, tribal enterprises, and tribal members are eligible to apply for grant funds for the purchase of or conversion to electric motors and engines for fishing vessels.

Sec. 802. 2024 c 310 s 105 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
Motor Vehicle Account—State Appropriation. $1,000,000
Multimodal Transportation Account—State Appropriation. . . . . ((~~$5,000,000~~)) $2,700,000
TOTAL APPROPRIATION. . . . . ((~~$6,000,000~~)) $3,700,000

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

(1) ((~~$5,000,000~~))$2,700,000 of the multimodal transportation account—state appropriation is provided solely for the University of Washington's sidewalk inventory and accessibility mapping project to develop a public dataset under an open license and develop the tools needed to publish that data according to an open data specification. The project must include, but is not limited to, utilization of existing data sources, imagery, detailed surveys, and manually collected, detailed data for city streets, county rural and urban local access roads and collectors/arterials, state roads of all types, and roads owned by other entities. The project may draw on partially developed sidewalk data for all state facilities. To the extent practicable, the final product must be suitable for use by the department of transportation, local and regional agencies, tribal governments, and the general public. For the 2023-2025 fiscal biennium, the project will produce a base active transportation data layer for all counties, with priority given to counties with high proportions of overburdened communities. A project status report is due to the transportation committees of the legislature on December 1st of each year until the work is completed. The legislature intends that in the 2025-2027 fiscal biennium, $5,000,000 of multimodal transportation account funds be provided to complete a second phase of work on the active transportation data.

(2)(a) $1,000,000 of the motor vehicle account—state appropriation is provided solely for the Washington state transportation center to fund:

(i) Intern programs with the department of transportation;

(ii) A road scholars short-term training program; and

(iii) Professional master's degree fellowships between the department of transportation and the University of Washington within a program in civil and environmental engineering.

(b) Of the amounts provided in this subsection, $81,000 is provided solely for the center to consult with the board of registration for professional engineers and land surveyors to conduct a statewide survey and analysis assessing workforce shortages of civil engineers, civil engineering technicians, land surveyors, land surveyor technicians, and related disciplines. The center shall create a recommended action plan, with input from the legislative transportation committees, to address engineering workforce shortages and to meet the increased demand for services. The analysis and recommended action plan must include, for civil engineers, civil engineering technicians, land surveyors, land surveyor technicians, and related disciplines, at a minimum:

(i) Opportunities to create diverse and equitable engineering workforce;

(ii) Workforce data and gaps;

(iii) Current education pathways and licensure processes;

(iv) Current programs focused on workforce development and position skill-up opportunities;

(v) Strategies to retain workforce within the state;

(vi) Outreach opportunities and interinstitutional partnerships with middle schools, high schools, postsecondary institutions, and postgraduate programs; and

(vii) Recommendations for additional scholarships, internship and apprenticeship

opportunities, undergraduate and graduate fellowship opportunities, and industry partnership opportunities.

(c) The center shall provide a preliminary plan with proposed actions, budgets, and outcomes to the transportation committees of the legislature by November 2024. The center shall provide a final action plan report with relevant recommendations to the transportation committees of the legislature by December 31, 2024.

Sec. 803. 2024 c 310 s 106 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ENTERPRISE SERVICES
Carbon Emissions Reduction Account—State Appropriation. . . . . ((~~$18,000,000~~)) $6,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) $6,000,000 of the carbon emissions reduction account—state appropriation((~~, and beginning January 1, 2025, $12,000,000 of the carbon emissions reduction account—state appropriation, are~~))is provided solely for zero emission electric vehicle supply equipment infrastructure at facilities to accommodate charging station installations. The electric vehicle charging equipment must be coordinated with the state efficiency and environmental performance program. The department must prioritize locations based on state efficiency and environmental performance location priorities and where zero emission fleet vehicles are located or are scheduled to be purchased.

(b) The department must report when and where the equipment was installed and the state agencies and facilities that benefit from the installation of the charging station to the fiscal committees of the legislature by June 30, 2025, with an interim report due January 2, 2024. The department shall collaborate with the interagency electric vehicle coordinating council to implement this section and must work to meet benchmarks established in chapter 182, Laws of 2022 (transportation resources).

(2) In carrying out this section, the department shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204, chapter 472, Laws of 2023 for programs that receive funding from the carbon emissions reduction account.

(3) The department, with the assistance of designated staff in the Washington state department of transportation, must register for the clean fuels credit program and start tracking revenue generation pursuant to chapter 70A.535 RCW for investments funded in an omnibus transportation appropriations act.

(4) The department must provide a report to the transportation committees of the legislature that estimates current biennial and future carbon reduction impacts resulting from zero-emission electric vehicles and supply equipment infrastructure funded in this section by June 30, 2025.

Sec. 804. 2024 c 310 s 108 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Model Toxics Control Capital Account—State Appropriation. . . . . ((~~$15,715,000~~)) $4,000,000
((~~Carbon Emissions Reduction Account—State Appropriation. . . . . $4,000,000~~
~~TOTAL APPROPRIATION. . . $19,715,000~~))

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

(1) ((~~$15,715,000~~))$4,000,000 of the model toxics control capital account—state appropriation((~~, and beginning January 1, 2025, $4,000,000 of the carbon emissions reduction account—state appropriation, are~~))is provided solely for the department to provide grants to transition from diesel school buses and other student transport vehicles to zero emission vehicles and for the necessary fueling infrastructure needed for zero emission student transportation. The department must prioritize school districts serving tribes and vulnerable populations in overburdened communities as defined under RCW 70A.02.010. Up to five percent of the appropriation in this section may be used for technical assistance and grant administration.

(2) In carrying out this section, the department shall cooperate and provide assistance, as requested, in the joint transportation committee's development of program delivery evaluation tools and methodologies provided under section 204, chapter 472, Laws of 2023 for programs that receive funding from the carbon emissions reduction account.

Sec. 805. 2024 c 310 s 110 (uncodified) is amended to read as follows:
FOR THE EVERGREEN STATE COLLEGE
Aeronautics Account—State Appropriation. ((~~$188,000~~)) $94,000

The appropriation in this section is subject to the following conditions and limitations: ((~~$188,000 of~~)) the entire aeronautics account—state appropriation is provided solely for the Washington state institute for public policy to:

(1) Conduct an independent assessment of the passenger and air cargo forecasts cited in the Puget Sound regional council regional aviation baseline study, including an evaluation of the underlying data, assumptions, methodologies, and calculation of the level of uncertainty around the forecast;

(2) Conduct a comprehensive literature review to identify effective national and international strategies to reduce demand for air travel, including diverting such demand to other modes and whether such diversion avoids net environmental impacts to overburdened communities and vulnerable populations;

(3) Conduct a review of existing operational and technological enhancements

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to address environmental impacts from commercial aviation activities, including, but not limited to, climate friendly routing of aircraft, innovations intended to address the climate change effects of noncarbon dioxide emissions from aviation activities, simulation models applied to congested airports, and online tools to track, analyze, and improve carbon footprints related to aviation activities. The review should identify the feasibility of enhancements to be deployed in the state of Washington; and

(4) Provide a report to the office of the governor and the transportation committees of the legislature by December 31, 2025.

(End of part)

TRANSPORTATION AGENCIES—OPERATING

Sec. 901. 2024 c 310 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation. $7,842,000

Highway Safety Account—Federal Appropriation . . . . . ((~~$35,745,000~~)) $39,745,000

Highway Safety Account—Private/Local Appropriation. $60,000

Cooper Jones Active Transportation Safety Account—

State Appropriation. $836,000

School Zone Safety Account—State Appropriation. $850,000

TOTAL APPROPRIATION. . . . . ((~~$45,333,000~~)) $49,333,000

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

(1) Within existing resources, the commission must examine national safety reports and recommendations on alcohol and drug impaired driving and report to the transportation committees of the legislature, by December 15, 2023, any recommendations for legislative or policy changes to improve traffic safety in Washington state.

(2)(a) $235,500 of the Cooper Jones active transportation safety account—state appropriation is provided solely for the commission to conduct research pertaining to the issue of street lighting and safety, including a public input component and learning from counties, cities, the state, and other impacted entities. Research may include the following:

(i) Interviewing additional local and regional roads departments, water-sewer districts, and other utility services to gather a holistic data set or further input on which authority assumes primary responsibility for street illumination in various underserved areas throughout the state;

(ii) Systematically soliciting information from communities with poor street illumination and lighting to gather input as to whether this is an issue the community would like to see improved;

(iii) Conferring with regional and state-level police, fire, and emergency medical services to assess and document potential delays in emergency response times due to poor street illumination;

(iv) Further assessing the impact of using LED lights in roadway and pedestrian scale lighting in reducing carbon emissions and light pollution throughout the United States; and

(v) Subject to more in-depth findings, convening a meeting with appropriate state, regional, and local stakeholders and community partners.

(b) The commission must report research results and provide any recommendations for legislative or policy action to the transportation committees of the legislature by January 1, 2025.

(3) Within existing resources, the commission, through the Cooper Jones active transportation safety council, must prioritize the review of pedestrian, bicyclist, or nonmotorist fatality and serious injury review when the victim is a member of a federally recognized tribe. Consistent with RCW 43.59.156(5), the commission may recommend any policy or legislative changes to improve traffic safety for tribes through such review.

(4) Within existing resources, the commission must review and report to the transportation committees of the legislature, by December 15, 2023, on strategies and technologies used in other states to prevent and respond to wrong-way driving crashes.

(5)(a) The Washington traffic safety commission shall coordinate with each city that implements a pilot program as authorized in RCW 46.63.170(6) to provide the transportation committees of the legislature with the following information by June 30, 2025:

(i) The number of warnings and infractions issued to first-time violators under the pilot program;

(ii) The number of warnings and infractions issued to the registered owners of vehicles that are not registered with an address located in the city conducting the pilot program; and

(iii) The frequency with which warnings and infractions are issued on weekdays versus weekend days.

(b) If chapter 307, Laws of 2024 is enacted by June 30, 2024, the requirement in this subsection lapses.

(6) $50,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 471, Laws of 2023 (negligent driving). If chapter 471, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(7) The Washington traffic safety commission may oversee a pilot program in up to three cities implementing the use of automated vehicle noise enforcement cameras in zones that have been designated by ordinance as "Stay Out of Areas of Racing."

(a) Any programs authorized by the commission must be authorized by December 31, 2024.

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(b) If a city has established an authorized automated vehicle noise enforcement camera pilot program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based upon the value of the equipment and services provided or rendered in support of the system.

(c) Any city administering a pilot program overseen by the traffic safety commission shall use the following guidelines to administer the program:

(i) Automated vehicle noise enforcement camera may record photographs or audio of the vehicle and vehicle license plate only while a violation is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The law enforcement agency of the city or county government shall install two signs facing opposite directions within 200 feet, or otherwise consistent with the uniform manual on traffic control devices, where the automated vehicle noise enforcement camera is used that state "Street Racing Noise Pilot Program in Progress";

(iii) Cities testing the use of automated vehicle noise enforcement cameras must post information on the city website and notify local media outlets indicating the zones in which the automated vehicle noise enforcement cameras will be used;

(iv) A city may only issue a warning notice with no penalty for a violation detected by automated vehicle noise enforcement cameras in a Stay Out of Areas of Racing zone. Warning notices must be mailed to the registered owner of a vehicle within 14 days of the detected violation;

(v) A violation detected through the use of automated vehicle noise enforcement cameras is not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vi) Notwithstanding any other provision of law, all photographs, videos, microphotographs, audio recordings, or electronic images prepared under this subsection (7) are for the exclusive use of law enforcement 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. No photograph, microphotograph, audio recording, or electronic image may be used for any purpose other than the issuance of warnings for violations under this section or retained longer than necessary to issue a warning notice as required under this subsection (7); and

(vii) By June 30, 2025, the participating cities shall provide a report to the commission and appropriate committees of the legislature regarding the use, public acceptance, outcomes, warnings issued, data retention and use, and other relevant issues regarding automated vehicle noise enforcement cameras demonstrated by the pilot projects.

(8) $200,000 of the Cooper Jones active transportation safety account—state appropriation is provided solely for the commission, in consultation with the Cooper Jones active transportation safety council, to research and develop a pilot program for the use of light meters by law enforcement to measure lighting levels at locations where a serious injury or fatality involving a vehicle has occurred. However, the funds must be held in unallotted status until the commission submits a spending plan for the pilot program to the transportation committees of the legislature and the office of the governor.

(9) $300,000 of the highway safety account—state appropriation is provided solely for the commission to purchase telematics data from a qualified vendor that provides anonymized information on vehicle speeds and driver behaviors, such as hard braking, on a statewide basis and in selected geographical areas based upon demographic characteristics and crash history. The commission must provide an annual report summarizing findings from the telematics data to the transportation committees of the legislature beginning by June 30, 2025, and until June 30, 2027.

(10) $750,000 of the highway safety account—state appropriation is provided solely for a pilot program for dedicated probation or compliance officers at the local level to improve compliance with ignition interlock device installation requirements associated with impaired driving offenses. The commission must select locations based on an assessment of ignition interlock device compliance rates, and the willingness and ability to have staff dedicated to this activity. By June 30, 2025, the commission must provide to the transportation committees of the legislature a status report on the specific locations selected and any outcome information.

(11) $1,000,000 of the highway safety account—state appropriation is provided solely to implement a multifaceted approach to supplement existing funding targeted at impaired driving and other enforcement. The areas of emphasis expected to be funded include additional high visibility enforcement and indigenous knowledge-informed tribal traffic safety support. Funding is also provided for the commission to administer and provide oversight of these activities. The commission must provide a preliminary report to the transportation committees of the legislature on these funded activities and any outcome information by December 1, 2025, with a final report due by December 1, 2026.

Sec. 902. 2024 c 310 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation. $1,615,000

Motor Vehicle Account—State Appropriation. ((~~$3,524,000~~))
$3,553,000

County Arterial Preservation Account—State Appropriation. $1,839,000

TOTAL APPROPRIATION. . . . . ((~~$6,978,000~~))
$7,007,000

The appropriations in this section are subject to the following conditions and limitations: Within appropriated funds, the county road administration board may opt in

as provided under RCW 70A.02.030 to assume all of the substantive and procedural requirements of covered agencies under chapter 70A.02 RCW. The board shall include in its 2023 and 2024 annual reports to the legislature a progress report on opting into the healthy environment for all act and a status report on diversity, equity, and inclusion within the board's jurisdiction.

Sec. 903. 2024 c 310 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Carbon Emissions Reduction Account—State Appropriation. . . . . ((~~$3,477,000~~)) $1,207,000

Multimodal Transportation Account—State Appropriation. . . . . ((~~$552,000~~)) $480,000

Motor Vehicle Account—State Appropriation. ((~~$5,100,000~~)) $4,703,000

((~~Puget Sound Ferry Operations Account—State Appropriation. . . . . $100,000~~))

TOTAL APPROPRIATION. . . . . ((~~$9,229,000~~)) $6,390,000

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

(1)(a) $300,000 of the motor vehicle account—state appropriation is for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to convene a study of a statewide retail delivery fee on orders of taxable retail items delivered by motor vehicles within the state. The study must:

(i) Determine the annual revenue generation potential of a range of fee amounts;

(ii) Examine options for revenue distributions to state and local governments based upon total deliveries, lane miles, or other factors;

(iii) Estimate total implementation costs, including start-up and ongoing administrative costs; and

(iv) Evaluate the potential impacts to consumers, including consideration of low-income households and vulnerable populations and potential impacts to businesses.

(b) The study should document and evaluate similar programs adopted in other states. The joint transportation committee must submit a report on the study to the transportation committees of the legislature by June 30, 2024.

(2)(a) $400,000 of the motor vehicle account—state appropriation is for the joint transportation committee, in collaboration with the department of transportation, to convene a work group to study and recommend a new statutory framework for the department's public-private partnership program. The committee may contract with a third-party consultant for work group support and drafting the new statutory framework.

(b)(i) The work group must consist of, but is not limited to, the following members:

(A) The secretary of transportation or their designee;

(B) Joint transportation committee executive committee members or their designees;

(C) The state treasurer or the state treasurer's designee;

(D) A representative of a national nonprofit organization specializing in public-private partnership program development;

(E) A representative of the construction trades; and

(F) A representative from an organization representing general contractors.

(ii) The work group must also consult with the Washington state transportation commission and the department of commerce.

(c)(i) The work group must review the 2012 joint transportation committee's "Evaluation of Public-Private Partnerships" study, consisting of an evaluation of the recommendations for replacing chapter 47.29 RCW and development of a process for implementing public-private partnerships that serve the defined public interest, including, but not limited to:

(A) Protecting the state's ability to retain public ownership of assets constructed or managed under a public-private partnership contract;

(B) Allowing for the most transparency during the negotiation of terms of a public-private partnership agreement; and

(C) Addressing the state's ability to oversee the private entity's management of the asset.

(ii)(A) The work group must identify any barriers to the implementation of funding models that best protect the public interest, including statutory and constitutional barriers.

(B) The work group may also evaluate public-private partnership opportunities for required fish passage and culvert work on state highways, for the construction of, replacement of, or commercial retail options within Washington state ferries' terminals, and for other projects as determined by the work group.

(iii) The work group must update the 2012 recommendations and devise an implementation plan for the state.

(d) The work group must submit a preliminary report, including any recommendations or draft legislation, to the office of the governor and the transportation committees of the legislature by December 15, 2023. The work group must submit a final report with draft legislation to the office of the governor and the transportation committees of the legislature by July 1, 2024.

(3) $300,000 of the motor vehicle account—state appropriation is for the joint transportation committee, from amounts set aside out of statewide fuel taxes distributed to cities according to RCW 46.68.110(2), to contract with the municipal research and services center to convene a department of transportation-local government partnership work group to create a procedure in which the department of transportation can partner with a local jurisdiction to perform preservation and maintenance and construct projects on state highways.

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(a) The work group must consist of, but is not limited to, the following members:

(i) One representative from a city with a population of more than 5,000 and fewer than 50,000;

(ii) One representative from a city with a population of more than 50,000;

(iii) One representative from a county with a population of more than 100,000 and fewer than 400,000;

(iv) One representative from a county with a population of more than 400,000;

(v) At least one representative of a public port;

(vi) A representative from the county road administration board;

(vii) A representative of the transportation improvement board;

(viii) At least one representative from the department of transportation's local programs division;

(ix) At least two representatives from the department of transportation with expertise in procurement and legal services; and

(x) At least one member from the house of representatives transportation committee and at least one member from the senate transportation committee.

(b) Of the members described in (a) of this subsection, at least one of the city representatives and one of the county representatives must have public works contracting experience, and at least one of the city representatives and one of the county representatives must have public works project management experience.

(c) The work group must make recommendations of how the department of transportation could better work in partnership with local jurisdictions to ensure that roadway construction projects can be performed when funds are made available in the omnibus transportation appropriations act even if the department of transportation does not have the capacity to be the project manager on a project and a local jurisdiction is ready, willing, and able to implement the project within the time frames envisioned in the omnibus transportation appropriations act. In developing its recommendations, the work group must consider, at a minimum:

(i) Differing roadway and construction standards between state and local agencies;

(ii) Revenue, reimbursement, and financial agreements between state and local agencies;

(iii) Differing procurement processes between state and local agencies;

(iv) Liability; and

(v) Other issues as determined by the work group.

(d) The work group must submit a preliminary report, including any recommendations, to the office of the governor and the transportation committees of the legislature by December 15, 2023. The work group must submit a final report to the office of the governor and the transportation committees of the legislature by July 1, 2024.

(4)(a) ((~~$2,000,000~~))$404,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to oversee:

(i) The design of an infrastructure and incentive strategy to drive the purchase and use of zero emission medium and heavy duty vehicles, as well as cargo handling and off-road equipment, in the state including, but not limited to, programs for tractor trucks, box trucks, drayage trucks, refuse trucks, step and panel vans, heavy and medium-duty buses, school buses, on and off-road terminal tractors, transport refrigeration units, forklifts, container handling equipment, airport cargo loaders, and railcar movers; and

(ii) A review of the passenger vehicle tax incentive in current law and evaluation of its utility, to include possible modification of the criteria for eligibility and tax incentive amount maximums, as applicable.

(b) Design development must include recommendations for encouraging vehicle conversions for smaller commercial vehicle fleets and owner-operators of commercial vehicles, as well as tools for facilitating carbon emission reductions to benefit vulnerable populations and overburdened communities. Infrastructure and incentive programs recommended may include, but are not limited to, grant, rebate, tax incentive, and financing assistance programs.

(c) Consultation with legislative members identified by the chair and ranking members of the transportation committees of the legislature throughout design of the infrastructure and incentive strategy is required. A report is due to the transportation committees of the legislature by January 2, 2024.

(5) ((~~$125,000~~))$53,000 of the motor vehicle account—state appropriation and ((~~$125,000~~))$53,000 of the multimodal transportation account—state appropriation are for the joint transportation committee to evaluate potential options and make recommendations for a statewide household travel survey and additional analytical capacity regarding transportation research.

(a) The recommendation on the statewide household travel survey must be based on how well a statewide survey investment would: Address policy questions related to household travel; address gaps between separate regional and local transportation models; and create a dataset to allow both for analysis and response to policymakers' questions relating to household travel and for transportation modeling and development. In evaluating potential survey options, the committee shall consider opportunities for the state to partner and expand on developed established household travel surveys, including surveys conducted at both the Puget Sound regional council and the federal highway administration. In its recommendation, the committee shall outline the process required for a statewide survey, including the costs and timing of each option.

(b) The committee shall recommend an agency or agencies to perform ongoing analysis of a statewide household travel survey and other transportation research.

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The committee shall consider the ability of an agency or agencies to meet shorter timeline policy needs, as well as longer timeline research projects. The recommendation must include the timing and costs associated with the development of such analytical capacity.

(6) ((~~$1,000,000~~))$600,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to oversee the development of tools and methodologies to assist in program delivery evaluation for programs that receive appropriations from the carbon emissions reduction account. Program delivery evaluation must include carbon emissions reduction estimates by program and by unit of time, program cost per unit of emission reduction, quantified benefits to vulnerable populations and overburdened communities by program cost, any additional appropriate qualitative and quantitative metrics, and actionable recommendations for improvements in program delivery. A report is due to the transportation committees of the legislature by October 1, 2024.

(7) ((~~$500,000~~))$175,000 of the motor vehicle account—state appropriation is for the joint transportation committee to engage an independent review team to work in coordination with the Washington state department of transportation's analysis, funded in section 217(10), chapter 472, Laws of 2023, of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake river dams to highways, other roads, and rail.

(a) The department shall include the independent review team in all phases of the analysis to enable the team to develop an independent assessment of the analysis, assumptions, stakeholder engagement, and cost and impact estimates. Summary findings from the independent assessment must be provided to the department, the governor's office, and the transportation committees of the legislature on a quarterly basis, with an end of biennium report due to the governor and the transportation committees of the legislature by June 30, 2025. The end of biennium report must include a detailed summary of stakeholder views expressed during the independent review process and an analysis of how these views can be addressed in the overall findings of the analysis.

(b) The independent review team must conduct an independent stakeholder engagement effort. The river transportation work group must be formed to provide data and guidance to the independent review team for the independent stakeholder engagement effort. The river transportation work group must be made up of stakeholders, including farming and agricultural production, fishing industry, tug and barge operators, shippers and receivers, public ports, railroad operators, cruise lines, the federal highway administration, and the army corps of engineers. Consultations with federally recognized tribes must also occur in coordination with the Washington state department of transportation.

(c) The independent review team shall make regular presentations to the joint transportation committee and, by request, to the transportation committees of the legislature.

(8) The joint transportation committee shall also convene a work group that includes, but is not limited to, the executive committee of the joint transportation committee, the office of financial management, the Washington state department of transportation, and the Washington state treasurer's office to develop recommendations, by October 15, 2023, to meet the challenge of identifying an achievable delivery schedule for completing transportation projects across the state.

(9)(a) $450,000 of the motor vehicle account—state appropriation is for the joint transportation committee to conduct a study and make recommendations on alternative project delivery methods that may be used by the Washington state department of transportation in public works contracting. The study must review use of design-build, design-bid-build, progressive design build, general contractor/construction manager, public-private partnerships, and other contracting methods, and how choice of project delivery method impacts cost, contract competition, and project delivery schedule.

(b) The study must also evaluate other innovative project delivery practices utilized around the country and Washington state-specific possibilities such as: (i) Increased use of the advanced environmental mitigation revolving account and advance right-of-way revolving fund as cost containment strategies; and (ii) benefits and costs associated with the bundling of bridge, culvert, or other groups of projects into single procurement packages.

(c) The study must specifically examine contracting methods, alternative bundling concepts, and other options to manage costs as the Washington state department of transportation continues to make progress on meeting the requirements of the federal *U.S. v. Washington* court injunction.

(d) The study must include recommendations on any changes to current practices and statutory requirements.

(e) In developing project delivery method recommendations, the joint transportation committee must engage with industry stakeholders including, but not limited to, engineering, contracting, environmental, and women and minority-owned business communities.

(f) A preliminary report is due to the office of the governor and the transportation committees of the legislature by December 15, 2024. A final report is due to the office of the governor and the transportation committees of the legislature by June 30, 2025.

(10)(a) $375,000 of the motor vehicle account—state appropriation is for the joint transportation committee to contract with the municipal research and services center to convene a project delivery streamlining work group to review streamlining options

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and recommend practices that support expedited project delivery.

(b) The work group must consist of, but is not limited to, the following members:

(i) One representative from a city with a population of more than 5,000 and fewer than 50,000;

(ii) One representative from a city with a population of more than 50,000;

(iii) One representative from a county with a population of more than 100,000 and fewer than 400,000;

(iv) One representative from a county with a population of more than 400,000;

(v) At least one representative of a transit agency serving a rural county;

(vi) At least one representative of a transit agency serving an urban county;

(vii) At least one representative of a regional transit authority;

(viii) At least one representative of a public port;

(ix) A representative from the county road administration board;

(x) A representative of the transportation improvement board;

(xi) A representative of the freight mobility strategic investment board;

(xii) At least one representative from the department of transportation's local programs division with experience in federal funding oversight; and

(xiii) At least two representatives from the department of transportation with expertise in procurement and the multiagency permit program.

(c) Of the members described in (b) of this subsection, at least one of the city representatives and one of the county representatives must have public works contracting experience, and at least one of the city representatives and one of the county representatives must have public works project management experience.

(d) The work group must review options for project streamlining to expedite project delivery that include, but are not limited to: Preapplication communication; partnership agreements; contracting processes; fund sources; mitigation; land use; rights-of-way; permitting; and shared technology; and must identify opportunities for pilot projects to test some of these recommendations.

(e) The work group must submit a preliminary report to the office of the governor and the transportation committees of the legislature by December 15, 2024. The work group must submit a final report to the office of the governor and the transportation committees of the legislature by June 30, 2025.

(11) ((~~$100,000 of the Puget Sound ferry operations account—state appropriation is for the joint transportation committee to convene a work group in advance of the 75th anniversary of the Washington state ferries on June 1, 2026, to review Washington state ferry funding requirements and options to increase dedicated funding sources for the ferry system. The executive committee of the joint transportation committee may appoint relevant stakeholders as part of the work group. A preliminary report must be submitted to the governor and transportation committees of the legislature by December 15, 2024, and the legislature intends that a final report will be submitted to the governor and transportation committees of the legislature by June 1, 2026.~~

~~(12)~~)) Beginning January 1, 2025, ((~~$477,000~~))$203,000 of the carbon emissions reduction account—state appropriation is for the joint transportation committee to conduct a study of the impacts of implementing California's emissions standards for ocean-going vessels at berth in Titles 13 and 17 of the California Code of Regulations in Washington. The study must include estimates of greenhouse gas emissions reductions, criteria air pollutant reductions, potential labor impacts, potential impacts on shipping costs and port competitiveness, and shore power infrastructure needs and costs. The joint transportation committee must, at a minimum, coordinate with the department of ecology, department of transportation, representatives from Washington ports, shippers, utilities, and the trucking industry, impacted labor unions, and environmental organizations. The joint transportation committee must report to the transportation committees of the legislature by June 30, 2025.

((~~(13)~~))(12)(a) $250,000 of the multimodal transportation account—state appropriation is for the joint transportation committee to contract with a national expert on developing inclusive, mixed-income, mixed-use transit-oriented housing to complete a review of transit-oriented development conditions in cities in King, Pierce, Spokane, Clark, and Snohomish counties that (i) have populations of more than 12,500; and (ii) have at least one major transit stop, as defined in RCW 36.70A.030. The contracted party must have demonstrated expertise in understanding the impact of housing development on racially diverse communities, as well as expertise in, and existing peer-reviewed research on, developing housing near transit that is inclusive of low-income, workforce, and market rate housing.

(b) The review must look at any comprehensive plans, housing-focused local tax and fee programs, and development regulations required to be adopted on or before December 31, 2024. The review must include examples of local and national best practices for developing affordable housing and workforce housing near transit, and allow for comparison on a city-by-city basis. The review must also include a report with recommendations for state-level policy to expand housing and mixed-use transit-oriented development in Washington state, in a manner that minimizes displacement of existing communities and ensures housing near transit remains affordable to low-income Washingtonians. The contracted party shall provide its review to the appropriate committees of the legislature by June 30, 2025.

Sec. 904. 2024 c 310 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

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Motor Vehicle Account—State Appropriation. $3,289,000
Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation. $150,000
Multimodal Transportation Account—State
Appropriation. . . . . ((~~$200,000~~)) $200,000
State Route Number 520 Corridor Account—State
Appropriation. $288,000
Tacoma Narrows Toll Bridge Account—State
Appropriation. $179,000
Alaskan Way Viaduct Replacement Project Account—
State Appropriation. $167,000
TOTAL APPROPRIATION. . . . . ((~~$4,273,000~~)) $4,273,000

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

(1) $125,000 of the multimodal transportation account—state appropriation and $125,000 of the motor vehicle account—state appropriation are provided solely for the commission to update the statewide transportation plan required under RCW 47.01.071(4). The update process must be informed by guidance from a steering committee comprised of the commission, the joint transportation committee's executive committee, the governor's office, the secretary of the department of transportation, and representatives of metropolitan and regional transportation planning organizations. As part of the update process, the commission shall undertake specific actions in the following order:

(a) Conduct stakeholder outreach, gathering input, and framing the outreach around the current plan's policy construct and high level priorities, the 2022 transportation revenue package, and recently enacted significant policy legislation;

(b) Report outreach findings and results to the joint transportation committee for review and input;

(c) Restructure the plan to (i) primarily focus on high level policy priorities within the six transportation policy goals under RCW 47.04.280 and (ii) align policies, strategies, and objectives with the interests of stakeholders and legislators;

(d) Gather further input from stakeholders and the joint transportation committee on the restructured plan's format and content; and

(e) Finalize the updated plan, based upon input from stakeholders and the joint transportation committee.

(2) The legislature finds that the current balance of and projected revenues into the Alaskan Way viaduct replacement project account are sufficient to meet financial obligations during fiscal years 2024 and 2025.

(3) Within the parameters established under RCW 47.56.880, the commission shall review toll revenue performance on the Interstate 405 and state route number 167 corridor and adjust Interstate 405 tolls as appropriate to increase toll revenue to provide sufficient funds for payments of future debt pursuant to RCW 47.10.896 and to support improvements to the corridor. The commission shall consider adjusting maximum toll rates, minimum toll rates, and time-of-day rates, and restricting direct access ramps to transit and HOV vehicles only, or any combination thereof, in setting tolls to increase toll revenue. The commission is encouraged to make any adjustments to toll rates in coordination with the planned expansion of express toll lanes between the cities of Renton and Bellevue.

(4) $500,000 of the motor vehicle account—state appropriation is provided solely for the commission to conduct a route jurisdiction study aimed at assessing the current state highway inventory and local roadway designations to determine if changes are needed in jurisdictional assignment between the state, county, and city road systems. The study must also review current criteria used to define the state highway system to determine if such criteria continue to be applicable. The commission shall submit a report of study findings and recommendations to the transportation committees of the legislature by July 1, 2025.

(5) The commission may coordinate with the department of transportation to jointly seek federal funds available through the federal strategic innovations in revenue collection grant program, applying toll credits for meeting match requirements. The commission must provide draft applications for federal grant opportunities to the chairs and ranking members of the transportation committees of the legislature for review and comment prior to submission.

(6) The transportation commission shall conduct an assessment aimed at identifying approaches to streamlining the current rule-making process for setting toll rates and policies for eligible toll facilities, while maintaining public access and providing opportunities to provide input on proposals. The intent of the assessment is to identify rule-making approaches that support the state's ability to set toll rates and policies in a timely and efficient manner, so that the state can meet anticipated funding obligations. This assessment should include a review of rate-setting processes used by toll authorities in other states. The transportation commission shall provide recommendations to the transportation committees of the legislature by July 31, 2024.

(7) The commission shall provide regular updates on the status of ongoing coordination with the state of Oregon on any bistate agreements regarding the mutual or joint setting, adjustment, and review of toll rates and exemptions. Prior to finalizing any such agreement, the commission shall provide a draft of the agreement to the transportation committees of the legislature for review and input. Additionally, the commission shall advise on the status of any bistate agreements to the joint transportation committee beginning in September 2023 and quarterly thereafter until any agreements are finalized.

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(8) $200,000 of the motor vehicle account—state appropriation is provided solely for the commission to carry out a study assessing approaches to increasing safety and compliance of high occupancy vehicle lanes, express toll lanes, tolled facilities, and construction zones, facilitated by advanced technologies.

(a) The approaches assessed must, at a minimum, focus on advanced roadside technologies that: Are able to operate independently without connection to the department of transportation's existing communication systems and utilities; have a limited physical footprint that does not use over-roadway infrastructure; and have a 95 percent or greater license plate reading accuracy.

(b) The study must review current laws, including assessing underlying policies related to prohibitions on program cost coverage coming from infraction or other revenues generated by advanced technology systems, and identify provisions needed to enable a future technology-based safety and compliance program.

(c) The commission shall submit an interim report to the transportation committees of the legislature by January 10, 2024, that, at a minimum, provides an initial assessment of the viability of deploying a system into operation. A final report of findings and recommendations must be submitted to the transportation committees of the legislature by June 30, 2024.

(9) $75,000 of the multimodal transportation account—state appropriation is provided solely for the commission to carry out an initial assessment and scoping effort to determine the feasibility of creating a future west coast transportation network plan. This plan would serve to proactively identify and coordinate improvements and investments across the west coast states to freight rail, passenger rail, highways, and air transportation. The intent for the plan is to leverage and align west coast efforts to reduce our collective carbon footprint, improve freight and passenger mobility, and strengthen west coast resiliency. This effort must be carried out in partnership with the Oregon and California transportation commissions and the state department of transportations from each state, and must consider, but not be limited to:

(a) Current state activities, investments, and plans that support the establishment of clean transportation in the air, on the highways, and on rail lines moving freight and passengers;

(b) Currently identified resiliency risks along the west coast and existing strategic plans and investments that could inform a future west coast unified plan; and

(c) Incorporation of work from the statewide transportation policy plan.

(10) $250,000 of the motor vehicle account—state appropriation is provided solely for the commission to carry out engagement with Washington stakeholders on the results of the recently completed Forward Drive research program to inform next steps on road usage charging. The commission must submit a report of findings and recommendations to the transportation committees of the legislature by December 1, 2024.

Sec. 905. 2024 c 310 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

Alaskan Way Viaduct Replacement Project Account—
State Appropriation. $43,000
State Patrol Highway Account—State Appropriation. . . . . ((~~$629,476,000~~)) $621,677,000
State Patrol Highway Account—Federal Appropriation. . . . . ((~~$19,360,000~~)) $23,360,000
State Patrol Highway Account—Private/Local Appropriation. $4,594,000
Highway Safety Account—State Appropriation. $1,736,000
Ignition Interlock Device Revolving Account—State Appropriation. $2,208,000
Multimodal Transportation Account—State Appropriation. $316,000
State Route Number 520 Corridor Account—State Appropriation. $89,000
Tacoma Narrows Toll Bridge Account—State Appropriation. $275,000
I-405 and SR 167 Express Toll Lanes Account—State Appropriation. $2,895,000
TOTAL APPROPRIATION. . . . . ((~~$660,992,000~~)) $657,193,000

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

(1) $580,000 of the state patrol highway account—state appropriation is provided solely for the operation of and administrative support to the license investigation unit to enforce vehicle registration laws in southwestern Washington. The Washington state patrol, in consultation with the department of revenue, shall maintain a running estimate of the additional vehicle registration fees, sales and use taxes, and local vehicle fees remitted to the state pursuant to activity conducted by the license investigation unit. Beginning October 1, 2023, and semiannually thereafter, the Washington state patrol shall submit a report detailing the additional revenue amounts generated since July 1, 2023, to the director of the office of financial management and the transportation committees of the legislature. At the end of the fiscal quarter in which it is estimated that more than $625,000 in state sales and use taxes have been remitted to the state since July 1, 2023, the Washington state patrol shall notify the state treasurer and the state treasurer shall transfer funds pursuant to section 406, chapter 472, Laws of 2023.

(2) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the

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Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(3)(a) By December 1st of each year during the 2023-2025 fiscal biennium, the Washington state patrol must report to the transportation committees of the legislature on the status of recruitment and retention activities as follows:

(i) A summary of recruitment and retention strategies;

(ii) The number of transportation funded staff vacancies by major category;

(iii) The number of applicants for each of the positions by these categories;

(iv) The composition of workforce;

(v) Other relevant outcome measures with comparative information with recent comparable months in prior years; and

(vi) Activities related to the implementation of the agency's workforce diversity plan, including short-term and long-term, specific comprehensive outreach, and recruitment strategies to increase populations underrepresented within both commissioned and noncommissioned employee groups.

(b) During the 2023-2025 fiscal biennium, the office of financial management, with assistance of the Washington state patrol, must conduct two surveys regarding the competitiveness with law enforcement agencies within the boundaries of the state of Washington pursuant to RCW 43.43.380, with the first survey being informational regarding the change since the last survey was conducted and the second survey used as part of the collective bargaining process. Prior to the 2024 legislative session, the office of financial management, with assistance of the Washington state patrol, must also provide comparison information regarding recruitment bonus amounts currently being offered by local law enforcement agencies in the state.

(4)(a) $6,575,000 of the state patrol highway account—state appropriation is provided solely for the land mobile radio system replacement, upgrade, and other related activities.

(b) Beginning January 1, 2024, the Washington state patrol must report semiannually to the office of the chief information officer on the progress related to the projects and activities associated with the land mobile radio system, including the governance structure, outcomes achieved in the prior six-month time period, and how the activities are being managed holistically as recommended by the office of the chief information officer. At the time of submittal to the office of the chief information officer, the report must be transmitted to the office of financial management and the transportation committees of the legislature.

(5) $2,688,000 of the state patrol highway account—state appropriation is provided solely for enhancing the state patrol's diversity, equity, and inclusion program, a community engagement program to improve relationships with historically underrepresented communities and to recruit and retain a diverse workforce, and contracting with an external psychologist to perform exams. The state patrol will work with the governor's office of equity and meet all reporting requirements and responsibilities pursuant to RCW 43.06D.060. Funds provided for the community engagement program must ensure engagement with communities throughout the state.

(6)(a) $10,000 of the state patrol highway account—state appropriation is provided solely for the Washington state patrol to administer a pilot program that implements a yellow alert system notifying the public when a hit-and-run accident resulting in a fatality or substantial bodily harm has occurred and been reported to the state patrol or other local law enforcement entity. The Washington state patrol must post on traffic message boards or share on public communication systems any identifying information acquired including, but not limited to, a complete or partial license plate number or a description of the vehicle. Each alert must be posted or shared as such for at least 24 hours.

(b) The Washington state patrol must report the following to the transportation committees of the legislature annually until June 30, 2025:

(i) The number of yellow alerts received;

(ii) The number of arrests made from accidents reported on the yellow alert system;

(iii) The number of hit-and-run accidents resulting in a fatality or substantial bodily harm statewide;

(iv) The number of arrests made from accidents described under (b)(iii) of this subsection; and

(v) The number of hit-and-run accidents reported statewide.

(c) The Washington state patrol must also report on the efficacy of the program and recommend in its final report if the pilot program should continue or be enacted on a permanent basis and implemented statewide, based on the results of the report.

(7)(a) ((~~$2,243,000~~))$2,918,000 of the state patrol highway account—state appropriation is provided solely for administrative costs, advertising, outreach, and bonus payments associated with developing and implementing a state trooper expedited recruitment incentive program for the purpose of recruiting and filling vacant trooper positions in the 2023-2025 fiscal biennium. The legislature is committed to continuing the state trooper expedited recruitment incentive program until the vacancy levels are significantly reduced from current levels. The recruitment, advertising, and outreach associated with this program must continue efforts to create a more diverse workforce and must also provide an accelerated pathway for joining the state patrol for high quality individuals who have previously been employed as a general authority peace officer.

(b) The state trooper expedited recruitment incentive program established by the Washington state patrol must include:

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(i) Thorough hiring procedures to ensure that only the highest quality candidates are selected as cadets and as lateral hires, including extensive review of past law enforcement employment history through extensive reference checks, Brady list identification, and any other issues that may impact the performance, credibility, and integrity of the individual.

(ii) An accelerated training program for lateral hires from other agencies that recognizes the knowledge and experience of candidates previously employed in law enforcement; and

(iii) A sign-on bonus for each trooper hired through the expedited recruitment incentive program as follows:

(A) $5,000 for each cadet after completion of the Washington state patrol academy;

(B) $5,000 for each successful graduating cadet after completion of a one-year probation period;

(C) $8,000 for each lateral hire after completion of the accelerated training program for lateral hires;

(D) $6,000 for each lateral hire after completion of a one-year probation period; and

(E) $6,000 for each lateral hire after completion of two years of service.

(c) The expenditure on the state trooper expedited recruitment incentive program is contingent upon execution of an appropriate memorandum of understanding between the governor or the governor's designee and the exclusive bargaining representative, consistent with the terms of this section. Expenditures and eligibility for the state trooper expedited recruitment incentive program established in this section are subject to the availability of amounts appropriated for this specific purpose.

(d) For the purposes of this subsection:

(i) "Cadet" means a person employed for the express purpose of receiving the on-the-job training required for attendance at the Washington state patrol academy and for becoming a commissioned trooper.

(ii) "Lateral hire" means an eligible employee previously employed as a general authority peace officer.

(8) ((~~$3,896,000~~))$3,033,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 17, Laws of 2023 (speed safety cameras). If chapter 17, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(9) $500,000 of the state patrol highway account—state appropriation is provided solely for bonuses and other recruitment and retention-related compensation adjustments for communication officers and other noncommissioned staff of the Washington state patrol who are covered by a collective bargaining agreement. Funding in this subsection must first be used for targeted adjustments for communication officers. Remaining amounts may be used for compensation adjustments for other noncommissioned staff. Funding provided in this subsection is contingent upon the governor or the governor's designee reaching an appropriate memorandum of understanding with the exclusive bargaining representative. Agreements reached for compensation adjustments under this section may not exceed the amounts provided. If any agreement or combination of agreements exceed the amount provided in this subsection, all the agreements are subject to the requirements of RCW 41.80.010(3).

(10) ((~~$3,226,000~~))$1,690,000 of the state patrol highway account—state appropriation is provided solely for two accelerated training programs for lateral hires. It is the intent of the legislature that the second accelerated training program for lateral hires offered in fiscal year 2025 achieves at least 40 qualified graduates based on the Washington state patrol aggressively recruiting, advertising bonus policies, and taking other steps to achieve this outcome.

(11) $98,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 26, Laws of 2023 (nonconviction data). If chapter 26, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(12) $76,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 471, Laws of 2023 (negligent driving). If chapter 471, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(13) $107,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 462, Laws of 2023 (domestic violence). If chapter 462, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(14) By December 1, 2024, the Washington state patrol must provide a report to the governor and appropriate committees of the legislature on the status of *McClain v. Washington State Patrol* and an update on legal expenses associated with the case.

(15) $32,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 283, Laws of 2023 (illegal racing). If chapter 283, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(16) $5,905,000 of the state patrol highway account—state appropriation is provided solely for a third arming and third trooper basic training class. The cadet class is expected to graduate in June 2025.

(17) ((~~$2,381,000~~))$1,758,000 of the state patrol highway account—state appropriation is provided solely for the Washington state patrol to implement the provisions of the settlement agreement under *Washington State Patrol Troopers Association v. Washington State Patrol*, Public Employment Relations Commission Case No. 134557-U-21.

(18) $2,307,000 of the state patrol highway account—state appropriation is provided solely for the migration of the agency's active directory into the state enterprise active directory.

(19) $250,000 of the state patrol highway account—state appropriation is provided

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solely to expand the activities of the license investigation unit to King county on a pilot basis beyond the unit's current activities in southwestern Washington. By February 15, 2025, the Washington state patrol must provide a status report on the pilot implementation.

(20) ((~~$2,222,000~~))$2,640,000 of the state patrol highway account—state appropriation is provided solely for the first planned replacement of an aging Cessna aircraft and $100,000 of the state patrol highway account—state appropriation is provided solely for the downpayment and related costs of the second planned replacement of another aging Cessna aircraft. It is the intent of the legislature to fund the second planned Cessna replacement without financing the acquisition as soon as the aircraft can be received in the 2025-2027 fiscal biennium, and therefore, the Washington state patrol may take the necessary steps to ensure delivery of the aircraft as soon as possible in the 2025-2027 fiscal biennium.

(21) $300,000 of the state patrol highway account—state appropriation is provided solely for individual gun safes for troopers and other staff to allow the safe storage of firearms used in the performance of their duties.

(22) $35,000 of the state patrol highway account—state appropriation is provided solely for implementation of chapter 207, Laws of 2024 (tribal warrants). If chapter 207, Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(23) $250,000 of the ignition interlock device revolving account—state appropriation is provided solely to improve compliance with ignition interlock device requirements associated with impaired driving offenses. By June 30, 2025, the Washington state patrol must provide a report detailing the staff hired, the activities undertaken, and outcome information associated with improving ignition interlock device compliance rates.

(24) $691,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 237, Laws of 2024 (state patrol longevity bonus). If chapter 237, Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(25) $46,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter 301, Laws of 2024 (catalytic converters). If chapter 301, Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

Sec. 906. 2024 c 310 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Driver Licensing Technology Support Account—State
Appropriation. . . . . ((~~$1,743,000~~)) $1,740,000
Marine Fuel Tax Refund Account—State
Appropriation. $34,000
Motorcycle Safety Education Account—State
Appropriation. . . . . ((~~$5,319,000~~)) $5,292,000
Limited Fish and Wildlife Account—State
Appropriation. . . . . ((~~$768,000~~)) $632,000
Highway Safety Account—State Appropriation. ((~~$283,109,000~~)) $285,793,000
Highway Safety Account—Federal Appropriation $2,371,000
Motor Vehicle Account—State Appropriation. ((~~$101,823,000~~)) $100,523,000
Motor Vehicle Account—Private/Local Appropriation. $1,336,000
Ignition Interlock Device Revolving Account—State
Appropriation. . . . . ((~~$6,415,000~~)) $6,509,000
Department of Licensing Services Account—State
Appropriation. . . . . ((~~$9,150,000~~)) $8,741,000
License Plate Technology Account—State Appropriation. . . . . ((~~$4,398,000~~)) $4,369,000
Abandoned Recreational Vehicle Account—State
Appropriation. . . . . ((~~$3,091,000~~)) $4,591,000
Limousine Carriers Account—State Appropriation. . . . . ((~~$126,000~~)) $134,000
Electric Vehicle Account—State Appropriation $443,000
DOL Technology Improvement & Data Management Account—State Appropriation. . $943,000
Agency Financial Transaction Account—State
Appropriation. . . . . ((~~$16,998,000~~)) $16,430,000
Move Ahead WA Flexible Account—State Appropriation. . . . . ((~~$2,096,000~~)) $1,779,000
TOTAL APPROPRIATION. . . . . ((~~$440,163,000~~)) $441,660,000

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

(1) $1,100,000 of the highway safety account—state appropriation and $1,100,000 of the move ahead WA flexible account—state appropriation are provided solely for the department to provide an interagency transfer to the department of children, youth, and families for the purpose of providing driver's license support. In addition to support services required under RCW 74.13.338(2), support services may include reimbursement of:

(a) The cost for a youth in foster care of any eligible age to complete a driver training education course, as outlined in chapter 46.82 or 28A.220 RCW;

(b) The costs incurred by foster youth in foster care for a motor vehicle insurance policy;

(c) The costs of roadside assistance, motor vehicle insurance deductibles, motor vehicle registration fees, towing services, car maintenance, comprehensive car insurance, and gas cards; and

(d) Any other costs related to obtaining a driver's license and driving legally and safely.

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(2) $150,000 of the highway safety account—state appropriation is provided solely for the department to conduct a study on the feasibility of implementing a mobile application for driver licensing. The department must submit a report of the study findings and any recommendations to the governor and the transportation committees of the legislature by December 1, 2024. The study must:

(a) Review the adoption actions in other states, including successes and lessons learned;

(b) Examine existing technical infrastructure and potential changes needed to maximize interoperability, utility, and privacy protection;

(c) Identify the technical investments and other costs associated with issuing digital drivers' licenses through a mobile application;

(d) Identify how the technology may impact and can be used by external stakeholders, such as law enforcement;

(e) Recommend any process changes required to implement the program successfully and ensure customer satisfaction; and

(f) Recommend any statutory changes required to allow for the usage of digital drivers' licenses, including recognition of interstate travelers.

(3)(a) $350,000 of the highway safety account—state appropriation is provided solely for the department, in consultation with the Washington traffic safety commission, the department of health, the elder law section of the Washington state bar association, organizations representing older drivers, and driver rehabilitation specialists, to develop a comprehensive plan aimed at improving older driver safety. The department must submit a report on the comprehensive plan to the governor and the transportation committees of the legislature by December 1, 2024. The plan must include, but is not limited to:

(i) A comprehensive review of department policies surrounding older drivers and medically at-risk drivers, including:

(A) The medical assessment review process; and

(B) The counter assessment process in licensing service offices;

(ii) A feasibility analysis of the department establishing a medical advisory board to advise on general policy for at-risk drivers, driving privileges for individual medically at-risk drivers, and an appeals process for drivers whose privileges are revoked or restricted due to medical conditions;

(iii) A recommended assessment tool to determine a driver's potential risk to themselves or others when operating a motor vehicle so the department may make informed decisions on appropriate courses of action within the older driver program; and

(iv) Detailed information on how each component of the plan improves the safety associated with older drivers, while preserving the maximum level of older driver independence and privacy;

(b) The department may also use funds provided in this subsection to implement improvements to older driver traffic safety within existing authority.

(4) $5,499,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade and improve its prorate and fuel tax system, and is subject to the conditions, limitations, and review requirements of section 701, chapter 472, Laws of 2023. In each phase of the project, the department must ensure and document the increase in business capabilities and customer service outcomes, the improvements in fuel tax collection related information designed to resolve historical discrepancies in reporting information, and how the implementation plan mitigates risks associated with the proposed timeline and results in the sustainability of systems and platforms for the future. Before initiating the implementation phase of the project, the department must report to the office of the chief information officer on how the project meets its FAST act modernization roadmap, and vendor management and resource plans.

(5) $16,000 of the motorcycle safety education account—state appropriation, $2,000 of the limited fish and wildlife account—state appropriation, $947,000 of the highway safety account—state appropriation, $308,000 of the motor vehicle account—state appropriation, $14,000 of the ignition interlock device revolving account—state appropriation, and $14,000 of the department of licensing services account—state appropriation are provided solely for the department to redesign and improve its online services and website, and are subject to the conditions, limitations, and review requirements in section 701, chapter 472, Laws of 2023.

(6) The department shall report on a quarterly basis on licensing service office operations, associated workload, and information with comparative information with recent comparable months in prior years. The report must include detailed statewide and by licensing service office information on staffing levels, average monthly wait times, the number of enhanced drivers' licenses and enhanced identicards issued and renewed, and the number of primary drivers' licenses and identicards issued and renewed. By November 1, 2024, the department must prepare a report with recommendations on the future of licensing service office operations based on the recent implementation of efficiency measures designed to reduce the time for licensing transactions and wait times, and the implementation of statutory and policy changes made during the pandemic.

(7) For the 2023-2025 fiscal biennium, the department shall charge $1,336,000 for the administration and collection of a motor vehicle excise tax on behalf of a regional transit authority, as authorized under RCW 82.44.135. The amount in this subsection must be deducted before distributing any revenues to a regional transit authority.

(8) $742,000 of the motor vehicle account—state appropriation is provided solely for the increased costs associated with improvements desired to resolve delays in the production of license plates, including

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converting all subagents to the standard ordering process as recommended in the December 2022 plate inventory report, and to provide updated annual reports detailing changes in license plate production, inventory, and other practices taken to guard against plate production delays. The reports must be submitted to the governor and the transportation committees of the legislature by December 1, 2023, and December 1, 2024.

(9) $243,000 of the highway safety account—state appropriation is provided solely for the department to continue to provide written materials on, place signage in licensing service offices regarding, and include into new driver training curricula, the requirements of RCW 46.61.212, the slow down and move over law.

(10) ((~~$3,082,000~~))$4,591,000 of the abandoned recreational vehicle disposal account—state appropriation is provided solely for providing reimbursements in accordance with the department's abandoned recreational vehicle disposal reimbursement program. It is the intent of the legislature that the department prioritize this funding for allowable and approved reimbursements and not to build a reserve of funds within the account. During the 2023-2025 fiscal biennium, the department must report any amounts recovered to the office of financial management and appropriate committees of the legislature on a quarterly basis.

(11) $1,077,000 of the highway safety account—federal appropriation is provided solely for implementation of chapter 35, Laws of 2023 (CDL drug and alcohol clearinghouse). If chapter 35, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(12) $116,000 of the highway safety account—state appropriation is provided solely for implementation of chapter 57, Laws of 2023 (streamlining CDL issuance). If chapter 57, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(13) $845,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 445, Laws of 2023 (improving young driver safety). If chapter 445, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(14) $180,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 440, Laws of 2023 (open motor vehicle safety recalls). If chapter 440, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(15) $497,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 466, Laws of 2023 (updating processes related to voter registration). If chapter 466, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(16) $29,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 118, Laws of 2023 (driver's abstract changes). If chapter 118, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(17) $47,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 453, Laws of 2023 (competency evaluations). If chapter 453, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(18) $23,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 283, Laws of 2023 (illegal racing). If chapter 283, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(19) $155,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 316, Laws of 2023 (jury diversity). If chapter 316, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(20)(a) $36,000 of the motor vehicle account—state appropriation is provided solely for the issuance of nonemergency medical transportation vehicle decals to implement the high occupancy vehicle lane access pilot program established in section 217(2), chapter 472, Laws of 2023. A for hire nonemergency medical transportation vehicle is a vehicle that is a "for hire vehicle" under RCW 46.04.190 that provides nonemergency medical transportation, including for life-sustaining transportation purposes, to meet the medical transportation needs of individuals traveling to medical practices and clinics, cancer centers, dialysis facilities, hospitals, and other care providers.

(b) As part of this pilot program, the owner of a for hire nonemergency medical transportation vehicle may apply to the department, county auditor or other agent, or subagent appointed by the director, for a high occupancy vehicle exempt decal for a for hire nonemergency medical transportation vehicle. The high occupancy vehicle exempt decal allows the for hire nonemergency medical transportation vehicle to use a high occupancy vehicle lane as specified in RCW 46.61.165 and 47.52.025 during the 2023-2025 fiscal biennium.

(c) For the exemption in this subsection to apply to a for hire nonemergency medical transportation vehicle, the decal:

(i) Must be displayed on the vehicle so that it is clearly visible from outside the vehicle;

(ii) Must identify that the vehicle is exempt from the high occupancy vehicle requirements; and

(iii) Must be visible from the rear of the vehicle.

(d) The owner of a for hire nonemergency medical transportation vehicle or the owner's representative must apply for a high occupancy vehicle exempt decal on a form provided or approved by the department. The application must include:

(i) The name and address of the person who is the owner of the vehicle;

(ii) A full description of the vehicle, including its make, model, year, and the vehicle identification number;

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(iii) The purpose for which the vehicle is principally used;

(iv) An attestation signed by the vehicle's owner or the owner's representative that the vehicle's owner has a minimum of one contract or service agreement to provide for hire transportation services for medical purposes with one or more of the following entities: A health insurance company; a hospital, clinic, dialysis center, or other medical institution; a day care center, retirement home, or group home; a federal, state, or local agency or jurisdiction; or a broker who negotiates these services on behalf of one or more of these entities; and

(v) Other information as required by the department upon application.

(e) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under (f) of this subsection when issuing or renewing a high occupancy vehicle exempt decal.

(f) The department, county auditor or other agent, or subagent must collect a $5 fee when issuing or renewing a decal under this subsection, in addition to any other fees and taxes required by law.

(g) A high occupancy vehicle exempt decal expires June 30, 2025, and must be marked to indicate its expiration date. The decal may be renewed if the pilot program is continued past the date of a decal's expiration. The status as an exempt vehicle continues until the high occupancy vehicle exempt decal is suspended or revoked for misuse, the vehicle is no longer used as a for hire nonemergency medical transportation vehicle, or the pilot program established in section 217(2), chapter 472, Laws of 2023 is terminated.

(h) The department may adopt rules to implement this subsection.

(21)(a) $265,000 of the highway safety account—state appropriation is provided solely for the department to provide an interagency transfer to the Washington center for deaf and hard of hearing youth, in consultation with the department and the office of the superintendent of public instruction, to fund the cost of interpreters for driver training education for deaf and hard of hearing youth to enable them to access driver training education at the same cost as their peers, and to pilot a sustainable driver training education program to determine how best to meet the driver training education needs of deaf and hard of hearing youth in the state in the future. The pilot must include:

(i) Determination of an appropriate number of instructors and an appropriate method of certification for instructors who are fluent in American Sign Language (ASL);

(ii) Determination of how best to provide driver training education statewide to deaf and hard of hearing novice drivers;

(iii) Development of a program to offer the required curriculum under RCW 28A.220.035 to deaf and hard of hearing novice drivers; and

(iv) Capped course instruction costs for deaf and hard of hearing students at the average rate of their hearing peers.

(b) The department shall submit a report to the transportation committees of the legislature developed by the Washington center for deaf and hard of hearing youth by March 1, 2024, that provides recommendations for a permanent program to make driver education equitably accessible for deaf and hard of hearing students.

(22) $350,000 of the highway safety account—state appropriation is provided solely for the department to improve the process for commercial driver's license (CDL) holders to submit medical certification documents and update self-certification status to the department. The department shall:

(a) Update license express to improve the process and make it more user friendly;

(b) Add options for the driver to renew or replace the driver's CDL credentials as part of the medical or self-certification process;

(c) Add a customer verification step confirming the requested changes and clearly stating how this change will impact the driver's CDL; and

(d) Add improved messaging throughout the process.

In addition, the department shall make available on the driving record abstract a complete medical certificate downgrade history, and provide a one-time mailing to all current CDL holders explaining the process to update their medical certificate documents and self-certification.

(23) $1,962,000 of the highway safety account—state appropriation is provided solely for the establishment of a pilot mobile licensing unit to provide licensing and identicard services. By December 1, 2024, the department must submit a report to the governor and the transportation committees of the legislature detailing the locations served, the number and type of documents issued, and other outcome measures associated with the mobile licensing unit. The report must include consideration of the facility needs of licensing service offices in the context of flexible mobile licensing services.

(24) $2,750,000 of the highway safety account—state appropriation is provided solely for organizations providing driver's license assistance and support services. Of this amount:

(a) $2,000,000 of the highway safety account—state appropriation is provided solely for driver's license assistance and support services in King county with an existing provider that is already providing these services to low-income immigrant and refugee women; and

(b) $750,000 of the highway safety account—state appropriation is provided solely ((~~for additional contracts in fiscal year 2025~~))to contract with organizations providing driver's license assistance and other related support services in other parts of the state.

(c) By December 1st of each year, the department must submit information on the contracted providers, including: The annual budget of the contracted providers in the preceding year; information regarding private and other governmental support for

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the activities of the providers; and a description of the number of people served, services delivered, and outcome measures. In developing its 2025-2027 biennial budget submittal, the department, after consulting with the existing organization in King county and organizations receiving funds with the fiscal year 2025 expansion, must develop a statewide delivery plan that maximizes the number of people served, promotes efficiency in service delivery, and recognizes different models based on needs in particular areas of the state.

(25) $8,000 of the motorcycle safety education account—state appropriation is provided solely for the implementation of chapter 137, Laws of 2023 (motorcycle safety board). If chapter 137, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(26) $29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 431, Laws of 2023 (transportation resources). If chapter 431, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(27) $282,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 471, Laws of 2023 (negligent driving). If chapter 471, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(28) $4,464,000 of the highway safety account—state appropriation is provided solely for costs associated with relocating licensing service offices during the 2023-2025 fiscal biennium. This includes $2,790,000 provided for relocations in the 2023-2025 omnibus transportation appropriations act. By June 30th of each year, the department must submit a status report on licensing service offices planned for relocation during the 2023-2025 fiscal biennium.

(29) $1,395,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter 1, Laws of 2024 (enhancing prorate and fuel tax collections). If chapter 1, Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(30) $100,000 of the highway safety account—state appropriation is provided solely for implementation of chapter 162, Laws of 2024 (improving access to department of licensing issued documents). If chapter 162, Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(31) $150,000 of the motor vehicle account—state appropriation is provided solely for the department to conduct a study on the feasibility of implementing a process for the electronic submittal of title and registration documents for motor vehicles, within the current vehicle licensing model. The department must submit a report of the study findings and any recommendations to the governor and the transportation committees of the legislature by September 1, 2025. The study must: (a) Review the current processes in Washington and other states, including how such processes addressed fraud prevention and document security; (b) examine existing technical infrastructure and potential changes needed to allow for completion and submittal of lien and titling documents by financial institutions and vehicle dealers to subagents, county auditors, and the department of licensing, while maximizing interoperability, utility, data security, and customer privacy; (c) identify the technical investments and other costs associated with the submission of electronic documents by financial institutions and vehicle dealers to subagents, county auditors, and the department of licensing; (d) recommend any statutory changes required to allow for the submission of electronic documentation to subagents, county auditors, and the department of licensing; and (e) examine the impact of these technology changes on external stakeholders including, but not limited to, subagents, county auditors, financial institutions, vehicle dealers, and insurance companies.

(32) $6,000 of the motorcycle safety education account—state appropriation, $1,000 of the limited fish and wildlife account—state appropriation, $406,000 of the highway safety account—state appropriation, $137,000 of the motor vehicle account—state appropriation, $5,000 of the ignition interlock device revolving account—state appropriation, and $6,000 of the department of licensing services account—state appropriation are provided solely for the department of licensing for additional finance and budget staff. By December 1, 2024, the department shall submit a report to the governor and appropriate committees of the legislature on the specific steps the department has taken to address the findings of the State Auditor's Office FY2022 Accountability Audit Report No. 1032793.

(33) $225,000 of the highway safety account—state appropriation is provided solely for the department, for incorporation into its comprehensive implementation plan required under chapter 445, Laws of 2023 (improving young driver safety), to expand driver training education requirements for driver's license purposes to persons age 18 through 24 to include: (a) An assessment of opportunities to close availability and accessibility gaps in rural and underserved areas, as specified in section 612 ((~~of this act~~)), chapter 310, Laws of 2024; and (b) an analysis of the potential inclusion of a mandatory driver's education refresher course requirement consisting of in-person or virtual classroom-based instruction on risk management and hazard protections one year after licensure, as specified in section 612 ((~~of this act~~)), chapter 310, Laws of 2024.

(34) $38,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter 308, Laws of 2024 (speed safety cameras). If chapter 308, Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(35) $34,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 146, Laws of 2024 (definition of veteran). If chapter 146, Laws of 2024 is not enacted by June 30,

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2024, the amount provided in this subsection lapses.

(36) $159,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 306, Laws of 2024 (impaired driving). If chapter 306, Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(37) $300,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter 315, Laws of 2024 (state custody/ID cards). If chapter 315, Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

(38) $50,000 of the motor vehicle account—state appropriation is provided solely for the department to conduct a study on the feasibility of implementing and administering a per mile fee program. The study must identify the staffing and resources needed to implement and administer the program, including possible technical investments, leveraging existing technology platforms. A preliminary report of the study findings relating to internal costs to administer the program is due to the governor and transportation committees of the legislature by December 31, 2024. The legislature intends to require a final report that includes potential third-party costs and options to the governor and the transportation committees of the legislature by December 31, 2025.

(39) $2,100,000 of the highway safety account—state appropriation is provided solely for the department to increase public awareness of REAL ID. Of the amounts appropriated in this subsection, $1,000,000 is for the department to directly contract with a communications group with experience spreading awareness about REAL ID to community-based organizations and ethnic media outlets.

Sec. 907. 2024 c 310 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B

State Route Number 520 Corridor Account—State

Appropriation. . . . . ((~~$67,199,000~~)) $55,639,000

State Route Number 520 Civil Penalties Account—State

Appropriation. . . . . ((~~$4,178,000~~)) $2,378,000

Tacoma Narrows Toll Bridge Account—State

Appropriation. . . . . ((~~$34,398,000~~)) $36,510,000

Alaskan Way Viaduct Replacement Project Account—

State Appropriation. . . ((~~$22,541,000~~)) $24,614,000

Interstate 405 and State Route Number 167 Express

Toll Lanes Account—State Appropriation. ((~~$25,523,000~~)) $25,764,000

TOTAL APPROPRIATION. . . . . ((~~$153,839,000~~)) $144,905,000

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

(1) $1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and $12,820,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this subsection, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) As long as the facility is tolled, the department must provide annual reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips; and

(b) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(3) $535,000 of the Interstate 405 and state route number 167 express toll lanes account—state appropriation, $1,245,000 of the state route number 520 corridor account—state appropriation, $535,000 of the Tacoma Narrows toll bridge account—state appropriation, and $702,000 of the Alaskan Way viaduct replacement project account—state appropriation are provided solely for the reappropriation of unspent funds on the new tolling back office system from the 2021-2023 fiscal biennium.

(4) The department shall make detailed annual reports to the transportation committees of the legislature and the public on the department's website in a manner consistent with past practices as specified in section 209(5), chapter 186, Laws of 2022.

(5) As part of the department's 2025-2027 biennial budget request, the department shall update the cost allocation recommendations that assign appropriate costs to each of the toll funds for services provided by relevant Washington state department of transportation programs, the Washington state patrol, and the

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transportation commission. The recommendations shall be based on updated traffic and toll transaction patterns and other relevant factors.

(6) Up to $16,648,000 of the amounts provided for operations and maintenance expenses on the state route number 520 facility from the state route number 520 corridor account during the 2023-2025 fiscal biennium in this act are derived from the receipt of federal American rescue plan act of 2021 funds and not toll revenues.

(7) $500,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to begin a traffic and revenue study of tolling on the state route number 520 corridor. The department, in consultation with the transportation commission, shall initiate planning work regarding updated tolling on the state route number 520 corridor.

(8) ((~~$19,248,000~~))$10,188,000 of the state route number 520 corridor account—state appropriation is provided solely for the costs of insurance for the state route number 520 floating bridge.

(9) $75,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to (a) conduct an actuarial analysis of the short and long-term costs and benefits, including risk mitigation of self-insurance as compared to the commercial insurance option for the state route number 520 floating bridge, as allowed under the terms of the state route number 520 master bond resolution, and (b) develop a plan to implement a self-insurance program for the state route number 520 floating bridge. By December 15, 2024, the department shall report to the governor and the transportation committees of the legislature on the results of the actuarial analysis and the self-insurance program. It is the intent of the legislature to implement a self-insurance program for the state route number 520 floating bridge by July 1, 2025.

Sec. 908. 2024 c 310 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—INFORMATION TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State
Appropriation. $1,494,000
Motor Vehicle Account—State Appropriation. ((~~$122,732,000~~))
$122,717,000
Puget Sound Ferry Operations Account—State
Appropriation. $307,000
Multimodal Transportation Account—State
Appropriation. $2,988,000
Transportation 2003 Account (Nickel Account)—State
Appropriation. $1,488,000
TOTAL APPROPRIATION. . . . . ((~~$129,009,000~~))
$128,994,000

The appropriations in this section are subject to the following conditions and limitations: $2,006,000 of the motor vehicle account—state appropriation is provided solely for hardware cost increases. Before any hardware replacement, the department, in consultation with WaTech, must further review leasing options.

Sec. 909. 2024 c 310 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITY MAINTENANCE, OPERATIONS, AND CONSTRUCTION—PROGRAM D—OPERATING

Motor Vehicle Account—State Appropriation. ((~~$40,362,000~~))
$40,310,000
Move Ahead WA Account—State Appropriation. $2,532,000
State Route Number 520 Corridor Account—State
Appropriation. $34,000
TOTAL APPROPRIATION. . . . . ((~~$42,928,000~~))
$42,876,000

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

(1) $500,000 of the move ahead WA account—state appropriation is provided solely for the department to conduct a detailed space study and develop an implementation plan that builds off the findings and recommendations of the department's "Telework Impact Study" completed in September 2022. Such efforts must also incorporate office space use reduction requirements for the department in this act as well as current and planned telework levels. The detailed space study and development of the implementation plan must be conducted in consultation with the office of financial management and the department of enterprise services, and must focus on office and administrative space efficiency, providing specific recommendations, cost estimates, and cost savings. While focused on office and administrative space, the department is encouraged to review other types of facilities where efficiencies can be achieved. The final study report must include:

(a) The development of low, medium, and high scenarios based on reducing space use, with the high space reduction scenario being based on a minimum of a 30 percent reduction by 2030;

(b) Detailed information on any increased capital and other implementation costs under each scenario;

(c) Detailed information on reduced costs, such as leases, facility maintenance, and utilities, under each scenario;

(d) An analysis of opportunities to collocate with other state, local, and other public agencies to reduce costs and improve cost-efficiency while meeting utilization standards; and

(e) An assessment of the commercial value and return to the state transportation funds associated with the sale of the property from consolidation and other space efficiency measures.

(2)(a) The department must submit the implementation plan and final report from the detailed space study to the office of financial management and the transportation committees of the legislature by October 1, 2024.

(b) Conducting the detailed space study under subsection (1) of this section must not prevent or delay the department from meeting other space use and related requirements, or where warranted by current information or opportunities.

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(c) In addition to the reporting requirement under subsection (1) of this section, the department must provide information to the office of financial management in its comparative analysis of office space, leases, and relocation costs required by the omnibus operating appropriations act.

Sec. 910. 2024 c 310 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AVIATION—PROGRAM F

Aeronautics Account—State Appropriation. ((~~$17,448,000~~))
$17,134,000

Aeronautics Account—Federal Appropriation. ((~~$5,579,000~~))
$5,129,000

Aeronautics Account—Private/Local Appropriation. $60,000

TOTAL APPROPRIATION. . . . . ((~~$23,087,000~~))
$22,323,000

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

(1) ((~~$2,000,000~~))$1,900,000 of the aeronautics account—state appropriation is provided solely for the move ahead WA aviation grants. The department shall prioritize projects eligible for federal funding.

(2) ((~~$1,476,000~~))$1,376,000 of the aeronautics account—state appropriation is provided solely for sustainable aviation grants recommended by the department under the sustainable aviation grants program. The department shall submit a report to the transportation committees of the legislature by October 1, 2024, identifying a selection of sustainable aviation projects for funding by the legislature. In considering projects to recommend to fund, the department shall only consider projects that advance the state of sustainable aviation technology and lead to future innovation. Innovative sustainable aviation projects may include, but are not limited to, pilot projects demonstrating the use of:

(a) Mobile battery charging technology;

(b) Hydrogen electrolyzers and storage;

(c) Electric ground equipment; and

(d) Hanger charging technology.

(3) $300,000 of the aeronautics account—state appropriation is provided solely for the department to develop a statewide advanced air mobility aircraft plan to develop and integrate advanced air mobility aircraft into current modal systems. The department shall submit a report by June 1, 2025, to the office of financial management and the transportation committees of the legislature including, but not limited to:

(a) Near, medium, and long-term recommendations for land use planning for advanced and urban air mobility vertiports and vertistops;

(b) An inventory of infrastructure needs to support a statewide vertiport network and a recommended program to deploy funds to local governments to share costs;

(c) Proposed state governance structures and regulatory mechanisms to adequately complement federal aviation administration oversight;

(d) Recommended policies to foster vertiport and vertistop infrastructure development that ensure open public access, efficiency in land use siting, and equitable distribution across the state; and

(e) In consultation with local jurisdictions, planning organizations, and other modal managers, recommendations on advanced air mobility aircraft integration into statewide transportation plans.

(4) $1,931,000 of the aeronautics account—state appropriation is provided solely for the implementation of chapter 463, Laws of 2023 (commercial aviation services). Funding is provided for the activities of the work group and for support of the work group by the department. The activities of the work group include the issuance of the initial progress report, required in section 4, chapter 463, Laws of 2023, which requires the listing of areas that will not have further review as the areas are in conflict with the operations of a military installation. The report must also identify unsuitable geographies due to either environmental impacts or impacts to overburdened communities. Additionally, within the funding provided, the work group must:

(a) Work to understand what studies currently exist on state transportation needs and capacities and identify any gaps of information; and

(b) Conduct meaningful community engagement with overburdened and vulnerable populations with a focus on the environmental justice impact of aviation on communities.

(5) $300,000 of the aeronautics account—state appropriation is provided solely for the Port of Bremerton to conduct a study on the feasibility of offering commercial service at the Port of Bremerton airport. Pursuant to RCW 47.68.090(2)(c), the department may not require a match for this project.

(6) $2,575,000 of the aeronautics account—state appropriation is provided solely for the Pullman-Moscow regional airport. Pursuant to RCW 47.68.090(2)(c), the department may not require a match for this project.

Sec. 911. 2024 c 310 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PROGRAM DELIVERY MANAGEMENT AND SUPPORT—PROGRAM H

Motor Vehicle Account—State Appropriation. ((~~$65,161,000~~))
$65,139,000

Motor Vehicle Account—Federal Appropriation $500,000

Multimodal Transportation Account—State Appropriation. . . . . ((~~$1,351,000~~))
$1,001,000

Move Ahead WA Flexible Account—State Appropriation. $572,000

TOTAL APPROPRIATION. . . . . ((~~$67,584,000~~))
$67,212,000

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

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(1) During the 2023-2025 fiscal biennium, if the department takes possession of the property situated in the city of Edmonds for which a purchase agreement was executed between Unocal and the department in 2005 (Tax Parcel Number 262703-2-003-0009), and if the department confirms that the property is still no longer needed for transportation purposes, the department shall provide the city of Edmonds with the first right of purchase at fair market value in accordance with RCW 47.12.063(3) for the city's intended use of the property to rehabilitate near-shore habitat for salmon and related species.

(2) $469,000 of the motor vehicle account—state appropriation is reappropriated and provided solely for the implementation of chapter 217, Laws of 2021 (noxious weeds).

(3) The department shall determine the fair market value of the northern parcel of site 14 on the Puget Sound Gateway Program SR 509 Completion Project Surplus Property list, located immediately south of S. 216th Street and adjacent to the Barnes Creek Nature Trail in Des Moines, to be submitted to the transportation committees of the legislature by December 15, 2023, for an evaluation of possible next steps for use of the property that is in the public interest.

(4)(a) $572,000 of the move ahead WA flexible account—state appropriation is provided solely to track and maximize clean fuels credits and revenue generated by state agencies pursuant to chapter 70A.535 RCW.

(b) The LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025, anticipates fulfillment of the requirements under chapter 70A.535 RCW of generating credits and revenue for transportation investments funded in an omnibus transportation appropriations act, including the move ahead WA transportation package. The omnibus transportation appropriations act anticipates credits for ferry electrification for new hybrid electric vessels, active transportation, transit programs and projects, alternative fuel infrastructure, connecting communities, and multimodal investments.

(c) Pursuant to the reporting requirements of RCW 70A.535.050(5), the department must present a detailed projection of the credit revenues generated and achieved directly as a result of the funding and activities in this subsection.

(5) $93,000 of the multimodal transportation account—state appropriation is provided solely for the implementation of chapter 169, Laws of 2023 (climate resilience strategy).

((~~(7)~~))(6)(a) ((~~$500,000~~))$150,000 of the multimodal transportation account—state appropriation is provided solely for the department to explore alternative uses of the state's highway rights-of-way to address pressing public needs relating to climate change, equitable communications, renewable energy generation, electrical transmission and distribution projects, broadband projects, vegetation management, inductive charging in travel lanes, alternative fueling facilities, and other appropriate uses. In exploring alternative uses of the state's highway rights-of-way, the department shall:

(i) Review the utility accommodation policy and make recommendations to update the policy to include clean energy and connectivity projects under 23 C.F.R. Part 645. At a minimum, the recommendations for updated clean energy and connectivity projects must include renewable energy and electrical transmission and distribution;

(ii) Review and update the department's integrated roadside vegetation management plans to maximize carbon sequestration and develop habitat and forage for native pollinators, Monarch butterflies, and honeybees through plantings of native noninvasive flowering plants and grasses on the state highways rights-of-way and at safety rest areas;

(iii) Assess the state highways rights-of-way land areas most suitable for solar development by considering slope, elevation, vegetative cover, and solar radiation; and

(iv) Identify existing highway rights-of-way suitable as designated energy corridors for electric transmission and distribution and other energy infrastructure.

(b) In carrying out the requirements in (a) of this subsection, the department may consult with an organization that uses an advanced rights-of-way solar mapping tool that uses ArcGIS Pro software for faster and more precise analysis of rights-of-way solar using the state's full spatial rights-of-way data sets.

(c) The department must report its findings, recommendations, and status of its updates to the transportation committees of the legislature by January 15, 2025.

((~~(8)~~))(7) To assist the department as it continues to make progress on meeting the requirements of the federal *U.S. v. Washington* court injunction and to address estimated programmatic cost increases, within the funding provided in this section, the department shall analyze contracting methods, alternative bundling concepts, and other options to manage costs. The department shall provide a report outlining recommendations to the governor and transportation committees of the legislature by December 15, 2024.

Sec. 912. 2024 c 310 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC-PRIVATE PARTNERSHIPS—PROGRAM K

Motor Vehicle Account—State Appropriation. $703,000

Electric Vehicle Account—State Appropriation $4,746,000

Multimodal Transportation Account—State Appropriation. $4,400,000

Multimodal Transportation Account—Federal Appropriation. . . . . ((~~$25,000,000~~)) $26,770,000

Carbon Emissions Reduction Account—State Appropriation. . . . . ((~~$195,025,000~~)) $43,223,000

TOTAL APPROPRIATION. . . . . ((~~$229,874,000~~)) $79,842,000

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

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(1) $3,746,000 of the electric vehicle account—state appropriation((~~,~~)) and $30,000,000 of the carbon emissions reduction account—state appropriation((~~, and beginning January 1, 2025, $15,000,000 of the carbon emissions reduction account—state appropriation~~)) are provided solely for the clean alternative fuel vehicle charging and refueling infrastructure program in chapter 287, Laws of 2019 (advancing green transportation adoption).

(2) $1,000,000 of the electric vehicle account—state appropriation and $500,000 of the multimodal transportation account—state appropriation are provided solely for a colocated DC fast charging and hydrogen fueling station near the Wenatchee or East Wenatchee area near a state route or near or on a publicly owned facility to service passenger, light-duty and heavy-duty vehicles. The hydrogen fueling station must include a DC fast charging station colocated at the hydrogen fueling station site. Funds may be used for one or more fuel cell electric vehicles that would utilize the fueling stations. The department must contract with a public utility district that produces hydrogen in the area to own and/or manage and provide technical assistance for the design, planning, permitting, construction, maintenance and operation of the hydrogen fueling station. The department and public utility district are encouraged to collaborate with and seek contributions from additional public and private partners for the fueling station.

(3) The public-private partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(4) $1,200,000 of the multimodal transportation account—state appropriation((~~,~~)) and $2,000,000 of the carbon emissions reduction account—state appropriation((~~, and beginning January 1, 2025, $3,400,000 of the carbon emissions reduction account—state appropriation,~~)) are provided solely for the pilot program established under chapter 287, Laws of 2019 (advancing green transportation adoption) to provide clean alternative fuel vehicle use opportunities to underserved communities and low to moderate income members of the workforce not readily served by transit or located in transportation corridors with emissions that exceed federal or state emissions standards. Consistent with the geographical diversity element described in RCW 47.04.355(4), the legislature strongly encourages the department to consider implementing the pilot in both urban and rural communities if possible, to obtain valuable information on the needs of underserved communities located in different geographical locations in Washington.

(5) ((~~$120,000,000~~)) $7,849,000 of the carbon emissions reduction account—state appropriation((~~, and beginning January 1, 2025, $10,000,000 of the carbon emissions reduction account—state appropriation, are~~)) is provided solely for implementation of zero-emission medium and heavy-duty vehicle and equipment infrastructure and incentive programs and for the replacement of school buses powered by fossil fuels with zero-emission school buses, including the purchase and installation of zero-emission school bus refueling infrastructure.

(a) Of this amount, ((~~$20,000,000~~)) $3,700,000 is for the department to administer an early action grant program to provide expedited funding for the replacement of school buses powered by fossil fuels with zero-emission school buses, including the purchase and installation of zero-emission school bus refueling infrastructure. The department must contract with the department of ecology to implement the early action grant program.

(b)(i) The remaining ((~~$110,000,000~~)) $4,149,000, inclusive of costs for program administration and staffing, is for a point-of-sale voucher incentive program to encourage the faster adoption of zero-emission medium and heavy-duty vehicles to further state climate goals under RCW 70A.45.020 and state equity goals under chapter 70A.02 RCW. The voucher incentive program must be administered by a third-party administrator that has experience administering voucher incentive programs, with oversight conducted by the department.

(ii) The voucher program is required to be designed based on the recommendations of the Joint Transportation Committee report *Washington State Infrastructure and Incentive Program Design for MHD ZEVs*, and to include:

(A) Simplified zero-emission vehicle eligibility requirements;

(B) Vehicle and infrastructure incentives aligned with programs in other jurisdictions, where appropriate, to streamline user planning;

(C) Financial enhancements for select populations based on equity considerations, including for vehicles in disadvantaged communities and vehicles to be purchased by small, minority-owned businesses, with consideration for support of the secondary vehicle market;

(D) A centralized user and manufacturer portal for information, application, and assistance;

(E) A fleet assistance and qualification program to assist in zero-emission vehicle and infrastructure planning, to be administered by the Washington State University extension energy program in coordination with the department and the voucher program's third-party administrator; and

(F) A voucher preapproval process to evaluate participant eligibility, readiness for fleet deployment, and infrastructure preparedness.

(iii) The following battery electric and hydrogen fuel cell electric vehicle categories and associated charging, as well as refueling infrastructure for these categories, are eligible for the voucher program, subject to additional qualification criteria to be determined by the department and the voucher program third-party administrator:

(A) On-road vehicles from class 2b, heavy work pickups and vans, through class 8, heavy tractor-trailer units and refuse trucks; and

(B) Cargo handling and off-road equipment.

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(iv) School buses and transit vehicles eligible for state grant programs for the purchase of zero-emission vehicles are not eligible for vouchers under this program, but are eligible for fleet assistance provided in association with the voucher program, which must include assistance in determining state and federal grant eligibility for these vehicles.

(v) The voucher amounts selected by the department and voucher program third-party administrator must further the policy goals of the program cited in (b)(i) of this subsection by offsetting investments required for medium and heavy-duty vehicle and equipment owners to transition to zero-emission vehicles and equipment. The department and voucher program third-party administrator must condition vehicle and infrastructure voucher funding to ensure these program policy goals are furthered through the voucher funding provided.

(vi) Consistent with voucher program design, the department is required to distribute funds to the voucher program third-party administrator sufficiently in advance of final requirements for voucher distribution being met to facilitate the voucher's timely distribution by the third-party administrator to sellers of zero-emission vehicles and infrastructure.

(6) $2,100,000 of the carbon emissions reduction account—state appropriation is provided solely to fund electric vehicle charging infrastructure for the electric charging megasite project at Mount Vernon library commons.

(7) $2,500,000 of the multimodal transportation account—state appropriation is provided solely for the department to coordinate with cities, counties, ports, and private entities to develop actionable recommendations for state assistance in the development of specific candidate truck parking sites to be developed with amenities, identified by location. The department shall identify private land parcels for potential development of sites, which may include, but should not be limited to, a feasibility analysis of sites adjacent to Interstate 90 near North Bend for a 400 to 600 space truck parking site. The public benefit of each potential truck parking site must be included in this assessment. The department shall consider opportunities for the state to provide assistance in the development of truck parking sites, including possible opportunities to provide assistance in land acquisition and evaluating land use requirements. The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

(8) ((~~Beginning January 1, 2025, $10,000,000 of the carbon emissions reduction account state appropriation is provided solely for grants, and to serve as a state match for secured federal funds, to finance hydrogen refueling infrastructure for medium and heavy-duty vehicles with a focus on locations in disadvantaged and overburdened communities, where possible. The department, in consultation with the interagency electric vehicle coordinating council, should pursue any federal funding available through the charging and fueling infrastructure discretionary grant program and any other sources under the federal infrastructure investment and jobs act (P.L. 29 117-58).~~

~~(9)~~)) Beginning January 1, 2025, ((~~$800,000~~))$400,000 of the carbon emissions reduction account—state appropriation is provided solely for the cities of Bellevue and Redmond to each purchase an electric fire engine.

((~~(10)~~))(9) Beginning January 1, 2025, ((~~$1,725,000~~))$874,000 of the carbon emissions reduction account—state appropriation is provided solely for a Tacoma Public Utilities medium-duty zero-emission utility service vehicle pilot project that includes charging infrastructure and mobile battery units.

Sec. 913. 2024 c 310 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE—PROGRAM M

Motor Vehicle Account—State Appropriation. ((~~$545,500,000~~))
$556,639,000
Motor Vehicle Account—Federal Appropriation $7,000,000
Move Ahead WA Account—State Appropriation. $50,000,000
RV Account—State Appropriation. . $1,100,000
State Route Number 520 Corridor Account—State
Appropriation. $4,841,000
Tacoma Narrows Toll Bridge Account—State
Appropriation. $1,585,000
Alaskan Way Viaduct Replacement Project Account—
State Appropriation. $8,752,000
Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation. $2,624,000
TOTAL APPROPRIATION. . . . . ((~~$621,402,000~~))
$632,541,000

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

(1) $5,000,000 of the motor vehicle account—state appropriation is provided solely for a contingency pool for snow and ice removal. The department must notify the office of financial management and the transportation committees of the legislature when they have spent the base budget for snow and ice removal and will begin using the contingency pool funding.

(2)(a) $115,000 of the state route number 520 corridor account—state appropriation is provided solely for the department to enter into a dispute resolution process with local jurisdictions to produce interagency agreements to address the ongoing facility and landscape maintenance of the three state route number 520 eastside lids and surrounding areas at the Evergreen Point Road, 84th Avenue NE, and 92nd Avenue NE.

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(b) The agreements pursuant to (a) of this subsection must be executed by June 30, 2024.

(3)(a) $9,000,000 of the motor vehicle account—state appropriation is provided solely for the department to address the risks to safety and public health associated with homeless encampments on department owned rights-of-way. The department must coordinate and work with local government officials and social service organizations who provide services and direct people to housing alternatives that are not in highway rights-of-way to help prevent future encampments from forming on highway rights-of-way and may reimburse the organizations doing this outreach assistance who transition people into treatment or housing or for debris clean up on highway rights-of-way. A minimum of $2,000,000 of this appropriation must be used to deliver more frequent removal of litter on the highway rights-of-way that is generated by unsheltered people and may be used to hire crews specializing in collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public and department employees. The department may use these funds to either reimburse local law enforcement costs or the Washington state patrol if they are providing enhanced safety to department staff during debris cleanup or during efforts to prevent future encampments from forming on highway rights-of-way.

(b) Beginning November 1, 2023, and semiannually thereafter, the Washington state patrol and the department of transportation must jointly submit a report to the governor and the transportation committees of the legislature on the status of these efforts, including:

(i) A summary of the activities related to addressing encampments, including information on arrangements with local governments or other entities related to these activities;

(ii) A description of the planned activities in the ensuing two quarters to further address the emergency hazards and risks along state highway rights-of-way; and

(iii) Recommendations for executive branch or legislative action to achieve the desired outcome of reduced emergency hazards and risks along state highway rights-of-way.

(4) $1,000,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Spokane, to be administered in conjunction with subsection (3) of this section. The program must address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. $555,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Spokane shall enter into a reimbursable agreement to cover up to $445,000 of the city's expenses for clean-up crews and landfill costs.

(5) $1,025,000 of the motor vehicle account—state appropriation is provided solely for the department to implement safety improvements and debris clean up on department-owned rights-of-way in the city of Seattle at levels above that being implemented as of January 1, 2019, to be administered in conjunction with subsection (3) of this section. The department must maintain a crew dedicated solely to collecting and disposing of garbage, clearing debris or hazardous material, and implementing safety improvements where hazards exist to the traveling public, department employees, or people encamped upon department-owned rights-of-way. The department may request assistance from the Washington state patrol as necessary in order for both agencies to provide enhanced safety-related activities regarding the emergency hazards along state highway rights-of-way in the Seattle area.

(6) $1,015,000 of the motor vehicle account—state appropriation is provided solely for a partnership program between the department and the city of Tacoma, to be administered in conjunction with subsection (3) of this section. The program must address the safety and public health problems created by homeless encampments on the department's property along state highways within the city limits. $570,000 of the motor vehicle account—state appropriation is for dedicated department maintenance staff and associated clean-up costs. The department and the city of Tacoma shall enter into a reimbursable agreement to cover up to $445,000 of the city's expenses for clean-up crews and landfill costs.

(7) ((~~$1,500,000~~))$1,300,000 of the motor vehicle account—state appropriation is provided solely for the department to contract with the city of Fife to address the risks to safety and public health associated with homeless encampments on department-owned rights-of-way along the SR 167/SR 509 Puget Sound Gateway project corridor in and adjacent to the city limits pursuant to section 216(10), chapter 186, Laws of 2022. However, the amount provided in this subsection must be placed in unallotted status and may not be spent prior to November 1, 2023. If, after November 1, 2023, the department, in consultation with the office of financial management, determines that the department fully spent the $2,000,000 appropriated in section 216(10), chapter 186, Laws of 2022, within the 2021-2023 fiscal biennium for this purpose, the amount provided in this subsection must remain in unallotted status and unspent. If the department did not fully spend the $2,000,000 within the 2021-2023 fiscal biennium, the department may only spend from the appropriation in this subsection an amount not in excess of the amount unspent from the $2,000,000 within the 2021-2023 fiscal biennium, with any remaining amount to remain in unallotted status and unspent. In no event may the department spend more than $2,000,000 within the 2021-2023 and 2023-2025 fiscal biennia for this purpose.

(8) To the greatest extent practicable, the department shall schedule mowing along

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state highways to occur after litter pickup has been performed in the area to be mowed. This subsection is not intended to prevent mowing or other similar maintenance activities from being undertaken in the event litter pickup has not been performed.

Sec. 914. 2024 c 310 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—OPERATING

Highway Safety Fund—State Appropriation. $5,529,000

Motor Vehicle Account—State Appropriation. ((~~$88,566,000~~)) $86,659,000

Motor Vehicle Account—Federal Appropriation $2,050,000

Motor Vehicle Account—Private/Local Appropriation. $294,000

Move Ahead WA Account—State Appropriation. $3,090,000

Multimodal Transportation Account—State Appropriation. $5,000,000

State Route Number 520 Corridor Account—State Appropriation. $247,000

Tacoma Narrows Toll Bridge Account—State Appropriation. $44,000

Alaskan Way Viaduct Replacement Project Account—State Appropriation. $1,122,000

Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. $37,000

TOTAL APPROPRIATION. . . . . ((~~$105,979,000~~)) $104,072,000

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

(1) $6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects completed in the prior fiscal biennium.

(2)(a) During the 2023-2025 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(b) The department shall expand the high occupancy vehicle lane access pilot program to vehicles that deliver or collect blood, tissue, or blood components for a blood-collecting or distributing establishment regulated under chapter 70.335 RCW. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, blood-collecting or distributing establishment vehicles that are clearly and identifiably marked as such on all sides of the vehicle are considered emergency vehicles and must be authorized to use the reserved portion of the highway.

(c) The department shall expand the high occupancy vehicle lane access pilot program to for hire nonemergency medical transportation vehicles, when in use for medical purposes, as described in section 208(20), chapter 472, Laws of 2023. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, nonemergency medical transportation vehicles that meet the requirements identified in section 208(20), chapter 472, Laws of 2023 must be authorized to use the reserved portion of the highway.

(d) Nothing in this subsection is intended to exempt these vehicles from paying tolls when they do not meet the occupancy requirements established by the department for express toll lanes.

(3) The appropriations in this section assume implementation of additional cost recovery mechanisms to recoup at least $100,000 in credit card and other financial transaction costs related to the collection of fees imposed under RCW 46.17.400, 46.44.090, and 46.44.0941 for driver and vehicle fee transactions beginning January 1, 2023. The department may recover transaction fees incurred through credit card transactions.

(4) The department shall promote safety messages encouraging drivers to slow down and move over and pay attention when emergency lights are flashing on the side of the road and other suitable safety messages on electronic message boards the department operates across the state. The messages must be promoted through June 30, 2025. The department may coordinate such messaging with any statewide public awareness campaigns being developed by the department of licensing or the Washington state traffic safety commission, or both.

(5) $5,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to address emergent issues related to safety for pedestrians and bicyclists. Funds may

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only be spent after approval from the office of financial management. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all emergent issues addressed in the prior fiscal biennium.

(6) $3,529,000 of the highway safety account—state appropriation is provided solely for implementation of chapter 17, Laws of 2023 (speed safety cameras).

(7) $1,279,000 of the move ahead WA account—state appropriation is provided solely for maintenance and operations of the virtual coordination center. The department is encouraged to apply for federal grant funds for the virtual coordination center and may use state funds as a match. By December 1, 2023, the department shall report to the transportation committees of the legislature: (a) Recommendations to expand the center's operations, including specific additional jurisdictions and corridors across the state; and (b) amounts received and dates of receipt of any new cash and in-kind matches from virtual coordination center partners including, but not limited to, the city of Seattle, King county, other state and local jurisdictions, and private sector partners.

(8) $100,000 of the motor vehicle account—state appropriation is provided solely for the department to prepare and submit a report to the transportation committees of the legislature by December 1, 2024, with a prioritized list of recommendations for improving safety and mobility on Interstate 90 between North Bend and Cle Elum during winter weather events, including estimated costs. The recommendations must include, but are not limited to, options to improve compliance with traction tire and chain requirements and reduce snow-related closures.

(9)(a) ((~~$5,000,000~~))$3,100,000 of the motor vehicle account—state appropriation is provided solely for the department, in coordination with the independent review team of the joint transportation committee, to conduct an analysis of highway, road, and freight rail transportation needs, options, and impacts from shifting the movement of freight and goods that currently move by barge through the lower Snake river dams to highways, other roads, and rail. The study should generate volume estimates and evaluate scenarios for changes in infrastructure and operations that would be necessary to address those additional volumes. The assessment must include quantitative analysis based on available data in terms of both financial and carbon emission costs; and qualitative input gathered from tribal governments, local governments, freight interests, and other key stakeholders, including impacts on disadvantaged/underserved communities. The analysis must include a robust public engagement process to solicit feedback from interested stakeholders including but not limited to: Residents and officials in affected cities and counties; stakeholders involved in railroad, agriculture, fishing, trucking, shipping and other related industries; appropriate Native American tribes; representatives of advocacy and community organizations; and transportation, public works, and economic development organizations in the affected areas, federal highway administration and army corps of engineers. The analysis must be informed by the work of the joint transportation committee's independent review team, and must include the following:

(i) Existing volumes and traffic patterns;

(ii) Potential changes in volumes and traffic patterns immediately following the loss of freight movement by barge and over the following 20 years, including the carbon emissions impact of this mode shift;

(iii) Identification of whether regional geography, land availability, and state and federal regulatory processes would allow for rail and road expansions and increased capacity;

(iv) Identification of potential infrastructure and operational improvements to existing highways, other roads, and rail, including additional access to facilities, needed to accommodate the higher freight volumes and impacts and potential opportunities to mitigate impacts on shipping rates;

(v) Identification of rail line development options, including impacts and potential opportunities to mitigate impacts on grain storage and handling facilities at regional unit train yards and port export facilities;

(vi) An assessment of costs associated with mitigating potential slope failure and stabilization necessitated by the drawdown of the river. An assessment of impacts and potential opportunities to mitigate impacts on adjacent roads, bridges, railroads, and utility corridors shall be included;

(vii) Both financial and carbon cost estimates for development and implementation of identified needs and options, including planning, design, and construction;

(viii) Analysis of the impacts and potential opportunities to mitigate impacts of these infrastructure changes on environmental justice and disadvantaged/underserved communities during construction, as well as from future operations;

(ix) Analysis of safety impacts and potential opportunities to mitigate impacts for a shift from barge transportation to rail or truck, including increases in rural community traffic and consistency with the Washington State Strategic Highway Safety Plan: Target Zero;

(x) Impacts and potential opportunities to mitigate impacts on highly affected commodities, including agriculture, petroleum, project cargo, and wind energy components;

(xi) Analysis of the impacts and potential opportunities to mitigate impacts that reduced competition resulting from removing barging of agricultural products on the Snake river would have on Washington's agricultural industry along with impacts modal shifts would have on the entire supply chain, including export facilities and ports on the Lower Columbia River; and

(xii) Determination of the feasibility that additional east-west freight rail capacity can be achieved, particularly through Columbia River Gorge, and the

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alternative routes that exist in the event that adding more infrastructure on these routes is not feasible.

(b) The department shall provide status updates on a quarterly basis in coordination with the joint transportation committee. The legislature intends to require a final report to the governor and the transportation committees of the legislature by December 31, 2026.

(10) $2,000,000 of the highway safety account—state appropriation is provided solely for the department, in consultation with the Washington traffic safety commission, to evaluate and identify geographical locations in both urban and rural highway settings to install and implement wrong-way driving prevention strategies. Such prevention strategies may include improved signage and pavement markings as recommended by the traffic safety commission's report on wrong-way driving, "Strategies and Technologies to Prevent and Respond to Wrong-Way Driving Crashes." The department must report to the legislature any crash data or wrong-way violations that occur at the selected locations by June 30, 2025.

(11) $1,000,000 of the motor vehicle account—state appropriation is provided solely for the department to develop an automated highway speed safety camera pilot program to test two to three automated traffic safety cameras on state highways. The goals of the automated highway speed safety camera pilot program are to test speed camera technology, determine the impact on speeding behavior in areas of testing, and compile public response to the use of traffic safety cameras on highways.

(a) The department must work with the Washington state patrol and the traffic safety commission to develop the pilot program to include, but not be limited to, the following program elements:

(i) Selection of technology;

(ii) Placement of cameras in high speed, collision, or fatality locations;

(iii) Establishment of public notification and warning signs prior to entering into an area with a speed safety camera;

(iv) Outreach and public engagement about the program and site selection process; and

(v) Development and implementation of a process to collect and report relevant pilot program data, including rates of speed prior to, during, and after the use of pilot program cameras, and public response to pilot program cameras.

(b) Automated traffic safety cameras may only take pictures of the vehicle and the vehicle license plates.

(c) Ticketing of violators using vehicle speed information captured by automated traffic safety cameras authorized under the pilot program is prohibited during the pilot program.

(d) As part of the pilot program, the department may inform registered vehicle owners of a vehicle's rate of speed exceeding the posted speed limit and the amount of the fine the law would have allowed to be imposed by providing notification by mail.

(e) The department is required to provide a program progress report to the governor and transportation committees of the legislature by ((~~September 30, 2024~~))June 30, 2025, to include a summary of public input on the use of safety cameras, including objections, evaluation of technologies used, and changes in speeding behavior.

(f) Photographs, microphotographs, electronic images, and other personally identifying data captured and collected for the purposes of the pilot program are for the exclusive use of the Washington state patrol and department of transportation in carrying out the pilot program, are not open to the public, and may not be used in court in a pending action or proceeding.

(12) $1,000,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter 111, Laws of 2024 (graffiti abatement and reduction pilot). If chapter 111, Laws of 2024 is not enacted by June 30, 2024, the amount provided in this subsection lapses.

Sec. 915. 2024 c 310 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION MANAGEMENT AND SUPPORT—PROGRAM S

Motor Vehicle Account—State Appropriation. ((~~$63,497,000~~))
$63,501,000
Motor Vehicle Account—Federal Appropriation $780,000
Motor Vehicle Account—Private/Local Appropriation. $500,000
Move Ahead WA Flexible Account—State Appropriation. $5,400,000
Puget Sound Ferry Operations Account—State Appropriation. $509,000
Multimodal Transportation Account—State Appropriation. . . . . ((~~$22,723,000~~))
$15,932,000
State Route Number 520 Corridor Account—State Appropriation. $220,000
Tacoma Narrows Toll Bridge Account—State Appropriation. $136,000
Alaskan Way Viaduct Replacement Project Account—State Appropriation. $127,000
Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. $114,000
TOTAL APPROPRIATION. . . . . ((~~$94,006,000~~))
$87,219,000

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

(1)(a) $2,000,000 of the motor vehicle account—state appropriation and $5,400,000 of the move ahead WA flexible account—state appropriation are provided solely for efforts to increase diversity in the transportation construction workforce through:

(i) The preapprenticeship support services (PASS) and career opportunity maritime preapprenticeship support services (COMPASS) programs, which aim to increase

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diversity in the highway construction and maritime workforces and prepare individuals interested in entering the highway construction and maritime workforces. In addition to the services allowed under RCW 47.01.435, the PASS and COMPASS programs may provide housing assistance for youth aging out of the foster care and juvenile rehabilitation systems to support their participation in a transportation-related preapprenticeship program and support services to obtain necessary maritime documents and coast guard certification; and

(ii) Assisting minority and women-owned businesses to perform work in the highway construction industry.

(b) The department shall report annually to the transportation committees of the legislature on efforts to increase diversity in the transportation construction workforce.

(2) $1,512,000 of the motor vehicle account—state appropriation and $488,000 of the Puget Sound ferry operations account—state appropriation are provided solely for the department to develop, track, and monitor the progress of community workforce agreements, and to assist with the development and implementation of internal diversity, equity, and inclusion efforts and serve as subject matter experts on federal and state civil rights provisions. The department shall engage with relevant stakeholders, and provide a progress report on the implementation of efforts under this subsection to the transportation committees of the legislature and the governor by December 1, 2024.

(3) For Washington state department of transportation small works roster projects under RCW 39.04.155, the department may only allow firms certified as small business enterprises, under 49 C.F.R. 26.39, to bid on the contract, unless the department determines there would be insufficient bidders for a particular project. The department shall report on the effectiveness of this policy to the transportation committees of the legislature by December 1, 2024.

(4) $21,195,000 of the motor vehicle account—state appropriation and ((~~$21,194,000~~))$14,403,000 of the multimodal transportation account—state appropriation are provided solely for the department to upgrade the transportation reporting and accounting information system to the current cloud version of the software, and is subject to the conditions, limitations, and review requirements of section 701, chapter 472, Laws of 2023.

(5) $56,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 230, Laws of 2023 (clean energy siting).

Sec. 916. 2024 c 310 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION PLANNING, DATA, AND RESEARCH—PROGRAM T

Carbon Emissions Reduction Account—State Appropriation. $4,000,000
Motor Vehicle Account—State Appropriation. ((~~$32,044,000~~))
$30,471,000
Motor Vehicle Account—Federal Appropriation $31,527,000
Motor Vehicle Account—Private/Local Appropriation. $400,000
Move Ahead WA Flexible Account—State Appropriation. $11,922,000
Multimodal Transportation Account—State Appropriation. . . . . ((~~$2,714,000~~))
$2,574,000
Multimodal Transportation Account—Federal Appropriation. $2,809,000
Multimodal Transportation Account—Private/Local Appropriation. $100,000
TOTAL APPROPRIATION. . . . . ((~~$85,516,000~~))
$83,803,000

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

(1) $750,000 of the multimodal transportation account—state appropriation is provided solely for the department to partner with the department of commerce and regional transportation planning organizations in implementing vehicle miles traveled targets and supporting actions. As part of target setting, important factors that must be considered include land use patterns, safety, and vulnerable populations. The department shall provide an interim report by June 30, 2024, and a final report by June 30, 2025.

(2) $150,000 of the motor vehicle account—state appropriation is provided solely for the department to continue implementation of a performance-based project evaluation model. The department must issue a report by September 1, 2024.

(3)(a) $180,000 of the multimodal transportation account—state appropriation is provided solely for Thurston regional planning council (TRPC) to conduct a study examining options for multimodal high capacity transportation (HCT) to serve travelers on the Interstate 5 corridor between central Thurston county (Olympia area) and Pierce county.

(b) The study will include an assessment of travelsheds and ridership potential and identify and provide an evaluation of options to enhance connectivity and accessibility for the greater south Puget Sound region with an emphasis on linking to planned or existing commuter or regional light rail. The study must account for previous and ongoing efforts by transit agencies and the department. The study will emphasize collaboration with a diverse community of interests, including but not limited to transit, business, public agencies, tribes, and providers and users of transportation who because of age, income, or ability may face barriers and challenges.

(c) The study is due to the governor and transportation committees of the legislature by September 1, 2024.

(4) ((~~$700,000~~))$560,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle's office of planning and community development to support an

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equitable development initiative to reconnect the South Park neighborhood, currently divided by state route number 99.

(a) The support work must include:

(i) A public engagement and visioning process led by a neighborhood-based, community organization; and

(ii) A feasibility study of decommissioning state route number 99 in the South Park neighborhood to include, but not be limited to, traffic studies, environmental impact analysis, and development of alternatives, including the transfer of the land to a neighborhood-led community land trust.

(b) The support work must be conducted in coordination and partnership with neighborhood residents, neighborhood industrial and commercial representatives, the state department of transportation, and other entities and neighborhoods potentially impacted by changes to the operation of state route number 99.

(c) The city must provide ((~~a report on the plan that includes recommendations~~))an interim report on progress to date to the Seattle city council, state department of transportation, and the transportation committees of the legislature by June 30, 2025.

(5) ((~~$2,557,000~~))$1,000,000 of the motor vehicle account—state appropriation is provided solely for the department to upgrade the department's linear referencing system (LRS) and highway performance monitoring system (HPMS)((~~, and is subject to the conditions, limitations, and review requirements in section 701, chapter 472, Laws of 2023~~)).

(6) $306,000 of the multimodal transportation account—state appropriation is provided solely for the department to appoint or designate a liaison to serve as a point of contact and resource for the department, local governments, and project proponents regarding land use decisions and processing development permit applications. The liaison must, as a priority, facilitate and expedite any department decisions required for project approval.

(7) $742,000 of the motor vehicle account—federal appropriation is provided solely for remaining work on the "Forward Drive" road usage charge research project overseen by the transportation commission using the remaining amounts of the federal grant award. The remaining work of this project includes:

(a) Analysis of road usage charge simulation and participant surveys;

(b) Follow up on road usage charge experiences related to payment installments, mileage exemptions, and vehicle-based mileage reporting;

(c) Completion of technology research; and

(d) Development of the final "Forward Drive" research program report.

(8)(a) $11,922,000 of the move ahead WA flexible account—state appropriation is provided solely for an Interstate 5 planning and environmental linkage study and a statewide Interstate 5 master plan, building upon existing work under way in the corridor. It is the intent of the legislature to provide a total of $40,000,000 for this work by 2029.

(b) The work under (a) of this subsection must include, but is not limited to, the following:

(i) Seismic resiliency planning to refine the level of effort and develop informed cost estimates for the seismic vulnerability analysis;

(ii) HOV lane system-wide performance planning and initial steps to launch a pilot project that progresses innovative and emerging technologies;

(iii) Interstate 5 corridor planning work, including development of a framework, coordination of corridor needs, development of core evaluation criteria and a prioritization process, and identification of early action priority projects that address safety or resiliency, or both, along the corridor; and

(iv) A report to the transportation committees of the legislature by December 1, 2024, with recommendations for future phases and a detailed funding request for work planned through 2029.

(c) Of the amounts provided in this subsection, $300,000 is provided solely for the department to conduct a Seattle Interstate 5 ramp reconfiguration study. The study must be conducted in coordination and partnership with the city of Seattle's department of transportation, informed by the input of Interstate 5 lid stakeholders, and coordinated with work under (a) and (b) of this subsection. The department must provide a study report, including recommendations, to the city of Seattle's department of transportation and the transportation committees of the legislature by December 1, 2024. The study must include an analysis of:

(i) Options and opportunities to reconfigure, relocate, or remove Interstate 5 ramps within and between Chinatown-International District and the University District for the purpose of improving through-traffic operations, enhancing multimodal transportation safety, and enabling more efficient air rights development;

(ii) Potential mitigation needs and cost estimates of ramp changes and demolitions;

(iii) Benefits of ramp changes and demolitions to pedestrian and bicycle travel, transit operations, and future lid design;

(iv) Ramps for the mainline, collector-distributor lanes and express lanes including, at a minimum, ramps connecting to and from James Street, Cherry Street, 6th Avenue, Madison Street, Seneca Street, Spring Street, University Street, Union Street, Olive Way, Yale Avenue, NE 45th Street, and NE 50th Street;

(v) Removal of the existing ramps at Seneca Street, Spring Street, and University Street; and

(vi) Removal and consolidation options of the existing NE 45th Street and NE 50th Street ramps.

(d) The department shall work with the emergency management division of the military department to identify strategic transportation corridors, opportunities to improve resilience and reinforce the

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corridors against natural disasters, and opportunities to secure federal funding for investments in the resilience of the transportation network. The department shall provide a report to the transportation committees of the legislature by December 1, 2023, on:

(i) Strategic transportation corridors and opportunities to improve their resilience;

(ii) Federal funding opportunities the state should pursue; and

(iii) Recommendations for actions to maximize federal funding for the state of Washington.

(9) The department shall continue to coordinate planning work focused on the transportation system in western Washington across modes with the goal of maximizing system performance toward the policy goals in RCW 47.04.280 in the most cost-effective manner. This coordination must include, but is not limited to: The Interstate 5 highway corridor, existing rail infrastructure and future high-speed rail alignment, and commercial aviation capacity. The department must report to the joint transportation committee through existing reporting mechanisms on the status of these planning efforts including, but not limited to, a long-term strategy for addressing resilience of the transportation system in western Washington through consideration of changing demand, modal integration, and preservation needs. The coordinated work must include an analysis of different alternatives to promote system resilience, including performance and cost of each scenario.

(10) $3,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department, in coordination with the department's HEAL act team and environmental services office, to develop and implement a community outreach, education, and technical assistance program for overburdened communities and their community partners in order to develop community-centered carbon reduction strategies to make meaningful impacts in a community, and to provide assistance in gaining access to available funding to implement these strategies, where applicable. The department may provide appropriate compensation to members of overburdened communities who provide solicited community participation and input needed by the department to implement and administer the program established in this subsection. By June 1, 2024, and by June 1, 2025, the department must submit a report to the transportation committees of the legislature and to the governor that provides an update on the department's community outreach, education, and technical assistance program development and implementation efforts.

(11) $200,000 of the motor vehicle account—state appropriation is provided solely for planning and intersection improvements along state route number 904 and improvements to the local network that would feed intersections with state route number 904. This work must include, but is not limited to, the Medical Lake/Four Lakes Road/West 3rd Ave intersection and feeding local network. The department must collaborate with Spokane county and the city of Cheney on this work and other improvement ideas along the corridor.

(12) Beginning January 1, 2025, $1,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to contract with a world cup organizing committee based in Seattle to undertake low carbon transportation planning efforts that will help prepare for the increase in visitors due to the 2026 FIFA world cup soccer matches in Seattle and other venues in the state. The planning, to be developed in coordination with the department and local mobility agencies, must identify critical infrastructure and operational improvements that will support active transportation and reliability of transit, making it easier for the public to choose options other than single-occupancy vehicles. A progress report including best practices for future events must be delivered to the department, office of the governor, and transportation committees of the legislature by June 30, 2025.

Sec. 917. 2024 c 310 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CHARGES FROM OTHER AGENCIES—PROGRAM U

Aeronautics Account—State Appropriation. $1,000

Transportation Partnership Account—State Appropriation. $56,000

Motor Vehicle Account—State Appropriation. ((~~$112,419,000~~)) $122,169,000

Puget Sound Ferry Operations Account—State Appropriation. $244,000

State Route Number 520 Corridor Account—State Appropriation. $69,000

Connecting Washington Account—State Appropriation. $452,000

Multimodal Transportation Account—State Appropriation. $6,335,000

Tacoma Narrows Toll Bridge Account—State Appropriation. $43,000

Alaskan Way Viaduct Replacement Project Account—State Appropriation. $38,000

Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. $43,000

TOTAL APPROPRIATION. . . . . ((~~$119,700,000~~)) $129,450,000

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

(1) Consistent with existing protocol and practices, for any negotiated settlement of a claim against the state for the department that exceeds $5,000,000, the department, in conjunction with the attorney general and the department of enterprise services, shall notify the director of the office of financial management and the transportation committees of the legislature.

(2) On August 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department

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of enterprise services, shall provide a report with judgments and settlements dealing with the Washington state ferry system to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; (c) defense costs associated with those claims and settlements; and (d) information on the impacts of moving legal costs associated with the Washington state ferry system into the statewide self-insurance pool.

(3) On August 1, 2023, and semiannually thereafter, the department, in conjunction with the attorney general and the department of enterprise services, shall provide a report with judgments and settlements dealing with the nonferry operations of the department to the director of the office of financial management and the transportation committees of the legislature. The report must include information on: (a) The number of claims and settlements by type; (b) the average claim and settlement by type; and (c) defense costs associated with those claims and settlements.

(4) When the department identifies significant legal issues that have potential transportation budget implications, the department must initiate a briefing for appropriate legislative members or staff through the office of the attorney general and its legislative briefing protocol.

Sec. 918. 2024 c 310 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION—PROGRAM V

Carbon Emissions Reduction Account—State Appropriation. . . . . ((~~$30,400,000~~)) $2,557,000

Climate Transit Programs Account—State Appropriation. . . . . ((~~$410,645,000~~)) $378,895,000

State Vehicle Parking Account—State Appropriation. $784,000

Regional Mobility Grant Program Account—State Appropriation. . . . . ((~~$120,177,000~~)) $61,730,000

Rural Mobility Grant Program Account—State Appropriation. $33,077,000

Multimodal Transportation Account—State Appropriation. . . . . ((~~$126,238,000~~)) $119,100,000

Multimodal Transportation Account—Federal Appropriation. $4,374,000

Multimodal Transportation Account—Private/Local Appropriation. $100,000

TOTAL APPROPRIATION. . . . . ((~~$725,795,000~~)) $600,617,000

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

(1) $64,906,000 of the multimodal transportation account—state appropriation and ((~~$78,325,000~~))$77,900,000 of the climate transit programs account—state appropriation are provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) $14,420,000 of the multimodal transportation account—state appropriation and ((~~$17,963,000~~))$17,713,000 of the climate transit programs account—state appropriation are provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) $48,278,000 of the multimodal transportation account—state appropriation and ((~~$60,137,000~~))$59,962,000 of the climate transit programs account—state appropriation are provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2021 as reported in the "2021 Summary of Public Transportation" published by the department of transportation. No transit agency may receive more than 30 percent of these distributions. Fuel type may not be a factor in the grant selection process.

(c) $2,208,000 of the multimodal transportation account—state appropriation and $225,000 of the climate transit programs account—state appropriation are provided solely for the reappropriation of amounts provided for this purpose in the 2021-2023 fiscal biennium.

(2) $33,077,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100. Fuel type may not be a factor in the grant selection process.

(3) ((~~$11,598,000~~))$9,925,000 of the multimodal transportation account—state appropriation is provided solely for a public transit rideshare grant program for: (a) Public transit agencies to add or replace rideshare vehicles; and (b) incentives and outreach to increase rideshare use. The grant program for public transit agencies may cover capital costs only, and costs for operating vanpools at public transit agencies are not eligible for funding under this grant program. Awards from the grant program must not be used to supplant transit funds currently funding ride share programs, or to hire additional employees. Fuel type may not be a factor in the grant selection process. Of the amounts provided in this subsection, $1,308,000 is for the reappropriation of amounts provided for this purpose in the 2021-2023 fiscal biennium.

(4) $48,597,000 of the regional mobility grant program account—state appropriation is reappropriated and provided solely for the regional mobility grant projects identified

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in LEAP Transportation Document ((~~2024-2 ALL PROJECTS as developed March 6, 2024, Program - Public Transportation Program (V)~~))2025-2 ALL PROJECTS as developed March 23, 2025, Program - Public Transportation Program (V).

(5)(a) ((~~$71,581,000~~))$13,133,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((~~2024-2 ALL PROJECTS as developed March 6, 2024, Program - Public Transportation Program (V)~~))2025-2 ALL PROJECTS as developed March 23, 2025, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2023, and December 15, 2024, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than 25 percent of the amount appropriated in this subsection unless all other funding is awarded. Additionally, when allocating funding for the 2023-2025 fiscal biennium, no more than 30 percent of the total grant program may directly benefit or support one grantee unless all other funding is awarded. Fuel type may not be a factor in the grant selection process.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2023-2025 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(c) $1,500,000 of the amount appropriated in this subsection is provided solely for a contingency fund to assist current regional mobility grantees with cost escalations and overages. The department shall create a system for grantees to request funds, and set a cap of contingency funds per grantee to ensure an equitable distribution among requesters.

(d) During the 2023-2025 fiscal biennium, the department shall consider applications submitted by regional transportation planning organizations and metropolitan planning organizations for the regional mobility grant program funding in the 2025-2027 fiscal biennium.

(6) $6,195,000 of the multimodal transportation account—state appropriation, $3,300,000 of the climate transit programs account—state appropriation, and $784,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities. Fuel type may not be a factor in the grant selection process. Of this amount, $495,000 of the multimodal transportation account—state appropriation is reappropriated and provided solely for continuation of previously approved projects under the first mile/last mile connections grant program.

(7) ((~~$16,319,000~~))$12,911,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington transit projects identified in LEAP Transportation Document ((~~2024-2 ALL PROJECTS as developed March 6, 2024~~))2025-2 ALL PROJECTS as developed March 23, 2025, Program - Public Transportation Program (V). It is the intent of the legislature that entities identified to receive funding in the LEAP transportation document referenced in this subsection receive the amounts specified in the time frame specified in that LEAP document. If an entity has already completed a project in the LEAP transportation document referenced in this subsection before the time frame identified, the entity may substitute another transit project or projects that cost a similar or lesser amount.

(8) The department shall not require more than a 10 percent match from nonprofit transportation providers for state grants.

(9) ((~~$12,000,000~~))$9,942,000 of the multimodal transportation account—state appropriation and ((~~$39,400,000~~))$28,306,000 of the climate transit programs account—state appropriation are provided solely for the green transportation capital projects identified in LEAP Transportation Document ((~~2024-2 ALL PROJECTS as developed March 6, 2024, Program - Public Transportation Program (V)~~))2025-2 ALL PROJECTS as developed March 23, 2025, Program - Public Transportation Program (V). Of the amount of climate transit program account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(10) $5,950,000 of the multimodal transportation account—state appropriation and $1,249,000 of the climate transit programs account—state appropriation are reappropriated and provided solely for the green transportation capital grant projects identified in LEAP Transportation Document ((~~2024-2 ALL PROJECTS as developed March 6, 2024, Program - Public Transportation Program (V)~~))2025-2 ALL PROJECTS as

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developed March 23, 2025, Program - Public Transportation Program (V).

(11) ((~~Beginning January 1, 2025, $7,442,000 of the carbon emissions reduction account—state appropriation is provided solely for additional green transportation capital projects identified in LEAP Transportation Document 2024-2 ALL PROJECTS as developed March 6, 2024. Of the amounts provided in this subsection, $1,000,000 is for the Jefferson Transit - Electric Bus Replacement project (GT23250A), $1,023,000 is for the Pacific Transit - Electrification of the Paratransit Fleet project (GT23250C), $3,795,000 is for the C-TRAN - Hydrogen Fueling Station Infrastructure project (GT23250D), and $1,623,000 is for the Island Transit - Fleet Expansion project (GT23250E).~~

~~(12) $10,267,000~~))$8,632,000 of the climate transit programs account—state appropriation is provided solely for tribal transit grants. Up to one percent of the amount provided in this subsection may be used for program administration and staffing.

(a) The department must establish a tribal transit competitive grant program. Grants to federally recognized tribes may be for any transit purpose, including planning, operating costs, maintenance, and capital costs. The department shall report to the transportation committees of the legislature and the office of financial management with a list of projects recommended for funding by September 1, 2024, along with recommendations on how to remove barriers for tribes to access grant funds, including removal of grant match requirements, and recommendations for how the department can provide technical assistance.

(b) Within the amount provided in this subsection, ((~~$10,167,000~~))$8,532,000 is provided solely for move ahead Washington tribal transit grant projects as listed in LEAP Transportation Document ((~~2024-2 ALL PROJECTS as developed March 6, 2024~~))2025-2 ALL PROJECTS as developed March 23, 2025, Program - Public Transportation Program (V). Of this amount, $529,000 is for the Sauk-Suiattle Commuter project (L1000318).

((~~(13)~~))(12) $188,930,000 of the climate transit programs account—state appropriation is provided solely for transit support grants for public transit agencies that have adopted a zero-fare policy for youth 18 years of age and under by October 1, 2022. The department must confirm zero-fare policies are in effect at transit agencies to be eligible for biennial distributions.

((~~(14) $38,000,000~~))(13) $35,914,000 of the climate transit programs account—state appropriation is provided solely for the bus and bus facility grant program for replacement, rehabilitation, and purchase of transit rolling stock, or construction, modification, or rehabilitation of transit facilities.

((~~(15)~~))(14) Beginning January 1, 2025, ((~~$7,758,000~~))$1,467,000 of the carbon emissions reduction account—state appropriation is provided solely for ((~~additional bus and bus facility projects. Of the amounts provided in this subsection, $1,467,000 is for~~)) Kitsap Transit for inductive charging units for transit centers((~~, $1,891,000 is for Twin Transit for zero-emission vehicle acquisition, $4,400,000 is for C-TRAN for highway 99 BRT hydrogen fuel cell buses~~)).

((~~(16)~~))(15) $2,000,000 of the climate transit programs account—state appropriation is provided solely for newly selected transit coordination grants. The department shall prioritize grant proposals that promote the formation of joint partnerships between transit agencies or merge service delivery across entities.

((~~(17) $46,587,000~~))(16) $31,735,000 of the climate transit programs account—state appropriation is provided solely for move ahead Washington transit projects as listed in LEAP Transportation Document ((~~2024-2 ALL PROJECTS as developed March 6, 2024, Move Ahead WA - Transit Projects~~))2025-2 ALL PROJECTS as developed March 23, 2025, Program - Public Transportation Program (V).

(a) For projects funded as part of this subsection, if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used within the 2023-2025 fiscal biennium to advance one or more of the projects listed, prioritizing projects first by tier then by project readiness.

(b) In instances when projects listed in the LEAP transportation document referenced in this subsection (15) are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations on certain funds provided. In the event that the listed project has been completed, the local jurisdictions may, rather than submitting an alternative project, be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(c) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

((~~(18)~~))(17) $702,000 of the multimodal transportation account—state appropriation is provided solely for the department to provide a statewide vanpool benefit for all state employees. For department employees working in remote job sites, such as mountain passes, the department must ensure employees are able to access job sites via a subsidized vanpool or provide a modal alternative for the "last mile" to ensure employees can access the job site without additional charge.

((~~(19)~~))(18) $200,000 of the multimodal transportation account—state appropriation is provided solely for the department to update the 2019 feasibility study to add a fifth travel Washington intercity bus line

in the Yakima Valley. The department must provide a summary report of the updated feasibility and cost estimates to the transportation committees of the legislature by December 1, 2024.

((~~(20)~~))(19) $555,000 of the multimodal transportation account—state appropriation and $500,000 of the carbon emissions reduction account—state appropriation are provided solely for an interagency transfer to the Washington State University extension energy program to administer a technical assistance and education program for public agencies on the use of alternative fuel vehicles. The Washington State University extension energy program shall prepare a report regarding the utilization of the program and submit this report to the transportation committees of the legislature by November 15, 2023.

((~~(21)~~))(20)(a) $500,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to develop a pilot program to place teams, including human services personnel, along routes that are enduring significant public safety issues and various disruptive behavior in south King county. The team would be available to deescalate disruptions, provide immediate access to transit resources, and refer customers to community resources to break cycles of inappropriate behavior. The teams must consist of individuals trained in deescalation and outreach. Team functions and duties should be cocreated with community stakeholders.

(b) King county metro must provide a report to the transportation committees of the legislature by June 30, 2024, regarding the effectiveness of the program, any suggestions for improving its efficacy, and any modifications that might be necessary for other transit providers to institute similar programs.

(c) King county metro must provide at least a 50 percent match to develop the pilot program funded under this subsection.

((~~(22)~~))(21) $500,000 of the multimodal transportation account—state appropriation is provided solely for planning to move Grays Harbor transit operation and administration facilities from the current location.

((~~(23)~~))(22) As part of the department's 2025-2027 biennial budget request, the department must submit budget materials for the public transportation division separated into operating and capital budgeted programs.

((~~(24)~~))(23) Beginning January 1, 2025, ((~~$2,000,000~~))$290,000 of the carbon emissions reduction account—state appropriation is provided solely for new transit coordination grants, prioritizing projects that coordinate transit service to and from Washington state ferry terminals. Program eligibility must be expanded to include proposals from transit agencies in counties with populations fewer than 700,000 that coordinate service to and from Washington state ferry terminals.

((~~(25)~~))(24) Beginning January 1, 2025, ((~~$900,000~~))$300,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to implement certain recommendations from the 2023 frequent transit service study. The department shall define levels and types of demand-response service and measure access to these services within Washington for the purpose of gaining a fuller picture of transit access. The department must collect ongoing transportation data and develop systems to allow for analysis of disparities in access to existing fixed route transit. The data collection should prioritize collecting information on accessibility and inclusion of people with disabilities, vulnerable populations in overburdened communities, and other underserved communities. The department shall submit a status report on data collection efforts to the transportation committees of the legislature and the office of financial management by June 30, 2025.

((~~(26) Beginning January 1, 2025, $11,800,000 of the carbon emissions reduction account—state appropriation is provided solely for the following projects identified in LEAP Transportation Document 2024-2 ALL PROJECTS as developed March 6, 2024:~~

~~(a) Base Refurbish & Expansion for Growth/Columbia County Public Transportation (L4000182);~~

~~(b) Kitsap Transit: Design & Shore Power (G2000115);~~

~~(c) Pierce Transit - Meridian (L2021197); and~~

~~(d) King County Metro South Annex Base - Electrification Elements (L4000174).~~

~~(27)~~))(25) $100,000 of the multimodal transportation account—state appropriation is provided solely for King county metro to implement a pilot program to provide funds to nonprofit organizations to offer rideshare vouchers to persons who are low-income and people with disabilities who rely on paratransit to get to and from work or medical appointments. King county metro must work with a group who provides dialysis services in King county and with a group who provides employment services and supports to adults with disabilities in the four most populous counties in Washington. The department must submit a report to the office of financial management and the transportation committees of the legislature by June 1, 2025. The report must incorporate feedback from participants to the extent possible and evaluate the effectiveness of the program as an alternative to current public transportation programs.

Sec. 919. 2024 c 310 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM X

Puget Sound Ferry Operations Account—State Appropriation. . . . . ((~~$571,594,000~~)) $527,612,000

Puget Sound Ferry Operations Account—Federal Appropriation. . . . . ((~~$198,650,000~~)) $197,187,000

Puget Sound Ferry Operations Account—Private/Local Appropriation. $121,000

TOTAL APPROPRIATION. . . . . ((~~$770,365,000~~))

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$724,920,000

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

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2023-2025 supplemental and 2025-2027 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs. The data in the tables in the report must be supplied in a digital file format.

(2) ((~~$97,060,000~~))$95,597,000 of the Puget Sound ferry operations account—federal appropriation and ((~~$51,450,000~~))$15,884,000 of the Puget Sound ferry operations account—state appropriation are provided solely for auto ferry vessel operating fuel in the 2023-2025 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 703, chapter 472, Laws of 2023. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge. The department shall review future use of alternative fuels and dual fuel configurations, including hydrogen.

(3) $500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for operating costs related to moving vessels for emergency capital repairs. Funds may only be spent after approval by the office of financial management.

(4) The department must work to increase its outreach and recruitment of populations underrepresented in maritime careers and continue working to expand apprenticeship and internship programs, with an emphasis on programs that are shown to improve recruitment for positions with the state ferry system.

(5) $175,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to continue a study of passenger demographics. The study may be included as part of a larger origin and destination study. The department shall report study results to the transportation committees of the legislature by December 1, 2023. Following completion of the study, the department must compare study results to the composition of groups outlined in RCW 47.60.310, both by overall representation of ferry riders and by route. A summary is due to the office of the governor and transportation committees of the legislature by December 1, 2024.

(6) The department shall continue to oversee a consultant study to identify and recommend cost-effective strategies to maximize walk-on passenger ridership of the Anacortes – San Juan ferry routes. The study is due to the transportation committees of the legislature by December 1, 2023. By December 1, 2024, any feasible near to medium term solutions identified from the study must be reported to the office of the governor and transportation committees of the legislature and include cost estimates for implementation.

(7) ((~~$16,973,000~~))$8,873,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to:

(a) Provide scholarships, coursework fees, and stipends for candidates to become licensed deck officers (mates);

(b) Improve the process for unlicensed candidates who have achieved able-bodied sailor (AB) status to earn their mate's license;

(c) Annually hire, orient, train, and develop entry level engine room staff at the wiper classification with the intention of successfully promoting to oiler classification;

(d) Create an operations project management office;

(e) Increase human resources capacity to expand recruitment efforts including to communities currently underrepresented within the Washington state ferries, and add a workforce ombuds; and

(f) Hire additional dispatch staff, or any other staff mandatory for system operations.

(8) $169,000 of the Puget Sound ferry operations account—state appropriation is provided solely for hiring an additional service planner.

(9)(a) During negotiations of the 2025-2027 collective bargaining agreements, the department must conduct a review and analysis of the collective bargaining agreements governing state ferry employees, to identify provisions that create barriers for, or contribute to creating a disparate impact on, newly hired ferry employees, including those who are women, people of color, veterans, and other employees belonging to communities that have historically been underrepresented in the workforce. The review and analysis must incorporate, to the extent practicable, the findings and recommendations from the December 2022 joint transportation committee study on Washington state ferries' workforce, and must also include, but not be limited to, provisions regarding seniority, work assignments, and work shifts. The review and analysis must also include consultation with the governor's office of labor relations, the governor's office of equity, and the attorney general's office.

(b) For future negotiations or modifications of the collective bargaining agreements, it is the intent of the legislature that the collective bargaining representatives for the state and ferry employee organizations may consider the findings of the review and analysis required in (a) of this subsection and negotiate in a manner to remove identified barriers and address identified impacts so as not to perpetuate negative impacts.

(10) $1,504,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the implementation of chapter 188, Laws of 2023 (state ferry workforce development issues). If chapter

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188, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

(11) $5,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for support of the Kitsap transit passenger ferry to supplement service on the Seattle-Bremerton route.

(12) $100,000 of the Puget Sound ferry operations account—state appropriation is provided solely to assess temporary service restoration options for the Sidney, British Columbia route until Washington state ferries can resume its service. Washington state ferries must provide service options and recommendations to the office of financial management and the transportation committees of the legislature by December 15, 2023.

(13) $2,549,000 of the Puget Sound ferry operations account—state appropriation is provided solely for security services at Colman Dock.

(14) $13,856,000 of the Puget Sound ferry operations account—state appropriation is provided solely for overtime and familiarization expenses incurred by engine, deck, and terminal staff. The department must provide updated staffing cost estimates for fiscal years 2024 and 2025 with its annual budget submittal and updated estimates by January 1, 2024.

(15) $1,064,000 of the Puget Sound ferry operations account—state appropriation is provided solely for traffic control at ferry terminals at Seattle, Fauntleroy, Kingston, Edmonds, Mukilteo, and Bainbridge Island, during peak ferry travel times, with a particular focus on Sundays and holiday weekends.

(16) $93,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the Washington state ferries to secure housing for workforce training sessions and to pay in advance for the costs of transportation worker identification credentials, merchant mariner credentials, and medical examinations for incoming ferry system employees and trainees.

(17) $10,417,000 of the Puget Sound ferry operations account—state appropriation is provided solely for vessel maintenance initiatives to:

(a) Add a second shift at the Eagle Harbor maintenance facility;

(b) Establish maintenance management project controls to maximize vessel maintenance work at the Eagle Harbor facility;

(c) Expand the existing Washington state ferries Eagle Harbor apprenticeship program from two to eight apprentices; and

(d) Maintain assets in a state of good repair by investing in enterprise asset management operating capacity.

(18)(a) $855,000 of the Puget Sound ferry operations account—state appropriation is provided solely for Washington state ferries to provide to Seattle Central Community College for a pilot with the Seattle Maritime Academy for the 2023-2025 fiscal biennium. Funding may not be expended until Washington state ferries certifies to the office of financial management that a memorandum of agreement with Seattle Central Community College has been executed, and the office of financial management determines that funds provided in this subsection are utilized for programs that are a benefit to the Washington state ferries or the prospective workforce pipeline of the Washington state ferries. The memorandum of agreement with Seattle Central Community College must address:

(i) Prioritized use of training and other facilities and implementation of joint training opportunities for Washington state ferries' employees and trainees;

(ii) Development of a joint recruitment plan with Seattle Central Community College aimed at increasing enrollment of women and people of color, with specific strategies to recruit existing community and technical college students, maritime skills center students, high school students from maritime programs, including maritime skills center students, foster care graduates, and former juvenile rehabilitation and adult incarcerated individuals; and

(iii) Consultation between the parties on the development of the training program, recruitment plan and operational plan, with an emphasis on increasing enrollment of women and people of color.

(b) The joint training and recruitment plan must be submitted to the appropriate policy and fiscal committees of the legislature by December 1, 2023. The Washington state ferries must submit findings of program effectiveness and recommendations for continuation of the pilot, to the appropriate committees of the legislature by December 1, 2024.

(19) $420,000 of the Puget Sound ferry operations account appropriation—state is provided solely for a contract with an organization with experience evaluating and developing recommendations for the Washington state ferries' workforce to provide expertise on short-term strategies including, but not limited to, addressing recruitment, retention, diversity, training needs, leadership development, and succession planning. The consultant shall provide additional assistance as deemed necessary by the Washington state ferries to implement recommendations from the joint transportation committee 2022 workforce study. Periodic updates must be given to the joint transportation committee and the governor.

(20) By December 31st of each year, as part of the annual ferries division performance report, the department must report on the status of efforts to increase the staff available for maintaining the customary level of ferry service, including staff for deck, engine, and terminals. The report must include data for a 12-month period up to the most recent data available, by staff group, showing the number of employees at the beginning of the 12-month period, the number of new employees hired, the number of employees separating from service, and the number of employees at the end of the 12-month period. The department report on additional performance measures must include:

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(a) Numbers of trip cancellations due to crew availability or vessel mechanical issues;

(b) Current level of service compared to the full-service schedules in effect in 2019; and

(c) Retention rates of employees who have completed on the job workforce development programs and overall employee retention rates.

(21) ((~~$10,000,000~~))$5,000,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to increase deck and engine positions across the system, prioritizing positions that will mitigate crew related cancellations and reduce overtime expenditures. The department must include an update on the number of positions hired by job class as part of the annual performance report. The legislature intends to provide $16,000,000 on an ongoing basis to support additional crew efforts.

(22) $500,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to evaluate options for the state to return to providing state passenger-only ferry service to support existing ferry service routes.

(a) The study must focus on the routes recommended for further study by the 2020 study of passenger-only ferry service by the Puget Sound regional council as well as San Juan county interisland passenger-only ferry service. The department must contract with a third-party entity with experience in passenger-only ferry service.

(b) The evaluation must study options for the state to return to providing state passenger-only ferry service to support existing ferry service routes. The study must include estimated ridership, operating costs including labor, vessel procurement options with prioritization given to clean fueled ferries such as electric ferries, funding options including state subsidies of passenger-only ferry districts, and schedule and timing to implement passenger-only ferry options in evaluated routes.

(c) A progress report is due to the governor and transportation committees of the legislature by October 30, 2024. A final report is due to the governor and transportation committees of the legislature by June 1, 2025.

(23) $100,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the department to reimburse walk-on customers for emergency expenses incurred as a result of a cancellation of the last sailing of the day. In consideration for receiving the reimbursement, an applicant must sign a release of claims drafted by the department. The department shall create a process for reimbursement and set a per diem limit for reimbursement per individual.

(24) $3,170,000 of the Puget Sound ferry operations account—state appropriation is provided solely for temporary expanded weekday midday King county water taxi service support to and from Vashon Island.

Sec. 920. 2024 c 310 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—OPERATING

Carbon Emissions Reduction Account—State Appropriation. $275,000

Motor Vehicle Account—State Appropriation. ((~~$14,282,000~~))
$14,266,000

Motor Vehicle Account—Federal Appropriation $2,567,000

Multiuse Roadway Safety Account—State Appropriation. $1,230,000

Multimodal Transportation Account—State Appropriation. $2,000,000

TOTAL APPROPRIATION. . . . . ((~~$20,354,000~~))
$20,338,000

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

(1) $500,000 of the motor vehicle account—state appropriation is provided solely for development, administration, program management, and evaluation of the federal fund exchange pilot program.

(2) $1,063,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:

(a) Contract with the department of fish and wildlife to identify, inventory, and prioritize county-owned fish passage barriers;

(b) Continue streamlining and updating the county road administration board's data dashboard, to provide a more detailed, more transparent, and user-friendly platform for data management, reporting, and research by the public and other interested parties;

(c) Commission a study to develop guidance for county public works departments conducting environmental justice assessments in their communities and recommend best practices for community engagement plans to address environmental health disparities for identified overburdened communities;

(d) Contract for a study to identify best practices within public works for the recruitment and retention of employees, including: Recommendations for improving outreach and recruitment to underrepresented populations, methods to partner with local community colleges and universities, methods to expand apprenticeship and internship programs, strategies to increase training and development opportunities, and recommendations for career advancement programs and better work-life balance outcomes;

(e) Update the 2020 county transportation revenue study; and

(f) By December 15, 2024, report to the office of financial management and the appropriate committees of the legislature the deliverables from and the amounts expended on the purposes enumerated in this subsection.

((~~(4)~~))(3)(a) $200,000 of the multimodal transportation account—state appropriation is provided solely for the department to develop the preliminary phase of an action plan for the establishment of cycle highways

in locations that connect population centers and support mode shift.

(b) The action plan may complement and incorporate existing resources, including the state trails database maintained by the recreation and conservation office, local and regional plans, and the state active transportation plan.

(c) The action plan may also include, but is not limited to:

(i) Recommended design; geometric and operational criteria and typologies appropriate to urban, suburban, and rural settings; settings that include shared use; and incremental approaches to achieve desired facility types;

(ii) A model or methodology to project potential demand and carrying capacity based on facility quality, level of traffic stress, location, directness, land use, and other key attributes;

(iii) Examination of the feasibility of developing high-capacity infrastructure for bicycle and micromobility device use within a variety of contexts and recommendations for pilot projects;

(iv) Identification of key gaps in regional networks, including planned and aspirational routes and locations within three miles of high-capacity transit or existing shared-use paths and trails suitable for transportation;

(v) Identification of legal, regulatory, financial, collaboration, and practical barriers to development and community acceptance and support of such facilities; and

(vi) Recommended strategies to consider and address issues to avoid unintended consequences such as displacement, and to ensure equity in long-term development of such facilities.

(d) The department must provide a report with its initial findings, and recommendations for next steps, to the transportation committees of the legislature by June 30, 2025.

((~~(5)~~)) (4) $750,000 of the multimodal transportation account—state appropriation is provided solely for a grant program to support local initiatives that expand or establish civilian intervention programs for nonmoving violations, focusing on nonpunitive interventions such as helmet voucher programs, fee offset programs, fix-it tickets, and repair vouchers that provide solutions for vehicle equipment failures for low-income road users.

(a) Grants must be awarded to local jurisdictions based on locally developed proposals to establish or expand existing programs, including programs with community led organizations. Eligible jurisdictions under the grant program include cities, counties, tribal government entities, tribal organizations, law enforcement agencies, or nonprofit organizations.

(b) The department shall report on its website by December 1st of each year on the recipients, locations, and types of projects funded under this subsection.

((~~(6)~~)) (5) $146,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter 428, Laws of 2023 (Wahkiakum ferry). If chapter 428, Laws of 2023 is not enacted by June 30, 2023, the amount provided in this subsection lapses.

((~~(7)~~)) (6)(a) $50,000 of the multimodal transportation account—state appropriation is provided solely for the department to examine the feasibility of creating a new budget program for the active transportation division, including, but not limited to, examining:

(i) Estimated cost, new staffing needs, and time frame to establish the program;

(ii) A proposed budget structure, and whether both operating and capital components should be established; and

(iii) Identification of staff, capital projects, and other resources that would need to be transferred from other existing programs.

(b) By December 1, 2024, the department shall report examination findings and recommendations to the office of financial management and the transportation committees of the legislature.

((~~(8)~~)) (7) $275,000 of the carbon emissions reduction account—state appropriation is provided solely to support Pierce, Skagit, Whatcom, and Wahkiakum county ferries with youth zero-fare policies.

((~~(9)~~)) (8) $500,000 of the multimodal transportation account—state appropriation is provided solely for the city of Seattle department of transportation to create a digital conflict area awareness management program to provide machine-readable information for transportation operators, such as autonomous vehicle fleet operators, to be aware of conflict areas, such as emergency response zones, work zones, schools, pick up and drop off locations, and other areas where vulnerable road users may be present.

(a) Program work must include:

(i) The city of Seattle engaging with first responders and transportation management officials and other relevant stakeholders, to determine program implementation needs and processes; and

(ii) A feasibility study of implementing the program's mobility and curb data specifications to include, but not be limited to, necessary partners, data platforms, ability to integrate real-time 911 dispatch, emergency vehicles, work zones, and other areas to reduce conflicts for transportation operators of autonomous vehicle fleets on public roads and in the right-of-way.

(b) Program work must also be conducted in coordination and partnership with city of Seattle departments, the nonprofit steward of the program's mobility and curb data specifications, the Washington state department of transportation, and other entities potentially impacted by the implementation of the program.

(c) As feasible, the city of Seattle shall prepare an implementation pilot of the program to make a standardized data feed available publicly for transportation operator use.

(d) The city of Seattle must provide a report on any findings and recommendations of the program and any implementation needs

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and process mapping for use by other jurisdictions to the Washington state department of transportation and the transportation committees of the legislature by June 30, 2025.

((~~(10)~~)) (9) $150,000 of the motor vehicle account—state appropriation is provided solely for the department to fund one full-time equivalent liaison position within the local program multiagency permit program. Within the amounts provided in this subsection, the department shall work to enhance its multiagency permit program capabilities, with an emphasis on multiagency agreements that streamline, prioritize, and expedite project-level and programmatic permits and approvals. The department shall review current multiagency permit program practices and provide a report with recommendations on the enhancement of the program to the transportation committees of the legislature by December 1, 2024.

(End of part)

TRANSPORTATION AGENCIES—CAPITAL

Sec. 1001. 2024 c 310 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation. . . . . ((~~$7,888,000~~)) $6,531,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~$7,888,000~~))$6,531,000 of the state patrol highway account—state appropriation is provided solely for the following projects:

(a) ((~~$250,000~~))$1,420,000 is for emergency repairs;

(b) ((~~$2,000,000~~))$1,133,000 is for roof replacements;

(c) ((~~$350,000~~))$251,000 is for fuel tank decommissioning;

(d) ((~~$500,000 is for generator and electrical replacement;~~

~~(e) $500,000~~))$200,000 is for the exterior envelope of the Yakima office;

((~~(f) $2,000,000~~))(e) $1,704,000 is for energy efficiency projects;

((~~(g) $1,000,000~~))(f) $819,000 is for pavement surface improvements;

((~~(h) $300,000~~))(g) $90,000 is for fire alarm panel replacement;

((~~(i) $188,000~~))(h) $202,000 is for repairs at the Bellevue district office;

((~~(j) $200,000~~))(i) $150,000 is for an academy master plan. As part of the academy master plan, the Washington state patrol must review and provide an analysis on the potential to colocate some training programs with other state agencies, including the department of corrections, the department fish and wildlife, the liquor and cannabis board, and the criminal justice training commission. The Washington state patrol must consult with the other state agencies to determine where cost efficiencies and mutually beneficial shared arrangements for training delivery could occur. The funding for this academy master plan is not a commitment to fund any components related to the expansion of the academy in the future;

((~~(k) $500,000~~))(j) $477,000 reappropriation is for the Tacoma district office generator replacement project; and

((~~(l) $100,000~~))(k) $85,000 reappropriation is for the energy improvement project at the SeaTac northbound facility.

(2) The Washington state patrol may transfer funds between projects specified in subsection (1) of this section to address cash flow requirements.

(3) If a project specified in subsection (1) of this section is completed for less than the amount provided, the remainder may be transferred to another project specified in subsection (1) of this section not to exceed the total appropriation provided in subsection (1) of this section after notifying the office of financial management and the transportation committees of the legislature 20 days before any transfer.

(4) By December 1, 2023, the Washington state patrol shall provide a report to the transportation committees of the legislature detailing utility incentives that will reduce the cost of heating, ventilating, and air conditioning systems funded in this section.

(5) By December 1, 2023, the Washington state patrol shall provide its capital improvement and preservation plan for agency facilities to the appropriate committees of the legislature.

Sec. 1002. 2023 c 472 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—State Appropriation. $3,975,000

Transportation Improvement Account—State Appropriation. . . . . ((~~$240,000,000~~)) $220,000,000

Complete Streets Grant Program Account—State Appropriation. . . . . ((~~$14,670,000~~)) $4,670,000

Move Ahead WA Account—State Appropriation. $9,333,000

Climate Active Transportation Account—State Appropriation. . . . . ((~~$19,067,000~~)) $16,567,000

TOTAL APPROPRIATION. . . . . ((~~$287,045,000~~)) $254,545,000

Sec. 1003. 2024 c 310 s 303 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

((~~Connecting Washington Account—State Appropriation. . . . . $3,000~~))

Motor Vehicle Account—State Appropriation. ((~~$29,810,000~~)) $15,352,000

Move Ahead WA Account—State Appropriation. $12,011,000

Multimodal Transportation Account—State Appropriation. $1,200,000

TOTAL APPROPRIATION. . . . . ((~~$43,024,000~~)) $28,563,000

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

(1) $4,025,000 of the motor vehicle account—state appropriation is provided solely for payments of a financing contract issued pursuant to chapter 39.94 RCW for the department facility located at 15700 Dayton Ave N in Shoreline. All payments from the department of ecology pursuant to the agreement with the department to pay a share of the financing contract for this facility must be deposited into the motor vehicle account.

(2)(a) $10,011,000 of the move ahead WA account—state appropriation is provided solely for the department to improve its ability to keep facility assets in a state of good repair. In using the funds appropriated in this subsection, the department, with periodic reporting to the joint transportation committee, must develop and implement a prioritization of facility capital preservation needs and repair projects. The legislature intends these to be reasonable, forward-thinking investments that consider potential future space efficiency measures and consolidations, including those assessed as having high commercial value and potential returns to state transportation funds associated with the sale of the property. Prioritization must be based on, but not limited to, the following criteria: (i) Employee safety and facility security; (ii) state and federal regulatory and statutory requirements and compliance issues, including clean buildings requirements; (iii) quality of work issues; (iv) facility condition assessment evaluations and scoring; (v) asset preservation; and (vi) amount of operational support provided by the facility to the achievement of the department's performance measures and outcomes, including facility utilization based on field operations work supported at the location. "Field operations" include maintenance, transportation operations, materials testing, and construction.

(b) By October 15, 2024, covering the first 15 months of the 2023-2025 fiscal biennium, the department must provide a report based on the prioritization of facility preservation needs and repair projects developed pursuant to (a) of this subsection to the office of financial management and the transportation committees of the legislature. The report must include: (i) A by facility ranking based on the criteria implemented; (ii) detailed information on the actions taken in the previous period to address the identified issues and deficiencies; and (iii) the plan, by facility, to address issues and deficiencies for the remainder of the 2023-2025 fiscal biennium and the 2025-2027 fiscal biennium.

(c) The by facility ranking developed under (b) of this subsection must be the basis of an agency budget submittal for the 2025-2027 fiscal biennium.

(3)(a) $1,200,000 of the multimodal transportation account—state appropriation is provided solely for the department to evaluate safety rest areas along Interstate 5 and Interstate 90 for potential truck parking expansion opportunities. The department shall also evaluate commercial vehicle inspection locations, in coordination with the Washington state patrol, for potential truck parking expansion opportunities.

(b) These evaluations must include assessments of opportunities to provide additional truck parking through rest stop and inspection location reconfiguration, expansion, and conversion, as well as evaluation of potential improvements to restroom facilities at weigh stations with truck parking. The department shall consider opportunities to expand rest stop footprints onto additional department-owned property, as well as opportunities to acquire property for rest stop expansion. Opportunities to convert a rest stop to a commercial vehicle-only rest stop must be considered if property is available to develop a new light-duty vehicle rest stop within a reasonable distance. The department shall include an evaluation of a potential truck parking site at John Hill Rest Area along the Interstate 90 corridor identified in the joint transportation committee's "Truck Parking Action Plan." Evaluations must include cost estimates for reconfiguration, expansion, and conversion, as well as other recommendations for the development of these sites.

(c) The department should consult with the federal highway administration, the Washington state patrol, the Washington trucking association, the freight mobility strategic investment board, and local communities.

(d) The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and to provide a final report to the transportation committees of the legislature by December 1, 2024.

(4) ((~~$15,457,000~~))$1,000,000 of the motor vehicle account—state appropriation is provided solely for making improvements to the department facility located at 11018 NE 51st Cir in Vancouver to meet the Washington state clean buildings performance standard.

(5)(a) $4,100,000 of the ((~~move ahead WA account~~))motor vehicle account—state appropriation is provided solely for preliminary engineering and design associated with the demolition and replacement of the department's vehicle repair and parts building at 6431 Corson Avenue South in Seattle. The department must include any requested construction costs of the facility as a separate project as part of its agency budget submittal for the 2025-2027 fiscal biennium utilizing form C-100 for capital projects. The design information must also include detailed information on square footage, components of the facility, and cost comparisons with similar maintenance facilities.

(b) By September 1, 2024, the office of financial management, in consultation with the department, must develop criteria for preservation and improvement minor works lists for the department's facilities program. The criteria must incorporate, adjusted where appropriate, provisions

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already in use in the omnibus capital budget act for minor works, including: (i) The dollar limitation for each project to be included in the list; (ii) the types of projects appropriate to be included in the list; (iii) the project length limitation appropriate to be included in the list; and (iv) a recommended initial allotment, revision request approval, and revision notification process associated with the list. The criteria must be the basis of the preservation and improvement minor works list included in the agency budget submittal beginning with the 2025-2027 fiscal biennium.

(c) By September 1, 2024, the office of financial management, in consultation with the department, must also develop criteria for providing building related capital requests in a comparable format, adjusted where appropriate, to provisions already in use in the omnibus capital appropriations act for building projects, including the C-100 capital request form and other detail requirements for omnibus capital appropriations act building submissions.

Sec. 1004. 2024 c 310 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Alaskan Way Viaduct Replacement Project Account—
State Appropriation. . . ((~~$23,794,000~~)) $16,388,000

Carbon Emissions Reduction Account—State Appropriation. $250,000

Climate Active Transportation Account—State Appropriation. . . . . ((~~$2,000,000~~)) $1,100,000

Move Ahead WA Account—Private/Local Appropriation. $137,500,000

State Route Number 520 Civil Penalties Account—State
Appropriation. $10,000,000

Transportation 2003 Account (Nickel Account)—State
Appropriation. . . . . ((~~$634,000~~)) $629,000

Transportation Partnership Account—State Appropriation. . . . . ((~~$46,899,000~~)) $93,540,000

Motor Vehicle Account—State Appropriation. ((~~$100,366,000~~)) $90,241,000

Motor Vehicle Account—Federal Appropriation . . . . . ((~~$480,282,000~~)) $342,560,000

Coronavirus State Fiscal Recovery Fund—Federal
Appropriation. . . . . ((~~$337,144,000~~)) $282,810,000

Motor Vehicle Account—Private/Local Appropriation. . . . . ((~~$74,115,000~~)) $74,996,000

Connecting Washington Account—State Appropriation. . . . . ((~~$1,960,374,000~~)) $2,100,759,000

Special Category C Account—State Appropriation. . . . . ((~~$143,917,000~~)) $119,192,000

Multimodal Transportation Account—State Appropriation. . . . . ((~~$14,311,000~~)) $8,719,000

Multimodal Transportation Account—Federal Appropriation. . . . . ((~~$12,287,000~~)) $480,000

((~~State Route Number 520 Corridor Account—State Appropriation. . . . . $500,000~~))

Interstate 405 and State Route Number 167 Express
Toll Lanes Account—State Appropriation. ((~~$319,464,000~~)) $295,220,000

Move Ahead WA Account—State Appropriation. ((~~$737,961,000~~)) $735,394,000

Move Ahead WA Account—Federal Appropriation . . . . . ((~~$373,155,000~~)) $272,554,000

JUDY Transportation Future Funding Program Account—
State Appropriation. $52,000,000

Model Toxics Control Stormwater Account—State. $15,000,000

TOTAL APPROPRIATION. . . ((~~$4,841,703,000~~)) $4,649,332,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2024-1~~))2025-1 as developed March ((~~6, 2024~~))23, 2025, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601, chapter 472, Laws of 2023.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide written authorization for such transfer to

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the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The connecting Washington account—state appropriation includes up to $1,332,926,000 in proceeds from the sale of bonds authorized in RCW 47.10.889.

(5) The special category C account—state appropriation includes up to $111,106,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(6) The transportation partnership account—state appropriation includes up to ((~~$46,899,000~~))$27,418,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(7) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an appropriation modification, reductions in the amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this fiscal biennium;

(b) Appropriation modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2023-2025 fiscal biennium in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025;

(c) Appropriation modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state, and move ahead WA account—state; and

(d) The office of financial management must provide notice of appropriation modifications authorized under this subsection within 10 working days to the transportation committees of the legislature. By December 1, 2023, and December 1, 2024, the department must submit a report to the transportation committees of the legislature regarding the actions taken to date under this subsection.

(8) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's annual budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(9) The legislature continues to prioritize the replacement of the state's aging infrastructure and recognizes the importance of reusing and recycling construction aggregate and recycled concrete materials in our transportation system. To accomplish Washington state's sustainability goals in transportation and in accordance with RCW 70A.205.700, the legislature reaffirms its determination that recycled concrete aggregate and other transportation building materials are natural resource construction materials that are too valuable to be wasted and landfilled, and are a commodity as defined in WAC 173-350-100.

(10) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(11) The legislature intends that any savings realized on the following projects will not be attributable to the application of practical design, retired risk, or unused contingency funding for the purposes of RCW 47.01.480:

(a) I-5/Marvin Road/SR 510 Interchange (L1100110); and

(b) I-82/EB WB On and Off Ramps (L2000123).

(12)(a) ((~~$337,114,000~~))$282,810,000 of the coronavirus state fiscal recovery fund—federal appropriation, ((~~$110,439,000~~))$31,405,000 of the motor vehicle account—federal appropriation, ((~~$576,827,000~~))$191,807,000 of the connecting Washington account—state appropriation, $525,187,000 of the move ahead WA account—state appropriation, $5,832,000 of the motor vehicle account—private/local appropriation, and ((~~$8,329,000~~))$266,000 of the motor vehicle account—state appropriation are provided solely for the Fish Passage Barrier Removal project (0BI4001) with the intent of fully complying with the federal *U.S. v. Washington* court injunction by 2030.

(b) The fish passage barrier removal program, in consultation with the office of innovative partnerships, shall explore opportunities to employ innovative delivery methods to ensure compliance with the court injunction including, but not limited to, public-private partnerships and batched contracts. It is the intent of the legislature that appropriations for this purpose may be used to jointly leverage state and local funds for match requirements in applying for competitive federal aid grants provided in the infrastructure investment and jobs act for removals of fish passage barriers under the national culvert removal, replacement, and restoration program. State funds used for the purpose described in this subsection must not compromise full compliance with the court injunction by 2030.

(c) The department shall coordinate with the Brian Abbott fish passage barrier removal board to use a watershed approach by replacing both state and local culverts guided by the principle of providing the greatest fish habitat gain at the earliest time. The department shall deliver high

habitat value fish passage barrier corrections that it has identified, guided by the following factors: Opportunity to bundle projects, tribal priorities, ability to leverage investments by others, presence of other barriers, project readiness, culvert conditions, other transportation projects in the area, and transportation impacts. The department and Brian Abbott fish barrier removal board must provide updates on the implementation of the statewide culvert remediation plan to the legislature by November 1, 2023, and June 1, 2024.

(d) The department must keep track of, for each barrier removed: (i) The location; (ii) the amount of fish habitat gain; and (iii) the amount spent to comply with the injunction.

(e) During the 2023-2025 fiscal biennium, the department shall provide reports of the amounts of federal funding received for this project to the governor and transportation committees of the legislature by November 1, 2023, and semiannually thereafter.

(13)(a) $15,000,000 of the model toxics control stormwater account—state appropriation is provided solely for the Stormwater Retrofits and Improvements project (L4000040). It is the intent of the legislature, over the 16-year move ahead WA investment program, to provide $500,000,000 for this program.

(b) Of the amounts provided in this subsection, $6,000,000 is provided solely for the Urban Stormwater Partnership - I-5 Ship-Canal Bridge Pilot (Seattle) project.

(c) The funding provided for stormwater retrofits and improvements must enhance stormwater runoff treatment from existing roads and infrastructure with an emphasis on green infrastructure retrofits. Projects must be prioritized based on benefits to salmon recovery and ecosystem health, reducing toxic pollution, addressing health disparities, and cost-effectiveness. The department of transportation must submit progress reports on its efforts to reduce the toxicity of stormwater runoff from existing infrastructure, recommendations for addressing barriers to innovative solutions, and anticipated demand for funding each fiscal biennium.

(14)(a) ((~~$25,067,000~~))$12,011,000 of the connecting Washington account—state appropriation is provided solely for the SR 3 Freight Corridor (T30400R) project. The legislature intends to provide a total of $78,910,000 for this project, including an increase of $12,000,000 in future biennia to safeguard against inflation and supply/labor interruptions and ensure that:

(i) The northern terminus remains at Lake Flora Road and the southern terminus at the intersection of SR 3/SR 302; and

(ii) Multimodal safety improvements at the southern terminus remain in the project to provide connections to North Mason school district and provide safe routes to schools.

(b) With respect to right-of-way acquisition and the construction of the SR 3 Freight Corridor project (T30400R), tribal consultation with the Suquamish tribe shall begin at the earliest stage of planning, including without limitation on all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required under state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe shall continue throughout the duration of any funding or program decisions and proposed project approval.

(15) ((~~$6,000,000~~))$384,000 of the move ahead WA account—state appropriation and ((~~$10,000,000~~))$3,342,000 of the move ahead WA account—federal appropriation are provided solely for the SR 3/Gorst Area - Widening project (L4000017), for the archeological study of Suquamish artifacts in Gorst to be completed by December 2027. Tribal consultation with the Suquamish tribe must begin at the earliest stage of planning, including, without limitation, all funding decisions and funding programs, to provide a government-to-government mechanism for the tribe to evaluate, identify, and expressly notify governmental entities of any potential impacts to tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which the tribe possesses rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required under state law, or by a state agency, including the requirements of Executive Order 21-02 related to archaeological and cultural resources, and regardless of whether the agency receives a request for consultation from the Suquamish tribe. Regularly scheduled tribal consultation meetings with the Suquamish tribe must continue throughout the duration of any funding program and proposed project approval.

(16)(a) $94,500,000 of the move ahead WA account—federal appropriation, $137,500,000 of the move ahead WA account—private/local appropriation, and $43,000,000 of the move ahead WA account—state appropriation are provided solely for the I-5 Columbia river bridge project (L4000054). The legislature finds that the replacement of the I-5 Columbia river bridge is a project of national significance and is critical for the movement of freight. One span is now 105 years old, at risk for collapse in the event of a major earthquake, and no longer satisfies the needs of commerce and travel. Replacing the aging interstate bridge with a modern, seismically resilient, multimodal structure that provides improved mobility

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for people, goods, and services is a high priority. Therefore, the legislature intends to support the replacement of the I-5 Columbia river bridge with an investment of $1,000,000,000 ((~~over the 16-year move ahead WA investment program~~)).

(b) The legislature recognizes the importance of the I-5/Mill Plain Boulevard project (L2000099) and intends to provide funding for reconstruction of the existing interchange in coordination with construction of the Interstate 5 bridge over the Columbia river.

(c) The department shall provide regular updates on the status of ongoing coordination with the state of Oregon on any bistate agreements regarding sharing of revenues, use of revenues, and fiscal responsibilities of each state. Prior to finalizing any such agreement, the department shall provide a draft of the agreement to the transportation committees of the legislature for review and input. Additionally, the department shall advise on the status of any bistate agreements to the joint transportation committee beginning in September 2023 and quarterly thereafter until any agreements are finalized.

(17) The legislature recognizes the importance of the US-12/Walla Corridor Improvements project (T20900R) and intends to advance funding to provide matching funds if competitive federal funding is awarded for the final remaining four-lane section between Wallula and Nine Mile Hill. The department, in consultation with local governments in the vicinity, must pursue any federal funding available.

(18) ((~~$2,642,000~~))$94,000 of the move ahead WA account—state appropriation is provided solely for the US 101/Simdars Bypass project (L4000013).

(19) ((~~$338,512,000~~))$343,674,000 of the connecting Washington account—state appropriation, ((~~$3,109,000~~))$1,582,000 of the multimodal transportation account—state appropriation, ((~~$27,201,000~~))$26,735,000 of the motor vehicle account—private/local appropriation, ((~~$178,543,000~~))$174,712,000 of the move ahead WA account—federal appropriation, ((~~$36,370,000~~))$10,001,000 of the move ahead WA account—state appropriation, and ((~~$211,131,000~~)) $161,680,000 of the motor vehicle account—federal appropriation are provided solely for the SR 167/SR 509 Puget Sound Gateway project (M00600R).

(a) Any savings on the project must stay on the Puget Sound Gateway corridor until the project is complete.

(b) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall continue to collaborate with the affected stakeholders as it implements the corridor construction and implementation plan for state route number 167 and state route number 509. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(c) The entire multimodal transportation account—state appropriation in this subsection is for:

(i) The design phase of the Puyallup to Tacoma multiuse trail along the state route number 167 right-of-way acquired for the project to connect a network of new and existing trails from Mount Rainier to Point Defiance Park; and

(ii) Segment 2 of the state route number 167 completion project shared-use path to provide connections to the interchange of state route number 167 at 54th to the intersection of state route number 509 and Taylor Way in Tacoma.

(20) $2,213,000 of the motor vehicle account—state appropriation and $14,012,000 of the connecting Washington account—state appropriation are provided solely for the SR 224/Red Mountain Vicinity Improvement project (L1000291). The department shall provide funding to the city of West Richland to complete the project within the project scope identified by the legislature and within the total amount provided by the legislature. The department shall not amend the project's scope of work to add pavement preservation on state route number 224 from the West Richland city limits to Antinori Road.

(21) ((~~$409,667,000~~))$363,020,000 of the connecting Washington account—state appropriation, ((~~$500,000 of the state route number 520 corridor account—state appropriation,~~)) $10,000,000 of the state route number 520 civil penalties account—state appropriation, $52,000,000 of the JUDY transportation future funding program account—state appropriation, and $5,592,000 of the motor vehicle account—private/local appropriation are provided solely for the SR 520 Seattle Corridor Improvements - West End project (M00400R) and are subject to the following conditions and limitations:

(a) The department shall immediately proceed with awarding the bid for the Portage Bay Bridge and Roanoke Lid project to the team that submitted the proposal with the apparent best value in September 2023. Consistent with negotiated timelines, the legislature expects the award to be made by March 15, 2024, and assumes that the department shall expedite executing the contract with the awarded team. Once the contract is executed for this project, the department shall seek consequential cost reduction opportunities through value engineering and prioritizing functionality and usability of the Portage Bay Bridge and Roanoke Lid. The department shall report on the status of the project and cost reduction efforts to the transportation committees of the legislature by December 15, 2024.

(b) Upon completion of the Montlake Phase of the West End project, the department shall sell or transfer that portion of the property not necessary for transportation purposes, and shall initiate a process to convey or transfer such portion of the surplus property to a subsequent owner.

(c) ((~~Of the amounts provided in this subsection, $500,000 of the state route number 520 corridor account—state~~

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~~appropriation is provided solely for noise mitigation activities.~~)) It is the intent of the legislature to provide ((~~an additional $600,000~~))$1,100,000 for noise mitigation activities.

(d) Pursuant to chapter 281, Laws of 2024, the department shall apply for a sales tax deferral for construction work on the SR 520 Seattle Corridor Improvements - West End project (M00400R).

(22) ((~~$450,000~~))$391,000 of the motor vehicle account—state appropriation ((~~is~~))and $5,562,000 of the motor vehicle account—federal appropriation are provided solely for the SR 900 Safety Improvements project (L2021118). The department must: (a) Work in collaboration with King county and the Skyway coalition to align community assets, transportation infrastructure needs, and initial design for safety improvements along state route number 900; and (b) work with the Skyway coalition to lead community planning engagement and active transportation activities.

(23) $7,500,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per $1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state, and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. $7,125,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status. The legislature intends to evaluate the utility and efficacy of the pilot program in the 2025 legislative session while reappropriating any remaining funds into the 2025-2027 fiscal biennium. Therefore, the department may issue additional calls for projects with any remaining funds provided in this subsection.

(24) ((~~$9,593,000~~))$9,195,000 of the motor vehicle account—state appropriation, ((~~$552,000 of the connecting Washington account—state appropriation,~~)) and ((~~$209,000~~))$584,000 of the move ahead WA account—state appropriation are provided solely for the SR 522/Paradise Lk Rd Interchange & Widening on SR 522 (Design/ Engineering) project (NPARADI), specifically for design of, preliminary engineering, and right-of-way acquisition for the interchange and widening as a single project. The department must consider reserving portions of state route number 522, including designated lanes or ramps, for the exclusive or preferential use of public transportation vehicles, privately owned buses, motorcycles, private motor vehicles carrying not less than a specified number of passengers, or private transportation provider vehicles pursuant to RCW 47.52.025.

(25) Prior to initiating new advertisements or requests for qualifications for the following projects: SR 9/Marsh Road to 2nd Street Vicinity (N00900R), SR 526 Corridor Improvements (N52600R), US 395 North Spokane Corridor (M00800R), and SR 18 - Widening - Issaquah/ Hobart Rd to Raging River - Phase 1 (L1000199), the capital projects advisory review board shall review the planned procurement methods for these projects. The board shall provide recommendations on procurement methods to the office of financial management, the department, and the transportation committees of the legislature for project L1000199 by July 1, 2024, and projects N52600R, N00900R, and M00800R by December 1, 2024. After the board provides recommendations, the department may initiate new advertisements and requests for qualifications, incorporating the recommendations as appropriate.

The department shall structure the advertisements, requests for qualifications, and requests for proposals, for projects referenced in this subsection, in a manner that provides a high degree of certainty that bids come in as expected according to engineer estimates made through the cost estimate valuation process. The department may request bid offers with alternatives for components of a larger project so that the department may present to the legislature modified options for projects to minimize project delays and stay within appropriated funding resources. If alternatives provided are at or below the engineer estimates, the department may proceed with the project award.

If bid proposals exceed engineer estimates by more than five percent or $10,000,000, the department shall report this information to the transportation committees of the legislature within two weeks of receiving the bid proposals, and pause award and contract execution.

(26) $750,000 of the motor vehicle account—state appropriation is provided solely for the Grady Way Overpass at Rainier Avenue South I-405 BRT Access study (L1000333).

(27) ((~~$1,804,000~~))$270,000 of the connecting Washington account—state appropriation is provided solely for the SR 164 East Auburn Access project (L1000120). The department must work with the Muckleshoot tribe to deliver the project.

(28) $250,000 of the motor vehicle account—state appropriation is provided solely for preliminary engineering of the SR 14/Camas Slough Bridge project (L1000352). Funds may be used for predesign environmental assessment work, community

engagement, design, and project cost estimation.

(29) $1,000,000 of the multimodal transportation account—state appropriation is provided solely for matching funds for the department to apply to the federal highway administration's wildlife crossings pilot program, in the 2024 grant application cycle, for wildlife crossing underpasses on U.S. 97 between Tonasket and Riverside.

(30) ((~~$1,800,000~~))$1,720,000 of the multimodal transportation account—state appropriation and ((~~$12,287,000~~))$480,000 of the multimodal transportation account—federal appropriation are provided solely for the department to develop and implement a technology-based truck parking availability system along the Interstate 5 corridor in partnership with Oregon state and California state to maximize utilization of existing truck parking capacity and deliver real-time parking availability information to truck drivers (L1000375). The department may use a portion of the appropriation in this subsection for grant proposal development and as state match funding for technology-based truck parking availability system federal grant applications. The department must update the transportation committees of the legislature on agency activities and their status by December 1, 2023, and provide a final report to the transportation committees of the legislature by December 1, 2024.

(31) $1,000,000 of the multimodal transportation account—state appropriation is provided solely for the design on the I-5 Fort Lewis weigh station and SR 906 Phase 3 truck parking improvements (L1000377).

((~~(32) The legislature intends to provide $4,950,000 in the 2025-2027 fiscal biennium for additional truck parking improvements (L1000376). As part of the department's 2025-2027 budget submittal, the department and the freight mobility strategic investment board, after consulting with appropriate entities, must provide a list of specific truck parking solutions within the amounts provided in this subsection (32). The list may also include additional funding recommendations beyond this amount for more immediate expansion of truck parking capacity, as well as for long-term expansion of truck parking capacity.~~))

Sec. 1005. 2024 c 310 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Move Ahead WA Account—State Appropriation. ((~~$105,219,000~~))
$101,593,000

Recreational Vehicle Account—State Appropriation. $769,000

Transportation 2003 Account (Nickel Account)—State Appropriation. $70,411,000

Motor Vehicle Account—State Appropriation. ((~~$154,960,000~~))
$142,439,000

Motor Vehicle Account—Federal Appropriation $560,102,000

Motor Vehicle Account—Private/Local Appropriation. . . . . ((~~$17,010,000~~))
$13,121,000

Connecting Washington Account—State Appropriation. . . . . ((~~$48,726,000~~))
$47,462,000

State Route Number 520 Corridor Account—State Appropriation. . . . . ((~~$7,434,000~~))
$6,205,000

Tacoma Narrows Toll Bridge Account—State Appropriation. . . . . ((~~$12,202,000~~))
$9,611,000

Alaskan Way Viaduct Replacement Project Account—State Appropriation. . . . ((~~$1,662,000~~))
$1,213,000

Interstate 405 and State Route Number 167 Express Toll Lanes Account—State Appropriation. ((~~$15,183,000~~))
$8,702,000

Transportation Partnership Account—State Appropriation. $12,036,000

TOTAL APPROPRIATION. . . ((~~$1,005,714,000~~))
$973,664,000

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

(1) Except as provided otherwise in this section, the entire connecting Washington account—state appropriation, the entire move ahead WA account—federal appropriation, the entire move ahead WA account—state appropriation, and the entire transportation partnership account—state appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((~~2024-1~~))2025-1 as developed March ((~~6, 2024~~))23, 2025, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601, chapter 472, Laws of 2023.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025, Program - Highway Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, or the federal funds redistribution process must then be applied to highway and bridge preservation activities.

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer appropriation authority between programs I and P, except for appropriation authority that is otherwise restricted in this act, as follows:

(a) Ten days prior to any transfer, the department must submit its request to the office of financial management and the transportation committees of the legislature and consider any concerns raised.

(b) The director of the office of financial management must first provide

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written authorization for such transfer to the department and the transportation committees of the legislature.

(c) The department shall submit a report on appropriation authority transferred in the prior fiscal year using this subsection as part of the department's annual budget submittal.

(4) The transportation partnership account—state appropriation includes up to ((~~$3,280,000~~))$12,036,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(5) ((~~$22,000,000~~))$9,500,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund (L2000290). The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted.

(6) Within the connecting Washington account—state appropriation, the department may transfer funds from Highway System Preservation (L1100071) to other preservation projects listed in the LEAP transportation document identified in subsection (1) of this section, if it is determined necessary for completion of these high priority preservation projects. The department's next budget submittal after using this subsection must appropriately reflect the transfer.

(7) By June 30, 2025, to the extent practicable, the department shall decommission the facilities for the Lacey project engineering office and the Tumwater project engineering office at the end of their lease terms and consolidate the Lacey project engineering office and the Tumwater project engineering office into the department's Olympic regional headquarters.

(8) The appropriations in this section include funding for starting planning, engineering, and construction of the Elwha River bridge replacement. To the greatest extent practicable, the department shall maintain public access on the existing route.

(9) $7,500,000 of the motor vehicle account—federal appropriation is provided solely for a federal fund exchange pilot program. The pilot program must allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per $1.00 in federal funds. The projects receiving the exchanged federal funds must adhere to all federal requirements, including the applicable disadvantaged business enterprise goals. The entirety of the appropriation in this subsection must be held in unallotted status until surface transportation block grant population funding has been offered to the state and the department determines that a federalized project or projects funded in this section is eligible to spend the surface transportation block grant population funding. $7,125,000 from existing state appropriations identified elsewhere within this section are available to be used as part of the exchange. Upon determination that a project or projects funded in this section is eligible to spend the offered surface transportation block grant population funding, state funds appropriated in this section for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding must be placed in unallotted status. The legislature intends to evaluate the utility and efficacy of the pilot program in the 2025 legislative session while reappropriating any remaining funds into the 2025-2027 fiscal biennium. Therefore, the department may issue additional calls for projects with any remaining funds provided in this subsection.

(10) $21,000 of motor vehicle account—state appropriation is provided solely for the implementation of chapter 54, Laws of 2023 (bridge jumping signs) (G2000114).

(11) ((~~$4,319,000~~))$693,000 of the move ahead Washington account—state appropriation is provided solely for SR 525 Bridge Replacement - Mukilteo (L2021084). Of the amounts in this subsection, $155,000 must be transferred to the city of Mukilteo for purposes of community planning and business engagement.

Sec. 1006. 2024 c 310 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TRANSPORTATION OPERATIONS—PROGRAM Q—CAPITAL

Motor Vehicle Account—State Appropriation. ((~~$10,606,000~~))
$10,538,000

Motor Vehicle Account—Federal Appropriation . . . . . ((~~$12,226,000~~))
$12,768,000

Motor Vehicle Account—Private/Local Appropriation. $500,000

Move Ahead WA Account—State Appropriation. $611,000

TOTAL APPROPRIATION. . . . . ((~~$23,943,000~~))
$24,417,000

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

(1) ((~~$5,547,000~~))$5,548,000 of the motor vehicle account—state appropriation, ((~~$8,830,000~~))$8,465,000 of the motor vehicle account—federal appropriation, and $500,000 of the motor vehicle account—private/local appropriation are provided solely for Programmatic Investment for Traffic Operations Capital projects (000005Q). By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all traffic operations capital project investments completed in the prior fiscal biennium.

(2) $3,080,000 of the motor vehicle account—state appropriation is provided solely to construct pedestrian signals at nine locations on state route number 7 from

124th Street South to 189th Street South (0000YYY).

(3) $1,463,000 of the motor vehicle account—state appropriation is provided solely for the replacement of 22 existing traffic cameras and installation of 10 new traffic cameras, including five pole installation sites, on the Interstate 90 corridor between mileposts 34 and 82 (L2021144). The department shall consult with news media organizations to explore options to allow such organizations access to traffic camera feeds.

Sec. 1007. 2024 c 310 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—WASHINGTON STATE FERRIES CONSTRUCTION—PROGRAM W

Carbon Emissions Reduction Account—State Appropriation. . . . . ((~~$116,021,000~~)) $124,229,000

Move Ahead WA Account—State Appropriation. ((~~$49,828,000~~)) $69,726,000

Puget Sound Capital Construction Account—State Appropriation. . . . . ((~~$388,304,000~~)) $450,163,000

Puget Sound Capital Construction Account—Federal Appropriation. . . . . ((~~$87,047,000~~)) $28,822,000

Puget Sound Capital Construction Account—Private/Local Appropriation ((~~$2,150,000~~)) $839,000

Transportation 2003 Account (Nickel Account)—State Appropriation. $472,000

Transportation Partnership Account—State Appropriation. . . . . ((~~$9,705,000~~)) $7,446,000

Connecting Washington Account—State Appropriation. . . . . ((~~$21,883,000~~)) $12,874,000

Capital Vessel Replacement Account—State Appropriation. . . . . ((~~$21,688,000~~)) $43,376,000

TOTAL APPROPRIATION. . . . . ((~~$697,098,000~~)) $737,947,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((~~2024-2 ALL PROJECTS as developed March 6, 2024,~~))2025-2 ALL PROJECTS as developed March 23, 2025, Program - Washington State Ferries Capital Program (W).

(2) ((~~$24,260,000~~))$25,135,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(3) $21,688,000 of the capital vessel replacement account—state appropriation is provided solely for the acquisition of a 144-car hybrid-electric vessel ((~~(L2000329)~~))(L2021073). The amounts provided in this subsection are contingent upon the enactment of chapter 429, Laws of 2023.

(4) ((~~Beginning January 1, 2025, $11,554,000 of the carbon emissions reduction account—state appropriation is provided solely for construction of the first hybrid electric Olympic class vessel (L2000329).~~

~~(5) $1,500,000 of the Puget Sound capital construction account—state appropriation is provided solely for the Future Hybrid Electric Ferry Class Pre-Design study (L2021131) to advance procurement of a new class of vessel that will account for changes in technology, staffing, and system needs. The department shall initiate a vessel predesign to replace the aging Issaquah class ferries with a new automobile hybrid electric ferry intended to operate on the Vashon Southworth-Fauntleroy route. The predesign study must include a review of the benefits and costs of constructing all future new vessels based on the same design. The review may also compare and contrast the benefits and costs of utilizing the existing hybrid electric Olympic class vessel design.~~

~~(6) $8,032,000~~))$2,032,000 of the Puget Sound capital construction account—state appropriation is provided solely for modernization of the ticketing and reservation system (990052C). ((~~Of this amount, $3,032,000 must be held in unallotted status until Washington state ferries has consulted with the office of the chief information officer on the project scope and integration capabilities of the reservation system with existing Good to Go! and ORCA next generation products, and reported results to the office of financial management and the transportation committees of the legislature.~~

~~(7) $125,000~~))(5) $302,000 of the Puget Sound capital construction account—state appropriation and ((~~$125,000~~))$302,000 of the Puget sound capital construction account—federal appropriation are provided solely for development of a terminal wait times information system (998609A). Washington state ferries must consult with the office of the chief information officer on a technology solution for automated vehicle detection, and report the project scope, along with office of the chief information officer recommendations, to the office of financial management and the transportation committees of the legislature by December 1, 2024.

((~~(8)~~))(6) The transportation partnership account—state appropriation includes up to ((~~$7,195,000~~))$7,445,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

((~~(9)~~))(7) For the purposes of ferry and terminal electrification, the department must apply to the department of ecology for additional competitive grant funds available from Volkswagen settlement funds, and report on the status of the grant application by December 1, 2023.

((~~(10)~~))(8) For the 2023-2025 fiscal biennium, the marine division shall provide to the office of financial management and the transportation committees of the legislature a report for ferry capital

projects in a manner consistent with past practices as specified in section 308, chapter 186, Laws of 2022.

((~~(11) Beginning January 1, 2025, $6,175,000 of the carbon emissions reduction account—state appropriation is provided solely for construction of hybrid electric vessels (L2021073).~~

~~(12) Beginning January 1, 2025, $24,265,000 of the carbon emissions reduction account—state appropriation is provided solely for terminal electrification (L1000341).~~))

Sec. 1008. 2024 c 310 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—RAIL—PROGRAM Y—CAPITAL

Carbon Emissions Reduction Account—State Appropriation. . . . . ((~~$114,800,000~~)) $7,004,000

Essential Rail Assistance Account—State Appropriation. . . . . ((~~$1,412,000~~)) $570,000

Motor Vehicle Account—State Appropriation. ((~~$697,000~~)) $384,000

Move Ahead WA Account—State Appropriation. $1,500,000

Move Ahead WA Flexible Account—State Appropriation. . . . . ((~~$33,500,000~~)) $20,968,000

((~~Multimodal Transportation Account—Private/Local Appropriation. . $12,000~~))

Transportation Infrastructure Account—State Appropriation. . . . . ((~~$16,621,000~~)) $5,826,000

Multimodal Transportation Account—State Appropriation. . . . . ((~~$101,403,000~~)) $46,223,000

Multimodal Transportation Account—Federal Appropriation. . . . . ((~~$25,903,000~~)) $19,525,000

TOTAL APPROPRIATION. . . . . ((~~$295,848,000~~)) $102,000,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025, Program - Rail Program (Y).

(2)(a) $2,680,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than 15 years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(b) The department may change the terms of existing loans in the essential rail assistance account for repayment of loans, including the repayment schedule and rate of interest, for a period of up to 15 years for any recipient with a total loan value in the program of over 10 percent as of June 30, 2023.

(3) ((~~$5,000,000 of the transportation infrastructure account—state appropriation is provided solely for a low-interest loan for the Port of Longview Rail Corridor Expansion project (L1000347) to accommodate current and future port cargo-handling needs. The low-interest loan must comply with the requirements of RCW 47.76.460(2).~~

~~(4) $7,567,000~~))$4,861,000 of the multimodal transportation account—state appropriation is provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

((~~(5)~~))(4) $369,000 of the transportation infrastructure account—state appropriation and $1,100,000 of the multimodal transportation account—state appropriation are provided solely for final reimbursement to Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects.

((~~(6)~~))(5) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2024, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

((~~(7) $25,000,000~~))(6) $500,000 of the carbon emissions reduction account—state appropriation is provided solely for state match contributions to support the department's application for federal grant opportunities for a new ultra high-speed ground transportation corridor. These funds are to remain in unallotted status and are available only upon award of federal funds. The department must provide periodic grant application updates to the transportation committees of the legislature, as well as anticipated state match estimates for successful grants.

((~~(8) $33,500,000~~))(7) $20,968,000 of the move ahead WA flexible account—state appropriation ((~~is~~))and $6,900,000 of the multimodal transportation account—federal appropriation are provided solely for rehabilitation of the Palouse River and Coulee City Railroad (L4000079). Up to $433,000 of the amount in this subsection may be used for management and oversight of operation and maintenance activities.

((~~(9) $19,990,000~~))(8) $4,155,000 of the multimodal transportation account—federal appropriation is provided solely for the rehabilitation of the Salmon Bay drawbridge (752010A) to ensure the efficient movement of freight and passenger trains.

((~~(10) $6,300,000~~))(9) $1,023,000 of the carbon emissions reduction account—state

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appropriation is provided solely to fund a zero emission drayage truck demonstration project (L1000324) at Northwest Seaport Alliance facilities.

((~~(11) $14,000,000~~))(10) $500,000 of the carbon emissions reduction account—state appropriation((~~, and beginning January 1, 2025, $14,000,000 of the carbon emissions reduction account—state appropriation, are~~))is provided solely to fund a zero emission shore power infrastructure demonstration project at Northwest Seaport Alliance facilities (L1000325). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

((~~(12) $5,000,000~~))(11) $2,400,000 of the carbon emissions reduction account—state appropriation is provided solely to fund the replacement of two Tacoma rail diesel-electric switcher locomotives with zero emission battery-electric switcher locomotives and to install on-site charging equipment at a Tacoma rail facility (L1000327). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.

((~~(13)~~))(12) $150,000 of the multimodal transportation account—state appropriation is provided solely for the application of durable markings along state route number 906 to create up to 20 parking spaces for larger vehicles, including trucks (L1000336).

((~~(14) $26,500,000~~))(13) $300,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification competitive grants (L2021182). All public ports are eligible to receive funds under this subsection. A port seeking to use funds under this subsection to install shore power must adopt a policy that requires vessels that dock at the port facility to use shore power if such vessel is capable of using such power and when such power is available at the port facility.

((~~(15) $2,000,000~~))(14) $1,000,000 of the carbon emissions reduction account—state appropriation is provided solely for port electrification at the port of Bremerton (L1000337), which may include the purchase and installation of zero emission port shore power systems and other zero emission infrastructure, equipment, and technology.

((~~(16)~~))(15) $500,000 of the carbon emissions reduction account—state appropriation, and beginning January 1, 2025, ((~~$1,500,000~~))$281,000 of the carbon emissions reduction account—state appropriation, are provided solely for port electrification at the port of Anacortes (L1000338), which may include the purchase and installation of zero emission port shore power systems and other zero emission infrastructure, equipment, and technology.

((~~(17) $2,000,000~~))(16) $1,307,000 of the transportation infrastructure account—state appropriation is provided solely for the Port of Quincy Rail Infrastructure Expansion project (L1000348), an expansion of rail infrastructure within the Port of Quincy's current rail terminal and to nearby industrial zoned properties in the port district.

((~~(18)~~))(17) Beginning January 1, 2025, ((~~$20,000,000~~))$500,000 of the carbon emissions reduction account—state appropriation is provided solely for the Puyallup Tribe Port Electrification project (L1000346).

Sec. 1009. 2024 c 310 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—LOCAL PROGRAMS—PROGRAM Z—CAPITAL

Carbon Emissions Reduction Account—State Appropriation. . . . . ((~~$53,944,000~~)) $11,782,000

Climate Active Transportation Account—State Appropriation. . . . . ((~~$169,442,000~~)) $107,431,000

Freight Mobility Investment Account—State Appropriation. . . . . ((~~$21,847,000~~)) $16,460,000

Freight Mobility Multimodal Account—State Appropriation. . . . . ((~~$27,216,000~~)) $17,704,000

((~~Highway Infrastructure Account—State Appropriation. . . . . $1,060,000~~

~~Highway Infrastructure Account—Federal Appropriation. . . . . $1,500,000~~))

Move Ahead WA Account—State Appropriation. ((~~$117,033,000~~)) $21,225,000

Move Ahead WA Flexible Account—State Appropriation. . . . . ((~~$34,500,000~~)) $11,500,000

Motor Vehicle Account—State Appropriation. ((~~$31,785,000~~)) $14,547,000

Motor Vehicle Account—Federal Appropriation . . . . . ((~~$129,698,000~~)) $98,263,000

Motor Vehicle Account—Private/Local Appropriation. $35,000,000

Connecting Washington Account—State Appropriation. . . . . ((~~$117,410,000~~)) $27,212,000

Multimodal Transportation Account—State Appropriation. . . . . ((~~$142,372,000~~)) $71,630,000

TOTAL APPROPRIATION. . . . . ((~~$882,807,000~~)) $432,754,000

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

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025, Program - Local Programs Program (Z), except that: An additional $500,000 of the multimodal transportation account—state appropriation is provided solely for the Maple Valley Pedestrian Bridge over SR 169 project (L2021093) and an additional $100,000 of the move ahead WA flexible account—state appropriation is provided solely for the Bradley Road Safe Routes Pedestrian Improvements project (L4000143).

(2) The amounts identified in the LEAP transportation document referenced under

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subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) ((~~$47,707,000~~))$27,707,000 of the multimodal transportation account—state appropriation and ((~~$43,058,000~~))$27,686,000 of the climate active transportation account—state appropriation are provided solely for pedestrian and bicycle safety program projects (L2000188 and L1000335). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(b) ((~~$31,553,000~~))$26,020,000 of the motor vehicle account—federal appropriation, ((~~$45,399,000~~))$24,260,000 of the climate active transportation account—state appropriation, and ((~~$21,157,000~~)) $15,586,000 of the multimodal transportation account—state appropriation are provided solely for safe routes to school projects (L2000189 and L1000334). Of the amount of climate active transportation account funds appropriated in this subsection, up to one percent may be used for program administration and staffing.

(c) For future rounds of grant selection, the department must reevaluate the criteria to increase geographic diversity of jurisdictions consistent with the requirements of the healthy environment for all (HEAL) act.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2023, and December 1, 2024, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program and the Sandy Williams connecting communities grant program.

(4) ((~~$12,792,000~~))$8,436,000 of the multimodal transportation account—state appropriation is provided solely for connecting Washington bicycle and pedestrian projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(5) ((~~$46,580,000~~))$35,278,000 of the motor vehicle account—federal appropriation is provided solely for acceleration of local preservation projects that ensure the reliable movement of freight on the national highway freight system (G2000100). The department will select projects as part of its update of the state freight plan, in consultation with the freight mobility strategic investment board and other stakeholders.

(6) ((~~$7,125,000~~))$1,750,000 of the motor vehicle account—state appropriation is provided solely for a federal fund exchange pilot program. The pilot program will allow exchanges of federal surface transportation block grant population funding and state funds at an exchange rate of 95 cents in state funds per $1.00 in federal funds. The entirety of the appropriation in this subsection must be held in unallotted status until: Surface transportation block grant population funding has been offered to the state, the department determines that a federalized project or projects funded in section 305 or 306, chapter 472, Laws of 2023 is eligible to spend the surface transportation block grant population funding, and state funds appropriated in section 305 or 306, chapter 472, Laws of 2023 for the eligible state project or projects in an amount equal to 100 percent of the offered surface transportation block grant population funding have been placed in unallotted status. A report on the effectiveness of the exchange program, the total estimated cost of program administration, and recommendations for continuing the pilot program is due to the governor and transportation committees of the legislature by December 1, 2024. The legislature intends to evaluate the utility and efficacy of the pilot program in the 2025 legislative session while reappropriating any remaining funds into the 2025-2027 fiscal biennium. Therefore, the department may issue additional calls for projects with any remaining funds provided in this subsection.

(7) ((~~$136,893,000~~))$41,085,000 of the move ahead WA account—state appropriation and ((~~$25,000,000~~))$9,600,000 of the move ahead WA flexible account—state appropriation are provided solely for new move ahead WA road and highway projects listed in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025, Program - Local Programs Program (Z).

(a) For projects funded in this subsection, the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used in the 2023-2025 fiscal biennium to advance one or more of the projects listed in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025, Program - Local Programs Program (Z), prioritizing projects first by project readiness.

(i) In instances when projects listed in the LEAP transportation documents referenced in (a) of this subsection are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations of certain funds provided. In the event that the listed project has been completed the local jurisdictions may, rather than submitting an alternative project, instead be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(ii) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(b) Of the amounts provided in this subsection, ((~~$25,493,000~~))$3,551,000 of the move ahead WA account—state appropriation is provided solely for three roundabouts to be

constructed on state route number 507 in partnership with local authorities. The roundabout at Vail is with Thurston county, the roundabout at Bald Hills is with the city of Yelm, and the roundabout at state route number 702 is with Pierce county. The department is to work cooperatively with each local jurisdiction to construct these facilities within department rights-of-way. The department must provide all project predesign and design information developed to date to the local jurisdictions and have a project implementation agreement in place with each local jurisdiction within 180 calendar days of the effective date of this act. The implementation agreement may provide full control for the local authority to construct the project. Once the roundabouts are completed, the operations and maintenance of the roundabouts are the responsibility of the department. Of the amounts provided in this subsection, $7,000,000 is for the roundabout at Vail road and state route number 507.

(c) $15,000,000 of the move ahead Washington account—state appropriation is provided solely for the Columbia River Bridge Replacement/Hood River to White Salmon project (L4000046). The office of financial management shall place the amounts in this subsection in unallotted status. As funds are appropriated by the Oregon legislature, the office of financial management may release amounts provided in this subsection to match Oregon appropriations.

(8) ((~~$39,185,000~~))$21,885,000 of the climate active transportation account—state appropriation, ((~~$11,600,000 of the multimodal transportation~~))$1,550,000 of the carbon emissions reduction account—state appropriation, and ((~~$3,000,000~~))$400,000 of the move ahead WA flexible account—state appropriation are provided solely for move ahead WA pedestrian and bike projects listed in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025, Program - Local Programs Program (Z). For projects funded in this subsection, if the department expects to have substantial reappropriations for the 2023-2025 fiscal biennium, the department may, on a pilot basis, apply funding from a project with an appropriation that is unable to be used in the 2023-2025 fiscal biennium to advance one or more of the projects listed in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025, Program - Local Programs Program (Z), prioritizing projects first by tier then by project readiness.

(a) In instances when projects listed in the LEAP transportation document referenced in this subsection (8) of this section are no longer viable or have been completed, the department may recommend in its next budget submittal alternative project proposals from the local jurisdictions if the project is similar in type and scope and consistent with limitations of certain funds provided. In the event that the listed project has been completed the local jurisdictions may, rather than submitting an alternative project, instead be reimbursed in the year in which it was scheduled for documented costs incurred implementing the listed project, not in excess of the amount awarded from the funding program.

(b) At least 10 business days before advancing or swapping a project pursuant to this subsection, the department must notify the office of financial management and the transportation committees of the legislature. The advancement of a project may not hinder the delivery of the projects for which the reappropriations are necessary for the 2023-2025 fiscal biennium.

(9) $16,800,000 of the climate active transportation account—state appropriation is provided solely for the statewide school-based bicycle education grant program (L1000309). The department may partner with a statewide nonprofit to deliver programs.

(10) ((~~$25,000,000~~))$16,800,000 of the climate active transportation account—state appropriation is provided solely for the Sandy Williams connecting communities pilot program (L1000308) to deliver projects to reconnect communities that have been bifurcated by state highways. Priority must be given to historically marginalized or overburdened communities. The department may consult with the Cooper Jones active transportation safety council to identify geographic locations where there are high incidences of serious injuries and fatalities of active transportation users among vulnerable populations.

(11) ((~~$14,000,000~~))$200,000 of the carbon emissions reduction account—state appropriation((~~, and beginning January 1, 2025, $10,000,000 of the carbon emissions reduction account—state appropriation, are~~))is provided solely for the Guemes Ferry Boat Replacement project (L4000124).

(12) ((~~$6,500,000~~))$1,400,000 of the move ahead WA flexible account—state appropriation is provided solely for development of an applied sustainable aviation evaluation center (L2021135). Snohomish county, in partnership with Washington State University, shall plan and establish facilities to evaluate, qualify or certify, and research technologies that can minimize the impact of aviation on human health and the environment. Funds may be used for, but are not limited to, planning, construction, and land acquisition for sustainable aviation fuel (SAF) qualification testing (ASTM D4054), research on the impact of SAF on the environment and human health, and SAF storage for the purpose of advancing sustainable aviation. At a minimum, three sustainable aviation platforms must be considered:

(a) Sustainable aviation fuel (SAF);

(b) Hydrogen; and

(c) Battery electric energy storage mechanisms.

(13) The legislature intends to fund the Ballard and Magnolia Bridge project (L4000123), as described in section 911 (18) and (19), chapter 472, Laws of 2023.

(14) ((~~$200,000~~))$30,000 of the multimodal transportation account—state appropriation is provided solely for the Seattle office of planning and community development to update and add to the 2020 I-5 Lid Feasibility Study with additional test cases with ramp changes and removals in

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downtown Seattle and alternative assumptions with regards to parking, expansion of Freeway Park, affordable housing, and commercial real estate (L2021140). The Seattle office of planning and community development shall conduct ongoing community engagement with underrepresented constituencies to support the technical work of this study and raise public awareness of opportunities of I-5 lids. Focus should be given to low-income households living and working in the I-5 lid study areas in central Seattle.

(15) ((~~$1,000,000~~))$500,000 of the multimodal transportation account—state appropriation is provided solely for the department to award grants to local jurisdictions to implement network-wide traffic conflict screening programs using video analytics in controlled intersections with a disproportionate number of traffic violations and injuries to active transportation users (L2021149). Grants must be awarded proportionally across the state and include controlled intersections in both urban and rural environments and along state highways and county roads. Grant recipients must report back to the department all traffic violation and active transportation facility data acquired during the grant period and provide the department with appropriate next steps for the state and the local jurisdiction to improve traffic safety for active transportation users in such intersections. The department must report such findings and recommendations to the transportation committees of the legislature by December 1, 2024.

(16)(a)(i) $5,000,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish a program for providing rebates to qualifying persons who purchase e-bikes and qualifying equipment and services from a qualifying retailer. Of this amount, $3,000,000 is for rebate amounts as described under (a)(iii)(A) of this subsection, and $2,000,000 is for rebate amounts as described under (a)(iii)(B) of this subsection.

(ii) To qualify for and use the rebate under this subsection, a person must be a resident of Washington state and purchase an e-bike and qualifying equipment and services, if any, from a qualifying retailer in this state. Qualifying equipment and services must be purchased as part of the same transaction as the e-bike.

(iii)(A) For persons who are at least 16 years of age and reside in households with incomes at or below 80 percent of the county area median income, the amount of the rebate is up to $1,200 on the sale of an e-bike and any qualifying equipment and services.

(B) For all other persons who are at least 16 years of age, the amount of the rebate is up to $300 on the sale of an e-bike and any qualifying equipment and services.

(C) No more than one rebate may be awarded per household.

(iv)(A) The department must establish application procedures for e-bike retailers to participate in the rebate program, and application and award procedures for applicants to participate in the program. If an applicant qualifies for a rebate amount and there is sufficient funds to award the applicant with the appropriate rebate amount, the department must provide the qualifying individual the rebate amount in a format that can be redeemed at the time of purchase at a qualifying retailer.

(B) An applicant must provide contact information, including a physical address, email address, and phone number, and demographic information, including the applicant's age, gender, race, and ethnicity, to the department on a form provided by the department at the time of applying for the rebate. The department may share or provide access to such information with the University of Washington to provide the University of Washington an opportunity to ask program applicants and recipients to fill out a survey collecting information only to the extent to inform its report described under (d) of this subsection.

(v) A qualifying retailer must register with the department before participating in the rebate program. A qualifying retailer must:

(A) Verify the identity of the qualifying individual at the time of purchase; and

(B) Calculate and apply the rebate at the time of purchase.

(vi) The department must reimburse a qualifying retailer that accepts a rebate from a qualifying individual no later than 30 days after the rebate is redeemed.

(vii) For purposes of this subsection (16)(a):

(A) "E-bike" means an electric assisted bicycle as defined in RCW 46.04.169, but does not include mountain bikes.

(B) "Qualifying equipment and services" means a bicycle helmet, safety vest, bicycle light, or bicycle lock, and any maintenance or other services agreed upon by the qualifying retailer and qualifying individual at the time of purchase.

(C) "Qualifying retailer" means a retail business establishment with one or more physical retail locations in this state that provides on-site e-bike sales, service, and repair and has registered with the department to participate in the rebate program established under this subsection.

(b) For fiscal year 2025, ((~~$2,000,000~~)) $432,000 of the carbon emissions reduction account—state appropriation is provided solely for the department to establish an e-bike lending library and ownership grant program. The department may accept grant applications from other state entities, local governments, and tribes that administer or plan to administer an e-bike lending library or ownership program for their employees for commute trip reduction purposes. The department may also accept grant applications from nonprofit organizations or tribal governments that serve persons who are low-income or reside in overburdened communities and that administer or plan to administer an e-bike lending library or ownership program for qualifying persons. Grant recipients must report program information and participation data to the University of Washington to

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inform its report described under (d) of this subsection.

(c) It is the intent of the legislature that funding provided in (a) and (b) of this subsection continue to be appropriated in the 2025-2027 and 2027-2029 fiscal biennia.

(d) Of the amounts provided in this subsection (16), $90,000 is for the department to contract with the University of Washington's sustainable transportation lab to publish a general policy brief that provides innovative e-bike rebate and lending library or ownership grant program models and recommendations, a report on survey results based on data and demographic information collected under the e-bike rebate program established in (a) of this subsection, and a report on program information and data collected under the e-bike lending library and ownership grant program established in (b) of this subsection. An initial brief and report must be submitted to the transportation committees of the legislature by July 1, 2024, with the final policy brief and report due to the transportation committees of the legislature by July 1, 2025.

(e) The department may not collect more than five percent of appropriated amounts to administer the programs under (a) and (b) of this subsection.

(17) ((~~$21,847,000~~))$16,460,000 of the freight mobility investment account—state appropriation and ((~~$27,216,000~~))$17,704,000 of the freight mobility multimodal account—state appropriation are provided solely for freight mobility strategic investment board projects listed in the LEAP transportation document referenced in subsection (1) of this section.

(18) ((~~$4,150,000~~))$75,000 of the motor vehicle account—state appropriation is provided solely for matching funds for federal funds to reconstruct Grant county and Adams county bridges as part of the Odessa groundwater replacement program (L1000322).

(19) ((~~$9,240,000~~))$2,630,000 of the connecting Washington account—state appropriation is provided solely for the Aberdeen US 12 Highway-Rail Separation project (L1000331).

(20) The appropriations in this section include savings due to anticipated project underruns; however, it is unknown which projects will provide savings. The legislature intends to provide sufficient flexibility for the department to manage to this savings target. To provide this flexibility, the office of financial management may authorize, through an appropriation modification, reductions in the amounts that are provided solely for a particular purpose within this section subject to the following conditions and limitations:

(a) The department must confirm that any modification requested under this subsection of amounts provided solely for a specific purpose are not expected to be used for that purpose in this fiscal biennium;

(b) Appropriation modifications authorized under this subsection may not result in increased funding for any project beyond the amount provided for that project in the 2023-2025 fiscal biennium in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025;

(c) Appropriation modifications authorized under this subsection apply only to amounts appropriated in this section from the following accounts: Connecting Washington account—state, and move ahead WA account—state; and

(d) The office of financial management must provide notice of appropriation modifications authorized under this subsection within 10 working days to the transportation committees of the legislature. By December 1, 2023, and December 1, 2024, the department must submit a report to the transportation committees of the legislature regarding the actions taken to date under this subsection.

(21) ((~~$5,000,000~~))$2,000,000 of the multimodal transportation account—state appropriation is provided solely for the department to assist local jurisdictions in addressing emergent issues related to safety for pedestrians and bicyclists (LXXXPBF). Funds may only be spent after approval from the office of financial management. By December 15th of each odd-numbered year, the department shall provide a report to the legislature listing all emergent issues addressed in the prior fiscal biennium. Reporting may be done in conjunction with the transportation operations division.

(22) Beginning January 1, 2025, ((~~$22,944,000~~))$7,279,000 of the carbon emissions reduction account—state appropriation is provided solely for the following projects identified in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025:

(a) North Aurora Safety Improvements (L4000154);

(b) North Broadway Pedestrian Bridge (L2021082);

(c) ((~~State Route 547 Pedestrian and Bicycle Safety Trail (Kendall Trail) (L4000144);~~

~~(d)~~)) 72nd Ave & Washington Ave Active Transportation Components (L2021194);

((~~(e)~~))(d) Bluff Trail Hood River to White Salmon (L2021199);

((~~(f)~~))(e) Columbia Heights Safety Improvements (L2021195);

((~~(g)~~))(f) La Center Pac. Hwy Shared Use Path (L2021196);

((~~(h)~~))(g) SR 240/Aaron Dr Complete Streets Improvements (L2021193);

((~~(i)~~))(h) View Ridge Safe Routes to Schools (L1000342);

((~~(j)~~))(i) 84th Ave NE Pedestrian and Bicycle Project (L1000366);

((~~(k)~~))(j) Communities for a Health Bay electric boat (L1000368);

((~~(l)~~))(k) SR 303 Warren Ave Bridge Pedestrian Improvements (L2000339); and

((~~(m)~~))(l) SR 520 & 148th NE Bicycle/Pedestrian Crossing (L2021047).

(End of part)

TRANSFERS AND DISTRIBUTIONS

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Sec. 1101. 2024 c 310 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State Appropriation. . . . . ((~~$221,000~~)) $34,000

Connecting Washington Account—State Appropriation. . . . . ((~~$4,531,000~~)) $2,169,000

Special Category C Account—State Appropriation. . . . . ((~~$444,000~~)) $150,000

Highway Bond Retirement Account—State Appropriation. . . . . ((~~$1,475,218,000~~)) $1,476,980,000

Ferry Bond Retirement Account—State Appropriation. $4,616,000

Transportation Improvement Board Bond Retirement Account—State Appropriation. $10,305,000

Nondebt-Limit Reimbursable Bond Retirement Account—State Appropriation. $28,262,000

Toll Facility Bond Retirement Account—State Appropriation. $76,372,000

TOTAL APPROPRIATION. . . ((~~$1,599,969,000~~)) $1,598,888,000

Sec. 1102. 2024 c 310 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State Appropriation. . . . . ((~~$46,000~~)) $21,000

Connecting Washington Account—State Appropriation. . . . . ((~~$1,017,000~~)) $600,000

Special Category C Account—State Appropriation. . . . . ((~~$95,000~~)) $31,000

TOTAL APPROPRIATION. . . . . ((~~$1,158,000~~)) $652,000

Sec. 1103. 2024 c 310 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax statutory distributions to cities and counties. . . ((~~$461,954,000~~)) $451,996,000

Multimodal Transportation Account—State Appropriation: For distribution to cities and counties. $26,786,000

Motor Vehicle Account—State Appropriation: For distribution to cities and counties. $23,438,000

TOTAL APPROPRIATION. . . . . ((~~$512,178,000~~)) $502,220,000

Sec. 1104. 2024 c 310 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and statutory transfers. . . . . ((~~$1,955,782,000~~)) $1,913,772,000

Sec. 1105. 2024 c 310 s 405 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—TRANSFERS

Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax refunds and transfers. ((~~$253,180,000~~)) $205,018,000

Sec. 1106. 2024 c 310 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—ADMINISTRATIVE TRANSFERS

(1) Transportation Partnership Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . . . ((~~$175,000,000~~)) $115,000,000

(2) Connecting Washington Account—State Appropriation: For transfer to the Move Ahead WA Account—State. . . . . ((~~$200,000,000~~)) $120,000,000

(3) Electric Vehicle Account—State appropriation: For transfer to the Move Ahead WA Flexible Account—State. $29,200,000

(4) Electric Vehicle Account—State Appropriation: For transfer to the Multimodal Transportation Account—State. . $32,730,000

(5) Washington State Aviation Account—State Appropriation: For transfer to the Aeronautics Account—State. $150,000

(6) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Active Transportation Account—State. . $178,885,000

(7) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Climate Transit Programs Account—State. . . ((~~$408,000,000~~)) $375,000,000

(8) Carbon Emissions Reduction Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. $4,200,000

(9) Move Ahead WA Flexible Account—State Appropriation: For transfer to the Move Ahead WA Account—State. $100,000,000

(10) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Motor Vehicle Account—State. . . $25,000,000

(11) Highway Safety Account—State Appropriation: For transfer to the State Patrol Highway Account—State. $84,000,000

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(12)(a) Transportation Partnership Account—State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account—State. . $6,611,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the impact of toll increases. An equivalent reimbursing transfer is to occur after the debt service and deferred sales tax on the Tacoma Narrows bridge construction costs are fully repaid in accordance with chapter 195, Laws of 2018.

(13) Motor Vehicle Account—State Appropriation: For transfer to the State Patrol Highway Account—State. $1,500,000

(14) Motor Vehicle Account—State Appropriation: For transfer to the County Arterial Preservation Account—State. $4,844,000

(15) Motor Vehicle Account—State Appropriation: For transfer to the Freight Mobility Investment Account—State. $8,511,000

(16) Motor Vehicle Account—State Appropriation: For transfer to the Rural Arterial Trust Account—State. $4,844,000

(17) Motor Vehicle Account—State Appropriation: For transfer to the Transportation Improvement Account—State. . . . $9,688,000

(18)(a) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the Motor Vehicle Account—State. $1,000,000

(b) The transfer in this subsection is to repay moneys loaned to the state route number 520 civil penalties account in the 2019-2021 fiscal biennium.

(19) State Route Number 520 Civil Penalties Account—State Appropriation: For transfer to the State Route Number 520 Corridor Account—State. $560,000

(20)(a) Capital Vessel Replacement Account—State Appropriation: For transfer to the Connecting Washington Account—State. . . . $29,000,000

(b) It is the intent of the legislature that this transfer is temporary, for the purpose of minimizing the use of bonding in the connecting Washington account.

(21) Multimodal Transportation Account—State Appropriation: For transfer to the Complete Streets Grant Program Account—State. . . $14,670,000

(22) Multimodal Transportation Account—State Appropriation: For transfer to the Highway Safety Account—State. . . . . ((~~$3,000,000~~)) $33,000,000

(23) Multimodal Transportation Account—State Appropriation: For transfer to the Motor Vehicle Account—State. $15,000,000

(24) Multimodal Transportation Account—State Appropriation: For transfer to the Freight Mobility Multimodal Account—State. $8,511,000

(25) Multimodal Transportation Account—State Appropriation: For transfer to the Move Ahead WA Flexible Account—State. $11,790,000

(26) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State. ((~~$175,000,000~~)) $240,000,000

(27) Multimodal Transportation Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. $90,500,000

(28) Multimodal Transportation Account—State Appropriation: For transfer to the Regional Mobility Grant Program Account—State. . . $27,679,000

(29) Multimodal Transportation Account—State Appropriation: For transfer to the Rural Mobility Grant Program Account—State. . . $12,223,000

(30) Multimodal Transportation Account—State Appropriation: For transfer to the State Patrol Highway Account—State. . . . . ((~~$59,000,000~~)) $49,000,000

(31)(a) Alaskan Way Viaduct Replacement Project Account—State Appropriation: For transfer to the Transportation Partnership Account—State $47,899,000

(b) $22,899,000 of the amount transferred in this subsection represents repayment of debt service incurred for the construction of the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(32) Tacoma Narrows Toll Bridge Account—State Appropriation: For transfer to the Motor Vehicle Account—State. $543,000

(33)(a) General Fund Account—State Appropriation: For transfer to the State Patrol Highway Account—State. $625,000

(b) The state treasurer shall transfer the funds only after receiving notification from the Washington state patrol under section 207, chapter 472, Laws of 2023.

(34) Puget Sound Ferry Operations Account—State Appropriation: For transfer to the Puget Sound Capital Construction Account—State. . . $121,828,000

(35) Move Ahead WA Account—State Appropriation: For transfer to the Puget Sound Ferry Operations Account—State. . . . $120,000,000

(36) Advance Right-Of-Way Revolving Fund—State

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Appropriation: For transfer to the JUDY Transportation
Future Funding Program Account—State. . . . $40,000,000
(37) Transportation Infrastructure Account—State
Appropriation: For transfer to the Essential Rail
Assistance Account—State. $1,000,000
(38) Regional Mobility Grant Program Account—State
Appropriation: For transfer to the Multimodal
Transportation Account—State. . . $6,098,000
(39) Move Ahead WA Account—State Appropriation:
For transfer to the Motor Vehicle Account—State. . . . . ((~~$50,000,000~~)) $70,000,000
(40) Move Ahead WA Account—State Appropriation:
For transfer to the Transportation 2003 Account—State. $13,000,000

Sec. 1107. 2024 c 310 s 407 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE
Toll Facility Bond Retirement Account—Federal
Appropriation. $192,490,000
Toll Facility Bond Retirement Account—State
Appropriation. . . . . ((~~$26,562,000~~)) $26,955,000
TOTAL APPROPRIATION. . . . . ((~~$219,052,000~~)) $219,445,000

The appropriations in this section are subject to the following conditions and limitations: $35,250,000 of the toll facility bond retirement account—federal appropriation may be used to prepay certain outstanding bonds if sufficient debt service savings can be obtained.

(End of part)

IMPLEMENTING PROVISIONS

Sec. 1201. 2024 c 310 s 501 (uncodified) is amended to read as follows:
MANAGEMENT OF TRANSPORTATION FUNDS WHEN THE LEGISLATURE IS NOT IN SESSION
(1) The 2005 transportation partnership projects or improvements, 2015 connecting Washington projects or improvements, and move ahead WA projects or improvements are listed in the LEAP Transportation Document ((~~2024-1~~))2025-1 as developed March ((~~6, 2024~~))23, 2025, which consists of a list of specific projects by fund source and amount over multiple biennia. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a 16-year plan. The department of transportation is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account, connecting Washington account, and move ahead WA account projects on the LEAP transportation document referenced in this subsection. For the 2023-2025 project appropriations, unless otherwise provided in this act, the director of the office of financial management may provide written authorization for a transfer of appropriation authority between projects funded with transportation partnership account appropriations, connecting Washington account appropriations, or move ahead WA account appropriations to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:
(a) Transfers may only be made within each specific fund source referenced on the respective project list;
(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;
(c) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed in the current fiscal biennium;
(d) Transfers may not occur for projects not identified on the applicable project list;
(e) Transfers to a project may not occur if that project is a programmatic funding item described in broad general terms on the applicable project list without referencing a specific state route number;
(f) Transfers may not be made while the legislature is in session;
(g) Transfers to a project may not be made with funds designated as attributable to practical design savings as described in RCW 47.01.480;
(h) The total amount of transfers under this section may not exceed $50,000,000;
(i) Except as otherwise provided in (k) of this subsection, transfers made to a single project may not cumulatively total more than $20,000,000 per fiscal biennium;
(j) Each transfer between projects may only occur if the director of the office of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature; and
(k) Transfers between projects may be made by the department of transportation without the formal written approval provided under this subsection (1)(k), provided that the transfer amount to a single project does not exceed $250,000 or 10 percent of the total project per fiscal biennium, whichever is less. These transfers must be reported quarterly to the director of the office of financial management and the chairs of the house of representatives and senate transportation committees.
(2) The department of transportation must submit quarterly all transfers authorized under this section in the transportation executive information system. The office of financial management must maintain a legislative baseline project list identified in the LEAP transportation documents referenced in this act, and update that project list with all authorized transfers under this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.
(3) At the time the department submits a request to transfer funds under this

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section, a copy of the request must be submitted to the chairs and ranking members of the transportation committees of the legislature.

(4) Before approval, the office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner and address any concerns raised by the chairs and ranking members of the transportation committees.

(5) No fewer than 10 days after the receipt of a project transfer request, the director of the office of financial management must provide written notification to the department of any decision regarding project transfers, with copies submitted to the transportation committees of the legislature.

(6) The department must submit annually as part of its budget submittal a report detailing all transfers made pursuant to this section, including any effects to the total project budgets and schedules beyond the current fiscal biennium.

Sec. 1202. 2024 c 310 s 502 (uncodified) is amended to read as follows:

TRANSIT, BICYCLE, AND PEDESTRIAN ELEMENTS REPORTING

By November 15th of each year, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025, in a manner consistent with past practices as specified in section 602, chapter 186, Laws of 2022.

Sec. 1203. 2024 c 310 s 503 (uncodified) is amended to read as follows:

LOCAL PARTNER COOPERATIVE AGREEMENTS

(1) If a transportation project, where the Washington state department of transportation is the lead and the project is scheduled to be delivered or completed in the 2023-2025 fiscal biennium as shown on the LEAP Transportation Document ((~~2024-2~~))2025-2 ALL PROJECTS as developed March ((~~6, 2024~~))23, 2025, is in jeopardy of being delayed because the department is unable to deliver or complete the project within the 2023-2025 fiscal biennium and other local jurisdictions are able to deliver or complete the work, the department must coordinate with the appropriate local jurisdictions to determine if a potential local partner is ready, willing, and able to execute delivery and completion of the project within the 2023-2025 fiscal biennium.

(2) The department must compile a list of projects under this section, including the timing under which the local partner agency can deliver or complete the projects within the 2023-2025 and 2025-2027 fiscal biennia. The department must submit the compiled list of projects to the governor and the transportation committees of the legislature by November 1, 2023.

(End of part)

MISCELLANEOUS

NEW SECTION. **Sec. 1301.** A new section is added to 2024 c 310 (uncodified) to read as follows:

The appropriations to the department of transportation in chapter 472, Laws of 2023, chapter 310, Laws of 2024, and this act must be expended for the programs and in the amounts specified in chapter 472, Laws of 2023, chapter 310, Laws of 2024, and this act. However, after May 1, 2025, unless specifically prohibited, the department may transfer state appropriations for the 2023-2025 fiscal biennium among operating programs after approval by the director of the office of financial management. However, the department shall not transfer state moneys that are provided solely for a specific purpose. The department shall not transfer funds, and the director of the office of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of the office of financial management shall notify the appropriate transportation committees of the legislature two weeks prior to approving any allotment modifications or transfers under this section.

NEW SECTION. **Sec. 1302.** 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. 1303.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Fey moved the adoption of amendment (947) to the striking amendment (939):

On page 11, line 36 of the striking amendment, increase the motor vehicle account--state appropriation by $125,000

On page 12, line 3 of the striking amendment, correct the total.

On page 12, line 18 of the striking amendment, after "(2)" strike "$325,000" and insert "$250,000"

On page 12, line 19 of the striking amendment, after "to" strike "engage an" and insert "contract with the Freight Policy Transportation Institute of Washington State University to serve as the"

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On page 12, line 21 of the striking amendment, after "section" strike "217(10)" and insert "217(8)"

On page 14, after line 8 of the striking amendment, insert the following:

"(6) $200,000 of the motor vehicle account—-state appropriation is for the joint transportation committee to conduct a study and make recommendations on alternative new methods for local governments to fund sidewalk improvements, including but not limited to establishing a sidewalk utility. The study must review revenue options utilized in other states and make evaluations based on fairness, stability, adequacy, regressivity, simplicity, and the effect on economic vitality. The joint transportation committee must submit a preliminary report of findings and recommendations to the transportation committees of the legislature by December 15, 2025. A final report is due to the office of the governor and the transportation committees of the legislature by June 30, 2026."

On page 14, line 14 of the striking amendment, decrease the state route number 520 corridor account--state appropriation by $200,000

On page 14, line 18 of the striking amendment, decrease the Alaskan way viaduct replacement project account--state appropriation by $200,000

On page 14, line 19 of the striking amendment, correct the total.

On page 15, beginning on line 28 of the striking amendment, strike all of subsection (5)

On page 29, line 24 of the striking amendment, increase the state route number 520 corridor account--state appropriation by $200,000

On page 29, line 30 of the striking amendment, increase the Alaskan way viaduct replacement project account--state appropriation by $200,000

On page 29, line 33 of the striking amendment, correct the total.

On page 30, after line 38 of the striking amendment, insert the following:

"(5)(a) $200,000 of the state route number 520 corridor account— state appropriation and $200,000 of the Alaskan Way viaduct replacement project account— state appropriation are provided solely for the department, in coordination with the Washington state transportation commission, to conduct a pilot or pilots of advanced tolling technology provided by the private sector. The purpose of this pilot or pilots will be to assess the viability and accuracy of advanced technologies that may reduce the implementation and long-term costs of the toll system or enable more flexible operations. The department shall retain a separate independent third-party vendor or vendors who can provide expert oversight, guidance, and advisement on the work, including: The pilot design; the evaluation plan; data analysis; and reporting on findings.

(b) A final report of findings is due to the transportation committees of the legislature by July 1, 2026. The report must, at a minimum: Outline the technology tested; provide a comparison of system performance, operations, costs, and revenue collection efficiencies between the test system or test systems and the roadway toll system in use today; assess the requirements for achieving compatibility with the existing back-office system; provide a summary of how lessons learned from the pilot or pilots were incorporated into the planned procurement of new roadside toll systems; and provide recommendations on next steps."

On page 36, line 33 of the striking amendment, after "sale" strike "in accordance with requirements of state law" and insert "or transfer of ownership by mutually agreeable terms in accordance with requirements of state law under RCW 47.12.063"

On page 36, line 37 of the striking amendment, after "7666206950." insert "The department shall first consider terms and enter negotiations with the countywide port district in which the property is located consistent with RCW 47.12.063 before considering other options for disposition of the property."

On page 37, line 19 of the striking amendment, decrease the carbon emissions reduction account--state appropriation by $14,000

On page 37, line 20 of the striking amendment, correct the total.

On page 39, line 11 of the striking amendment, after "(3)" strike "$10,000,000" and insert "$9,986,000"

On page 39, beginning on line 12 of the striking amendment, after "grants," strike all material through "in" on line 17 and insert "or to serve as state match for secured federal funds, to finance hydrogen fueling stations for medium and heavy-duty vehicles and up to two years of hydrogen fueling station operational costs along corridors designated as hydrogen corridors by the state or near or on transit agency, port, or public utility district property, with a focus on benefiting"

On page 39, line 22 of the striking amendment, after "117-58)" insert "and other public or private funding sources as necessary, to bring these stations into commercial operation"

On page 44, line 4 of the striking amendment, increase the motor vehicle account--state appropriation by $10,000,000

On page 44, line 18 of the striking amendment, correct the total.

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On page 44, beginning on line 24 of the striking amendment, after "relief." insert "The department must identify low-cost enhancement projects that could substantially fulfill safety improvements before proceeding on full project scope designs and engineering. Low-cost enhancements may include, but are not limited to, new signage, rumble strips, speed bumps, flashing crosswalk lights, lowering speed limits, lane narrowing via traffic calming, and other safety improvements."

On page 47, after line 29 of the striking amendment, insert the following:
"(10) $10,000,000 of the motor vehicle account--state appropriation is provided solely for safety enhancements on the state route number 18 highway corridor."

On page 54, line 6 of the striking amendment, increase the multimodal transportation account--state appropriation by $950,000

On page 54, line 11 of the striking amendment, correct the total.

On page 57, after line 27 of the striking amendment, insert the following:
"(14) $950,000 of the multimodal transportation account—state appropriation is provided solely for RiverCities Transit to operate weekday transit service from Longview to Vancouver."

On page 62, line 24 of the striking amendment, increase the motor vehicle account--state appropriation by $930,000

On page 62, line 29 of the striking amendment, correct the total.

On page 63, after line 34 of the striking amendment, insert the following:
"(8) $930,000 of the motor vehicle account—state appropriation is provided solely for the department, from amounts set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to:
(a) Continue contracting with the Washington state department of fish and wildlife to identify, inventory, and prioritize county-owned fish passage barriers;
(b) Partner with the county road administration board to update the road cost factor unit costs used in the calculation of the allocation factor for the county's portion of the motor vehicle fuel tax;
(c) Create specific guidance and training for county public works departments developing community engagement plans to mitigate project and program harms and maximize community benefits by expanding upon the freight mobility strategic investment board's 'Toolkit and Best Practices for Integrating Community Considerations in Infrastructure Investments'; and
(d) Continue partnering with the board of registration for professional engineers and land surveyors and contract with the Washington state transportation center at the University of Washington to identify best practices within public works for the recruitment and retention of employees, including recommendations for improving outreach and recruitment to underrepresented populations, methods to partner with local community colleges and universities, ways to expand apprenticeship and internship programs, strategies to increase training and development opportunities, and recommendations for career advancement programs and better work life balance outcomes.
(9) The city of Seattle must provide a report on any findings and recommendations of the digital conflict area awareness management program, for which state funding was provided in the 2023-25 biennium, and any implementation needs and process mapping for use by other jurisdictions, to the Washington state department of transportation and the transportation committees of the legislature by June 30, 2026."

On page 78, line 2 of the striking amendment, increase the multimodal transportation account—state appropriation by $5,000,000

On page 78, line 4 of the striking amendment, correct the total.

On page 78, beginning on line 12 of the striking amendment, after "(2)" strike all material through "rideshare" on line 14 and insert "$6,673,000 of the multimodal transportation account—state appropriation is provided solely for a public transit ride share grant program. For grant awards not yet under contract, as a condition of public transit ride share grants provided pursuant to this subsection, public transportation agencies may not delay, divert, supplant, or suspend the collection of approved local sales and use taxes for the purpose of public transportation during the 2025-2027 fiscal biennium. Of the amounts provided in this subsection, $1,673,000 of the multimodal transportation account--state appropriation is for the reappropriation of amounts provided for a public transit ride share"

On page 82, line 23 of the striking amendment, increase the carbon emissions reduction account--state appropriation by $2,400,000

On page 82, line 35 of the striking amendment, correct the total.

On page 84, line 29 of the striking amendment, after "(10)" strike "$2,600,000" and insert "$5,000,000"

On page 87, line 2 of the striking amendment, increase the move ahead WA account--state appropriation by $5,000,000

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On page 87, line 10 of the striking amendment, correct the total.

On page 87, line 32 of the striking amendment, after "(L4000102);" insert "an additional $5,000,000 of the move ahead WA account--state appropriation is provided solely for the Woodinville SR 202 and Trestle Widening project (L4000028); the scope for the Industrial Rail Additions project (L1000211) must be modified to authorize the expenditure of any funds appropriated for the project, not otherwise needed for preliminary engineering or rights-of-way, for the purposes of construction, including demolition;"

On page 99, after line 38 of the striking amendment, insert the following:

"NEW SECTION. **Sec. 408. SPECIAL APPROPRIATION TO THE GOVERNOR**

Motor Vehicle Account--State Appropriation $350,000,000

(1) It is the intent of the legislature to ensure a fair and equitable process to address extraordinary bid cost increases for highway improvement and ferry vessel replacement projects.

(2) $350,000,000 of the motor vehicle account--state appropriation is provided solely for a project reserve fund for extraordinary bid cost increases for contracts on highway improvement and ferry vessel replacement projects.

(a) Release of funds from the project reserve fund provided in this section may be authorized by the director of the office of financial management for use on projects funded in the 2025-2027 biennial budget that require additional funds to be completed within the legislatively approved scope.

(b) Funds from the project reserve fund for individual project contracts may not exceed 20 percent of a total contract amount, and no more than $100,000,000 may be used for any one project with funding in the 2025-2027 biennial budget.

(c) The director of the office of financial management shall notify the chairs and ranking members of the transportation committees of the legislature two weeks prior to allocating funds from the project reserve fund to any project.

(d) If a project's cost shortfall is greater than amounts available and authorized by this section, the director of the office of financial management shall notify the chairs and ranking members of the transportation committees of the legislature with a recommendation about whether to rebid or rescope the project."

On page 144, line 4 of the striking amendment, increase the motor vehicle account--state appropriation by $325,000

On page 144, line 8 of the striking amendment, correct the total.

On page 149, line 5 of the striking amendment, after "(7)" strike "(($~~500,000~~)) $175,000" and insert "$500,000"

On page 186, line 22 of the striking amendment, increase the carbon emissions reduction account--state appropriation by $14,000

On page 186, line 24 of the striking amendment, correct the total.

On page 190, beginning on line 13 of the striking amendment, after "(8)" strike all material through "~~(9)~~))" on line 24 and insert "Beginning January 1, 2025, (($~~10,000,000~~)) $14,000 of the carbon emissions reduction account—state appropriation is provided solely for grants, and to serve as a state match for secured federal funds, to finance hydrogen refueling infrastructure for medium and heavy-duty vehicles with a focus on locations in disadvantaged and overburdened communities, where possible. The department, in consultation with the interagency electric vehicle coordinating council, should pursue any federal funding available through the charging and fueling infrastructure discretionary grant program and any other sources under the federal infrastructure investment and jobs act (P.L. 29 117-58).

(9)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

On page 229, beginning on line 6 of the striking amendment, strike all of subsection (d) and insert "((~~(d) The city of Seattle must provide a report on any findings and recommendations of the program and any implementation needs and process mapping for use by other jurisdictions to the Washington state department of transportation and the transportation committees of the legislature by June 30, 2025.~~))"

On page 255, line 12 of the striking amendment, decrease the carbon emissions reduction account--state appropriation by $2,400,000

On page 255, line 33 of the striking amendment, correct the total.

On page 257, beginning on line 35 of the striking amendment, beginning with "((~~(12)~~)" strike all material through "secured." on page 258, line 3 and insert "~~(12) $5,000,000 of the carbon emissions reduction account—state appropriation is provided solely to fund the replacement of two Tacoma rail diesel-electric switcher locomotives with zero emission battery-electric switcher locomotives and to install on-site charging equipment at a Tacoma rail facility (L1000327). Local funds sufficient to fully fund this project must be contributed to the project, and any agreements required for the project must be secured.~~"

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

Representatives Fey and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

MOTION

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On motion of Representative Leavitt, Representatives Goodman and Ortiz-Self were excused.

Amendment (947) to the striking amendment (939) was adopted.

The Speaker (Representative Timmons presiding) called upon Representative Simmons to preside.

Representative Fey moved the adoption of amendment (941) to the striking amendment (939):

On page 50, line 36 of the striking amendment, after "(4)(a)" strike "$11,922,000" and insert "$6,369,000"

On page 54, line 6 of the striking amendment, increase the multimodal transportation account--state appropriation by $8,000,000

On page 54, line 11 of the striking amendment, correct the total.

On page 55, line 11 of the striking amendment, after "(5)" strike "$188,930,000" and insert "$188,900,000"

On page 62, line 28 of the striking amendment, reduce the multimodal transportation account--state appropriation by $8,000,000

On page 62, line 29 of the striking amendment, correct the total.

On page 63, line 15 of the striking amendment, after "(4)" strike "275,000" and insert "274,000"

On page 83, line 5 of the striking amendment, after "(Y)" strike "." and insert ", except that passenger rail equipment preservation (700010C) is renamed "Passenger rail equipment preservation and heavy maintenance", and grain train program (701210A) is renamed "Grain hopper car preservation and maintenance.""

On page 87, line 9 of the striking amendment, decrease the multimodal transportation account--state appropriation by $1,000,000

On page 87, line 10 of the striking amendment, correct the total.

On page 87, line 20 of the striking amendment, after "additional" strike "5,500,000" and insert "$4,500,000"

On page 216, line 2 of the striking amendment, after "subsection" strike "(15)" and insert "((~~(15)~~))"

On page 242, line 32 of the striking amendment, after "US-12/Walla" insert "Walla"

On page 274, line 28 of the striking amendment, strike "$560,000"
and insert "((~~$560,000~~)) $380,000"

Representatives Fey and Barkis spoke in favor of the adoption of the amendment to the striking amendment.

Amendment (941) to the striking amendment (939) was adopted.

Representative Barkis moved the adoption of amendment (943) to the striking amendment (939):

On page 54, line 1 of the striking amendment, reduce the carbon emissions reduction account-state appropriation by $192,230,000

On page 54, line 2 of the striking amendment, beginning with "State Vehicle" strike all material through "$784,000"

On page 54, line 6 of the striking amendment, reduce the multimodal transportation account—state appropriation by $5,700,000

On page 54, line 11 of the striking amendment, correct the total.

On page 55, beginning on line 1 of the striking amendment, strike all of subsections (4) and (5)

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

On page 65, line 35 of the striking amendment, decrease the carbon emissions reduction account-state appropriation by $12,470,000

On page 66, line 5 of the striking amendment, decrease the complete streets grant program account-state appropriation by $14,670,000

On page 66, line 7 of the striking amendment, correct the total.

On page 66, after line 7 of the striking amendment, insert the following:
"The appropriations in this section are subject to the following conditions and limitations:
(1) $10,000,000 of the complete streets grant program account-state appropriation and $2,500,000 of the climate emissions reduction account-state appropriation are provided solely for complete streets grants for awards originally made in the 2023-2025 biennium or earlier.
(2) Remaining appropriations in this section may not be used for new complete streets grant awards in the 2025-2027 biennium."

On page 78, line 3 of the striking amendment, decrease the carbon emissions reduction account—state appropriation by $79,100,000

On page 78, line 4 of the striking amendment, correct the total.

On page 78, line 11 of the striking amendment, after "(V)" insert ", except that no funding is provided for the following projects:

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(a) Bus & Bus Facilities 2025-27 Program baseline BIN (BU252700);
(b) Skagit Transit-Maint., Oper., & Admin Facility Replacement (BU252701);
(c) King County Metro-Bellevue Base Bus Lift Systems Replacement (BU252702);
(d) Jefferson Transit-Electric Dial-A-Ride Replacement Vehicle (BU252703);
(e) Pierce Transit-Maint & Oper Base Rehab Including Zero Emission Infra (BU252704);
(f) Kitsap Transit-Batt. Elec. Bus & Inductive Charging Fleet Conversion (BU252705);
(g) Community Transit-DART Paratransit Replacement Vehicles (BU252706);
(h) Skagit Transit-Replacement of Heavy-Duty Coaches (BU252707);
(i) Valley Transit-New Valley Transit Veh. Barn Cap. Constr. Project (BU252708);
(j) Grays Harbor Transit-HQ's ROW, Permitting & Final Design Project (BU252709);
(k) Tribal Transit Program 2025-27 Program baseline BIN (TT252700);
(l) Yakama Nation Pahto Operating Expenses Grant (TT252701);
(m) Spokane Tribe Moccasin Express Continued Operations (TT252702);
(n) Cowlitz Tribal Transit Service Support (TT252703);
(o) Jamestown S'Klallam Tribe- ADA Vans Replacement (TT252704);
(p) Squaxin Island Tribe-Paratransit Support Program (TT252705);
(q) Colville Confed. Tribes Transit Support for Tribal Elders & Gen Public (TT252706);
(r) Samish Nation Demand-Response Service (TT252707);
(s) Lummi Indian Tribes Expansion of Weekend Operations (TT252708);
(t) Samish Nation Tribal Transit Mobility Grant (TT252709);
(u) Swinomish Indian Tribe Vans Purchase (TT252710);
(v) Swinomish Indian Tribal Community Mobility Support Program (TT252711);
(w) Makah Tribal Council Bus Stop Shelter & Upgrades (TT252712);
(x) Samish Nation-Youth & Elder Transport-Mobility Management (TT252713);
(y) Colville Confederated Tribes - Upgrade Maintenance & Storage Facility (TT252714);
(z) Lummi Nation Transit Facility (TT252715);
(aa) Snoqualmie Tribal Mobility Management (TT252716);
(bb) Jamestown S'Klallam Tribe - Bike Storage Facility (TT252717);
(cc) Green Transportation Program 2025-27 Program baseline BIN (GT252700);
(dd) Community Transit - Charging Infrastructure at Hardeson Campus (GT252701);
(ee) City of Everett - Inductive Charging at Everett Station (GT252702);
(ff) Spokane Transit Authority - Battery Electric Bus Charging Infrastructure (GT252703);
(gg) Link Transit - Replace Bus Fleet & Add Electric Charging Infrastructure (GT252704);
(hh) King County Metro - 40ft Transit Battery Electric Bus Purchase (GT252705);
(ii) Spokane Transit - Electric Operations Support Vehicles (GT252706);
(jj) Everett Transit - Maintenance Facility Engineering and Design (GT252707); and
(kk) King County Metro - Central Base Campus Zero Electrification - Design (GT252708)"

On page 79, line 37 of the striking amendment, after "and" strike "$50,799,000" and insert "$18,535,000"

On page 80, beginning on line 6 of the striking amendment, after "biennium." strike all material through "staffing." on line 9

On page 80, line 15 of the striking amendment, after "(6)" strike "$12,232,000" and insert "$3,396,000"

On page 80, line 16 of the striking amendment, after "for" insert "the continuation of"

On page 80, beginning on line 19 of the striking amendment, after "biennium." strike "$100,000 of the amount provided in this subsection may be used for program administration and staffing."

On page 86, line 31 of the striking amendment, reduce the carbon emissions reduction account-state appropriation by $9,000,000

On page 86, line 33 of the striking amendment, reduce the climate active transportation account-state appropriation by $80,200,000

On page 87, line 9 of the striking amendment, reduce the multimodal transportation account-state appropriation by $18,380,000

On page 87, line 10 of the striking amendment, correct the total.

On page 87, line 32 of the striking amendment, after "(L4000102);" insert "the multimodal transportation account-state appropriation provided solely for the Pedestrian and Bicycle Safety Grant Program project (L2000188) is reduced by $18,380,000; the climate active transportation account-state appropriation provided solely for the Pedestrian and Bicycle Safety Grant Program Move Ahead project (L1000335) is reduced by $28,000,000; the climate active transportation account-state appropriation provided solely for the School Based Bike Safety Education Program project (L1000309) is removed; the climate active transportation account-state appropriation provided solely for the Connecting Communities project (L1000308) is reduced by $25,000,000; the carbon emissions reduction account-state appropriation provided solely for the Micromobility Program project (L1000323) is reduced by $9,000,000;"

On page 88, beginning on line 1 of the striking amendment, after "(a)" strike all

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material through "projects" on line 4 and insert "$20,000,000 of the multimodal transportation account-state appropriation and $15,372,000 of the climate active transportation account-state appropriation are provided solely for pedestrian and bicycle safety grants for awards originally made in the 2023-25 biennium or earlier"

On page 89, beginning on line 22 of the striking amendment, strike all of subsection (8)

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

On page 89, beginning on line 26 of the striking amendment, after "(9)" strike all material through "program" on line 28 and insert "$8,200,000 of the climate active transportation account-state appropriation is provided solely for the Sandy Williams connecting communities pilot program grants for awards originally made in the 2023-25 biennium or earlier"

On page 90, beginning on line 33 of the striking amendment, after "(a)" strike all material through "program" on page 92, line 8 and insert "$1,568,000 of the carbon emissions reduction account-state appropriation is provided solely for e-bike lending library and ownership grants for awards made originally in the 2023-25 biennium or earlier"

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

Representatives Barkis, Dye and Low spoke in favor of the adoption of the amendment to the striking amendment.

Representative Reed spoke against the adoption of the amendment to the striking amendment.

Amendment (943) to the striking amendment (939) was not adopted.

Representative Barkis moved the adoption of amendment (942) to the striking amendment (939):

On page 67, line 34 of the striking amendment, decrease the motor vehicle account—state appropriation by $108,112,000

On page 67, line 35 of the striking amendment, increase the motor vehicle account—federal appropriation by $75,863,000

On page 67, beginning on line 36 of the striking amendment, beginning with "Coronavirus" strike all material through "$54,334,000" on line 37

. . . On page 67, line 38 of the striking amendment, decrease the motor vehicle account—private/local appropriation by $2,698,000

On page 68, line 1 of the striking amendment, decrease the connecting Washington account—state appropriation by $112,263,000

On page 68, line 9 of the striking amendment, decrease the move ahead WA account—state appropriation by $255,360,000

On page 68, line 11 of the striking amendment, correct the total.

On page 70, line 1 of the striking amendment, after "(10)(a)" strike "$54,334,000 of the coronavirus state fiscal recovery fund—federal appropriation, $118,178,000" and insert "$194,041,000"

On page 70, line 3 of the striking amendment, after "appropriation," strike "$112,263,000 of the connecting Washington account—state appropriation, $796,352,000" and insert "$540,992,000"

On page 70, line 5 of the striking amendment, after "appropriation," strike "$108,621,000" and insert "and $509,000"

On page 70, line 6 of the striking amendment, after "appropriation" strike ", and $2,698,000 of the motor vehicle account—private/local appropriation"

On page 235, line 29 of the striking amendment, increase the motor vehicle account—state appropriation by $8,103,000

On page 235, line 31 of the striking amendment, increase the motor vehicle account—federal appropriation by $79,034,000

On page 235, line 34 of the striking amendment, increase the coronavirus state fiscal recovery fund—federal appropriation by $54,334,000

On page 235, line 36 of the striking amendment, decrease the motor vehicle account—private/local appropriation by $2,872,000

On page 235, line 38 of the striking amendment, decrease the connecting Washington account—state appropriation by $4,017,000

On page 236, line 15 of the striking amendment, increase the move ahead WA account—state appropriation by $51,640,000

On page 236, line 17 of the striking amendment, increase the move ahead WA account—federal appropriation by $45,112,000

On page 236, line 22 of the striking amendment, correct the total.

On page 239, line 9 of the striking amendment, after "(12)(a)" strike "(($~~$337,114,000~~$)) $282,810,000" and insert "$337,114,000"

On page 239, beginning on line 10 of the striking amendment, after "appropriation," strike "(($~~$110,439,000~~$)) $31,405,000" and insert "$110,439,000"

On page 239, beginning on line 12 of the striking amendment, beginning with "(($~~$576,827,000~~$))" strike all material

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through "$525,187,000" on line 13 and insert "$576,827,000"

On page 239, beginning on line 14 of the striking amendment, after "appropriation" strike all material through "$266,000" on line 15 and insert ", and $8,329,000"

Representatives Barkis and Walsh spoke in favor of the adoption of the amendment to the striking amendment.

Representative Bernbaum spoke against the adoption of the amendment to the striking amendment.

Amendment (942) to the striking amendment (939) was not adopted.

Representative Rude moved the adoption of amendment (940) to the striking amendment (939):

On page 68, line 1 of the striking amendment, increase the connecting Washington account--state appropriation by $50,000,000

On page 68, line 11 of the striking amendment, correct the total.

On page 74, after line 20 of the striking amendment, insert the following:

"(20)$56,387,000 of the connecting Washington account—state appropriation is provided solely for the US-12/Walla Walla Corridor Improvements project (T20900R) to provide state matching funds for competitive federal funding awarded for the final remaining four-lane section between Wallula and Nine Mile Hill. The legislature intends to provide an additional $25,000,000 of state matching funds in the 2027-2029 biennium for this project."

Representatives Rude and Klicker spoke in favor of the adoption of the amendment to the striking amendment.

Representative Fey spoke against the adoption of the amendment to the striking amendment.

Amendment (940) to the striking amendment (939) was not adopted.

Representative Ley moved the adoption of amendment (945) to the striking amendment (939):

On page 71, line 31 of the striking amendment, after "(b)" insert "No Washington state funds for this project may be expended for the purchase of rail infrastructure, rail engines and cars, transit vehicles, or park and ride lots or garages, for a transit agency created by the laws of an adjacent state.

(c)"

Representatives Ley, Orcutt and Abbarno spoke in favor of the adoption of the amendment to the striking amendment.

Representative Wylie spoke against the adoption of the amendment to the striking amendment.

Amendment (945) to the striking amendment (939) was not adopted.

Representatives Reed and Barkis spoke in favor of the adoption of the striking amendment as amended.

The striking amendment (939), as amended, was adopted.

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

Representatives Reed, Schmidt, Donaghy, Low, Barkis and Fey spoke in favor of the passage of the bill.

Representative Mendoza spoke against the passage of the bill.

The Speaker (Representative Simmons presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5161, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5161, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2

Voting Yea: Representatives Barkis, Berg, Bergquist, Bernbaum, Berry, Bronoske, Callan, Chase, Cortes, Couture, Davis, Dent, Doglio, Donaghy, Duerr, Entenman, Farivar, Fey, Fitzgibbon, Fosse, Graham, Gregerson, Griffey, Hackney, Hill, Hunt, Kloba, Leavitt, Lekanoff, Low, Macri, McEntire, Mena, Morgan, Nance, Obras, Orcutt, Ormsby, Parshley, Paul, Peterson, Pollet, Ramel, Reed, Richards, Ryu, Salahuddin, Santos, Schmidt, Scott, Simmons, Springer, Stearns, Stonier, Street, Taylor, Thai, Tharinger, Thomas, Timmons, Volz, Walen, Walsh, Wylie, Zahn and Mme. Speaker

Voting Nay: Representatives Abbarno, Abell, Barnard, Burnett, Caldier, Connors, Corry, Dufault, Dye, Engell, Eslick, Jacobsen, Keaton, Klicker, Ley, Manjarrez, Marshall, McClintock, Mendoza, Penner, Reeves, Rude, Rule, Schmick, Shavers, Steele, Stokesbary, Stuebe, Waters and Ybarra

Excused: Representatives Goodman and Ortiz-Self

ENGROSSED SUBSTITUTE SENATE BILL NO. 5161, as amended by the House, having received the necessary constitutional majority, was declared passed.

SPEAKER'S PRIVILEGE

The Speaker (Representative Simmons presiding) recognized Olympic College President Marty Cavalluzzi and Olympic College Board of Trustee members who were seated in the gallery.

The Speaker (Representative Simmons presiding) called upon Representative Stearns to preside.

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

FIRST SUPPLEMENTAL REPORT OF STANDING COMMITTEES

April 1, 2025

HB 1472 Prime Sponsor, Representative Ormsby: Closing the Yakima Valley school and Rainier school. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Bergquist, Chair; Cortes, Vice Chair; Goodman; Hill; Ortiz-Self and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Eslick, Ranking Minority Member; Burnett, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Bernbaum; Dent; and Penner.

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Referred to Committee on Appropriations

April 2, 2025

SSB 5170 Prime Sponsor, Agriculture & Natural Resources: Concerning boundary line surveys on public lands owned or managed by the department of natural resources. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum; Orcutt; Richards; Schmick and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Nance.

Referred to Committee on Rules for second reading

April 1, 2025

ESB 5206 Prime Sponsor, Senator MacEwen: Concerning cannabis retailer advertising. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.50.369 and 2022 c 16 s 75 are each amended to read as follows:

(1) No licensed cannabis producer, processor, researcher, or retailer may place or maintain, or cause to be placed or maintained, any sign or other advertisement for a cannabis business or cannabis product, including useable cannabis, cannabis concentrates, or cannabis-infused product, in any form or through any medium whatsoever within one thousand feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park, or library, or any game arcade admission ((~~to which is not restricted to persons aged twenty-one years or older~~))that allows admittance of persons under the age of 21.

(2)(a) Except for the use of trade name signs and billboards as authorized under this section, licensed cannabis retailers may not display any cannabis-related advertising signage ((~~outside of~~))on the licensed premises, other than ((~~two signs identifying the retail outlet by the licensee's business or trade name, stating the location of the business, and identifying the nature of the business~~))four signs affixed to the building of the licensed location on the side of the building with the main entrance.

(b) Each advertisement sign must be no larger than one thousand six hundred square inches and be ((~~permanently affixed to a building or other structure~~)):

(i) Affixed on the building of the licensed location on the side of the building with the main entrance; or

(ii) Hanging in the windows of the licensed location on the side of the building with the main entrance.

(c)(i) Any advertising signs that are visible to the public from the public right-of-way, whether on the building or through a window of the building, will be considered advertising for the purposes of this section.

(ii) Signs that are less than 512 square inches are not considered advertising for purposes of this section if the sign does not include any brand names, trade names, or images of any cannabis product and only indicates information including, but not limited to:

(A) Hours of operation;

(B) Business is open or closed;

(C) The presence of an ATM machine;

(D) The word "welcome";

(E) Required signs or notices; and

(F) Community notices.

(3)(a) In addition to the four signs described in subsection (2) of this section, licensed businesses may use up to two trade name signs.

(b) Trade name signs must be limited to two signs and comply with local authority regulations related to the size of signs for the city, town, or county in which the licensed cannabis retailer is located. The enforcement of the size of trade name signs and billboards is the responsibility of the city, town, or county in which the licensed cannabis retailer is located.

(c) Trade name signs may only reflect the trade name of the licensed business and may not contain cannabis products or product brand names.

(d) One of the two trade name signs may be a double-sided sign, such as a pylon sign or monolith sign, that contains identical content on each side. A double-sided sign that contains identical content on each side is considered to be one trade name sign for purposes of this section.

(4) All signage, advertising, and billboard content is prohibited if the content portrays:

(a) Alcohol or its use;

(b) Tobacco or nicotine or its use; or

(c) Any association with a motor vehicle or operation of a motor vehicle.

(5) Any cannabis-related advertising in any business licensed by the board under chapter 70.345, 82.24, or 82.26 RCW is prohibited.

(6) The location and content of the retail cannabis signs authorized under ((~~this~~)) subsection (2) of this section are subject to all other requirements and restrictions established in this section for indoor signs, outdoor signs, and other cannabis-related advertising methods.

((~~(3)~~))(7) Nothing in this section prohibits the use of other signage that does not represent cannabis or cannabis products, the business trade name, nature of the business, or contains only general information not related to the products or services of the cannabis business.

(8) A cannabis licensee may not utilize transit advertisements for the purpose of advertising its business or product line. ((~~"Transit advertisements" means advertising on or within private or public vehicles and~~

~~all advertisements placed at, on, or within any bus stop, taxi stand, transportation waiting area, train station, airport, or any similar transit-related location.~~

~~(4)~~))(9) A cannabis licensee may not engage in advertising or other marketing practice that specifically targets persons residing outside of the state of Washington.

((~~(5) All signs, billboards, or other print advertising~~))(10) Any advertisement for a cannabis ((~~businesses~~))business or cannabis products, regardless of the form of medium used, must contain text ((~~stating that cannabis products may be purchased or possessed only by persons twenty-one~~))indicating that only persons 21 years of age or older may purchase or possess cannabis products. The text must be of a reasonable size to be easily read by consumers. This subsection does not apply to trade name signs.

((~~(6)~~))(11) A cannabis licensee may not:

(a) Take any action, directly or indirectly, to target youth in the advertising, promotion, or marketing of cannabis and cannabis products, or take any action the primary purpose of which is to initiate, maintain, or increase the incidence of youth use of cannabis or cannabis products;

(b) Use objects such as toys or inflatables, movie or cartoon characters, or any other depiction or image likely to be appealing to ((~~youth~~))persons under 21 years of age, where such objects, images, or depictions indicate an intent to cause youth to become interested in the purchase or consumption of cannabis products; ((~~or~~))

(c) Use or employ a commercial mascot outside of, and in proximity to, a licensed cannabis business((~~. A "commercial mascot" means live human being, animal, or mechanical device used for attracting the attention of motorists and passersby so as to make them aware of cannabis products or the presence of a cannabis business. Commercial mascots include, but are not limited to, inflatable tube displays, persons in costume, or wearing, holding, or spinning a sign with a cannabis-related commercial message or image, where the intent is to draw attention to a cannabis business or its products.~~

~~(7)~~)); or

(d) Advertise, offer for sale, or sell cannabis at less than acquisition cost. This subsection does not apply to any sales made for a product designated for medical cannabis use by qualifying patients as defined in RCW 69.51A.010.

(12) A cannabis licensee that engages in outdoor advertising is subject to the advertising requirements and restrictions set forth in this subsection ((~~(7)~~)) and elsewhere in this chapter.

(a) All outdoor advertising signs, including billboards, are limited to text that identifies the retail outlet by the licensee's business or trade name, states the location of the business, and identifies the type or nature of the business. Such signs may not contain any depictions of cannabis plants, cannabis products, or images that might be appealing to children. The board is granted rule-making authority to regulate the text and images that are permissible on outdoor advertising. Such rule making must be consistent with other administrative rules generally applicable to the advertising of cannabis businesses and products.

(b) Outdoor advertising is prohibited:

(i) On signs and placards in arenas, stadiums, shopping malls, fairs that receive state allocations, farmers markets, and video game arcades, whether any of the foregoing are open air or enclosed, but not including any such sign or placard located in ((~~an adult only facility~~))an age-restricted area classified by the board as off-limits to persons under 21 years of age; and

(ii) Billboards that are visible from any street, road, highway, right-of-way, or public parking area are prohibited, except as provided in (c) of this subsection.

(c) Licensed retail outlets may use a billboard or outdoor sign solely for the purpose of identifying the name of the business, the nature of the business, and providing the public with directional information to the licensed retail outlet. Billboard advertising is subject to the same requirements and restrictions as set forth in (a) of this subsection.

(d) Advertising signs within the premises of a retail cannabis business outlet that are clearly visible to the public from outside the premises must meet the signage regulations and requirements applicable to outdoor signs as set forth in this section.

(e) The restrictions and regulations applicable to outdoor advertising under this section are not applicable to:

(i) An advertisement inside a licensed retail establishment that sells cannabis products that is not placed on the inside surface of a window facing outward; or

(ii) An outdoor advertisement at the site of an event to be held ((~~at an adult only facility~~))in an area classified by the board as off-limits to persons under 21 years of age that is placed at such site during the period the facility or enclosed area ((~~constitutes an adult only facility~~))is classified as age-restricted by the board, but in no event more than fourteen days before the event, and that does not advertise any cannabis product other than by using a brand name to identify the event.

((~~(8) Merchandising~~))(13) Placement of products within a retail outlet is not advertising for the purposes of this section.

((~~(9)~~))(14) This section does not apply to a noncommercial message.

(15) "Adopt-a-Highway" signs erected by the Washington state department of transportation under a current valid sponsorship with the department of transportation are not considered advertising for the purposes of this section.

((~~(10)~~))(16)(a) The board must:

(i) Adopt rules implementing this section and specifically including provisions regulating the billboards and outdoor signs authorized under this section; and

(ii) Fine a licensee one thousand dollars for each violation of this section until the board adopts rules prescribing penalties for violations of this section. The rules must

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establish escalating penalties including fines and up to suspension or revocation of a cannabis license for subsequent violations.

(b) Fines collected under this subsection must be deposited into the dedicated cannabis account created under RCW 69.50.530.

((~~(11)~~))(17) A city, town, or county may adopt rules of outdoor advertising by licensed cannabis retailers that are more restrictive than the advertising restrictions imposed under this chapter. Enforcement of restrictions to advertising by a city, town, or county is the responsibility of the city, town, or county.

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

(a) "Commercial mascot" means a live human being, animal, or mechanical device used for attracting the attention of motorists and passersby so as to make them aware of cannabis products or the presence of a cannabis business. Commercial mascots include, but are not limited to, inflatable tube displays, persons in costume, or wearing, holding, or spinning a sign with a cannabis-related commercial message or image, where the intent is to draw attention to a cannabis business or its products.

(b) "Trade name" means the name as it appears on the license issued to the licensee.

(c) "Transit advertisements" means advertising on or within private or public vehicles and all advertisements placed at, on, or within any bus stop, taxi stand, transportation waiting area, train station, airport, or any similar transit-related location.

NEW SECTION. **Sec. 2.** This act takes effect January 1, 2026."

Correct the title.

Signed by Representatives Walen, Chair; McClintock, Ranking Minority Member; Abbarno; Berry; Corry; Donaghy; Fosse; Kloba; Morgan; Reeves; Ryu; Santos; Steele and Volz.

Referred to Committee on Rules for second reading

April 1, 2025

SSB 5239 Prime Sponsor, Health & Long-Term Care: Concerning the retention of hospital medical records. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Bronoske, Chair; Lekanoff, Vice Chair; Rule, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Marshall, Assistant Ranking Minority Member; Davis; Engell; Low; Macri; Manjarrez; Obras; Parshley; Shavers; Simmons; Stonier; Stuebe; Thai and Tharinger.

Referred to Committee on Rules for second reading

April 1, 2025

SSB 5245 Prime Sponsor, State Government, Tribal Affairs & Elections: Authorizing county commissioners to administer oaths of office to state legislators. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Parshley, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey; Hunt and Zahn.

Referred to Committee on Rules for second reading

April 1, 2025

SB 5288 Prime Sponsor, Senator Schoesler: Concerning vacancies on boards of county commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Parshley, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey; Hunt and Zahn.

Referred to Committee on Rules for second reading

April 2, 2025

SB 5319 Prime Sponsor, Senator Shewmake: Establishing surface mine reclamation permit fees. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 78.44.085 and 2017 3rd sp.s. c 27 s 1 are each amended to read as follows:

(1) An applicant ((~~for an expansion of a permitted surface mine, a new reclamation permit under RCW 78.44.081, or for combining existing public or private reclamation permits, shall pay a nonrefundable application fee to the department before being granted the requested permit or permit expansion~~)): (a) For a revision of an existing reclamation permit or reclamation plan; (b) for an expansion of a permitted surface mine; (c) for a new reclamation permit under RCW 78.44.081; or (d) seeking to combine existing public or private surface mine reclamation permits, shall pay a nonrefundable application fee to the department before the department will make a decision on the application. The amount of the application fee shall be ((~~four thousand five hundred dollars.~~

~~(2) Permit holders submitting a revision to an application for an existing reclamation plan that is not an expansion shall pay a nonrefundable reclamation plan revision fee of two thousand five hundred dollars~~))$4,500.

((~~(3)~~))(2) After June 30, 2017, each public or private permit holder shall pay an annual permit fee in an amount pursuant to this section. The annual permit fee shall be payable to the department prior to the reclamation permit being issued and on the anniversary of the permit date each year thereafter.

((~~(4)~~))(3)(a) Except as otherwise provided in this subsection, each public or

private permit holder must pay an annual fee of ((~~two thousand dollars~~))$3,500.

(b) Annual fees paid by a county for mines used exclusively for public works projects and having less than seven acres of disturbed area per mine shall not exceed ((~~one thousand dollars~~))$1,000.

(c) ((~~Annual fees are waived for all mines used primarily for public works projects if the mines are owned and primarily operated by counties with 1993 populations of less than twenty thousand persons, and if each mine has less than seven acres of disturbed area~~))Except as provided in (b) of this subsection, the annual fee for a public permit holder for mines used exclusively for public works projects, as defined in RCW 39.04.010(5), is $2,500.

((~~(5)~~))(4) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department are to be held as confidential and not released as part of a public records request under chapter 42.56 RCW.

((~~(6)~~))(5) Appeals from any determination of the department shall not stay the requirement to pay any annual permit fee. Failure to pay the annual fees may constitute grounds for an order to suspend surface mining, pay fines, or cancel the reclamation permit as provided in this chapter.

((~~(7)~~))(6) All fees collected by the department shall be deposited into the surface mining reclamation account created in RCW 78.44.045.

((~~(8)~~))(7) If the department delegates enforcement responsibilities to a county, city, or town, the department may allocate funds collected under this section to the county, city, or town.

((~~(9)~~))(8) Within ((~~sixty~~))60 days after receipt of an application for a new or expanded permit, or revision to an existing reclamation permit or reclamation plan, the department shall advise applicants of any information necessary to successfully complete the application.

((~~(10)~~))(9) In addition to other enforcement authority, the department may refer matters to a collection agency licensed under chapter 19.16 RCW when permit fees or fines are past due. The collection agency may impose its own fees for collecting delinquent permit fees or fines."

Correct the title.

Signed by Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Bernbaum; Nance; Richards; Schmick and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Engell, Assistant Ranking Minority Member; and Orcutt.

Referred to Committee on Appropriations

March 31, 2025

ESSB 5360 Prime Sponsor, Environment, Energy & Technology: Concerning environmental crimes. Reported by Committee on Environment & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

(a) Washington is a state of great beauty and natural resources. It is vital to preserve these resources to ensure that future generations can benefit and enjoy the state's abundance. Washington has long been a national and international leader in environmental stewardship, including air and water quality protection and natural resource conservation. It is the objective of the legislature to maintain the chemical, physical, and biological integrity of the state's water, air, and other natural resources to protect human health and the environment for all Washingtonians.

(b) Washington is home to a rich and diverse economy including aerospace, construction, farming, fishing, logging, manufacturing, mining, ranching, technology, and many other industries. These industries drive Washington's vibrant economy and have helped improve the quality of life for many in Washington. Washingtonians and our businesses care deeply about the state's environment and work hard to comply with environmental regulations to ensure a safe and sustainable environment. It is vital to the future of Washington to continue to have robust agricultural and industrial sectors to promote prosperity for all Washingtonians.

(c) Environmental violations can cause significant harm to human health and the environment that can last for generations. Effective enforcement of environmental laws includes criminal enforcement for the most egregious violations of environmental statutes and regulations. The availability of criminal enforcement of environmental laws deters bad actors because environmental crimes are often deliberately committed to enhance profit, avoid cost, or achieve a competitive advantage against businesses that follow environmental laws and regulations.

(2) Therefore, it is the intent of the legislature to prohibit acts that are completed knowingly or represent a gross deviation from a reasonable standard of care and not to penalize accidents or mistakes that occur in the normal course of business through no fault of an operator.

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the first degree if the person knowingly violates any provisions of this chapter or chapter 90.56 RCW, or any permit issued under this chapter or of Title 33 of the United States Code, and the person knows at the time that the conduct constituting the violation places another person in imminent danger of death or substantial bodily harm.

(2) An entity is guilty of the offense described in subsection (1) of this section

if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) A violation of this chapter in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

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

(a) "Imminent danger" means that there is a substantial likelihood that harm will be experienced should the danger not be eliminated.

(b) "Knows" or "knowingly" have the same meaning as "knowledge" provided in RCW 9A.08.010.

(c) "Substantial bodily harm" has the same meaning as that term is defined in RCW 9A.04.110.

(6) Conduct in compliance with a permit, including reporting or corrective actions taken pursuant to the permit, is not considered a violation of that permit for the purposes of this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the second degree if the person, under circumstances not amounting to a violation of this chapter in the first degree, knowingly violates any of the provisions of this chapter or chapter 90.56 RCW, or any permit issued under this chapter or of Title 33 of the United States Code.

(2) An entity is guilty of the offense described in subsection (1) of this section if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) A violation of this chapter in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(5) For the purposes of this section, "knowingly" has the same meaning as "knowledge" provided in RCW 9A.08.010.

(6) Conduct in compliance with a permit, including reporting or corrective actions taken pursuant to the permit, is not considered a violation of that permit for the purposes of this section.

NEW SECTION. **Sec. 4.** A new section is added to chapter 90.48 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the third degree if the person, under circumstances not amounting to a violation of this chapter in the first or second degree, while acting with criminal negligence, violates any of the provisions of this chapter or chapter 90.56 RCW, or any permit issued under this chapter or of Title 33 of the United States Code.

(2) An entity is guilty of the offense described in subsection (1) of this section if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) A violation of this chapter in the third degree is a gross misdemeanor punishable by a fine of up to $10,000 and costs of prosecution, by imprisonment in the county jail for up to 364 days, or by both such fine and imprisonment in the discretion of the court.

(5) For the purposes of this section, "criminal negligence" has the same meaning as that term is defined in RCW 9A.08.010.

(6) Conduct in compliance with a permit, including reporting or corrective actions taken pursuant to the permit, is not considered a violation of that permit for the purposes of this section.

NEW SECTION. **Sec. 5.** A new section is added to chapter 90.48 RCW to read as follows:

It is contrary to public policy to terminate or discipline an employee for refusing to violate this chapter, or for providing information about a violation of this chapter to a supervisor or government agency.

NEW SECTION. **Sec. 6.** A new section is added to chapter 90.48 RCW to read as follows:

(1) Within existing resources, the department shall prepare information about the criminal penalty provisions in this chapter, as well as the circumstances and conduct that could subject someone to those provisions, and make such information available on a website maintained by the department.

(2) Whenever the department issues a new permit or renews an existing permit under this chapter, the department shall provide the applicant with information about the criminal penalty provisions in this chapter and the circumstances and conduct that could subject someone to those provisions.

Sec. 7. RCW 70A.15.1030 and 2024 c 280 s 2 are each reenacted and amended to read as follows:

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

(1) "Air contaminant" or "air pollutant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(2) "Air pollution" is presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property. For the purpose of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW.

(3) "Air quality standard" means an established concentration, exposure time, and frequency of occurrence of an air

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contaminant or multiple contaminants in the ambient air which shall not be exceeded.

(4) "Ambient air" means the surrounding outside air.

(5) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(6) "Best available control technology" (BACT) means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under this chapter emitted from or that results from any new or modified stationary source, that the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such a source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such a pollutant. In no event shall application of "best available control technology" result in emissions of any pollutants that will exceed the emissions allowed by any applicable standard under 40 C.F.R. Part 60 and Part 61, as they exist on July 25, 1993, or their later enactments as adopted by reference by the director by rule. Emissions from any source utilizing clean fuels, or any other means, to comply with this subsection shall not be allowed to increase above levels that would have been required under the definition of BACT as it existed prior to enactment of the federal clean air act amendments of 1990.

(7) "Best available retrofit technology" (BART) means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility that might reasonably be anticipated to result from the use of the technology.

(8) "Board" means the board of directors of an authority.

(9) "Control officer" means the air pollution control officer of any authority.

(10) "Department" or "ecology" means the department of ecology.

(11) "Emission" means a release of air contaminants into the ambient air.

(12) "Emission standard" and "emission limitation" mean a requirement established under the federal clean air act or this chapter that limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice, or operational standard adopted under the federal clean air act or this chapter.

(13) "Fine particulate" means particulates with a diameter of two and one-half microns and smaller.

(14) "Flame cap kiln" means an outdoor container used for the combustion of natural vegetation from silvicultural or agricultural activities that meets the following requirements:

(a) Has a solid or sealed bottom including, but not limited to, mineral soils, so that all air for combustion comes from above;

(b) Is completely open on top with no restrictions;

(c) Is a shallow container where the width is greater than the height; and

(d) Has a volume of 10 cubic meters or less.

(15)(a) "Lowest achievable emission rate" (LAER) means for any source that rate of emissions that reflects:

(i) The most stringent emission limitation that is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

(ii) The most stringent emission limitation that is achieved in practice by such class or category of source, whichever is more stringent.

(b) In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(16) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(17) "Multicounty authority" means an authority which consists of two or more counties.

(18) "New source" means (a) the construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted, and (b) any other project that constitutes a new source under the federal clean air act.

(19) "Permit program source" means a source required to apply for or to maintain an operating permit under RCW 70A.15.2260.

(20) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision of the state, municipality, or governmental agency.

(21) "Reasonably available control technology" (RACT) means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an

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individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for a source or source category shall be adopted only after notice and opportunity for comment are afforded.

(22) "Silvicultural burning" means burning of wood fiber on forestland or combustion of natural vegetation from silvicultural activities consistent with the provisions of RCW 70A.15.5120.

(23) "Source" means all of the emissions units including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person, or persons under common control, whose activities are ancillary to the production of a single product or functionally related group of products.

(24) "Stationary source" means any building, structure, facility, or installation that emits or may emit any air contaminant.

(25) "Trigger level" means the ambient level of fine particulates, measured in micrograms per cubic meter, that must be detected prior to initiating a first or second stage of impaired air quality under RCW 70A.15.3580.

NEW SECTION. **Sec. 8.** A new section is added to chapter 70A.15 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the first degree if the person knowingly releases into the ambient air any substance adopted by rule by the department as a hazardous or toxic air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and the person knows at the time that he or she thereby places:

(a) Another person in imminent danger of death or substantial bodily harm; or

(b) Any property of another person, or any natural resources owned by the state of Washington, or any of its local governments, in imminent danger of harm.

(2) An entity is guilty of the offense described in subsection (1) of this section if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) For the purposes of this section, air pollutant does not include an odorous substance unless it is adopted by rule by the department as hazardous or toxic.

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

(a) "Imminent danger" means that there is a substantial likelihood that harm will be experienced should the danger not be eliminated.

(b) "Knows" or "knowingly" have the same meaning as "knowledge" provided in RCW 9A.08.010.

(c) "Substantial bodily harm" has the same meaning as that term is defined in RCW 9A.04.110.

(5) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(6) A violation of this chapter in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(7) Nothing in this section shall apply to activities permitted by the department of natural resources under RCW 70A.15.5120(1), or to conditions meeting the exemption under RCW 70A.15.4530(1), or to outdoor burning in compliance with permits issued by a state or local authority to reduce wildfire risk, to improve ecosystem health and resiliency, or to restore native plant communities, on prairie, grassland, or shrub-steppe landscapes.

(8) Conduct in compliance with a permit, including reporting or corrective actions taken pursuant to the permit, is not considered a violation of that permit for the purposes of this section.

NEW SECTION. **Sec. 9.** A new section is added to chapter 70A.15 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the second degree if the person, under circumstances not amounting to a violation of this chapter in the first degree:

(a) Knowingly violates any of the provisions of this chapter or chapter 70A.25, 70A.60, or 70A.535 RCW, or any ordinance, resolution, or regulation in force pursuant thereto; or

(b) While acting with criminal negligence, releases into the ambient air any substance adopted by rule by the department as a hazardous or toxic air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and:

(i) Places another person in imminent danger of death or substantial bodily harm; or

(ii) Places any property of another person, or any natural resources owned by the state of Washington, or any of its local governments, in imminent danger of harm.

(2) An entity is guilty of the offense described in subsection (1) of this section if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) For the purposes of this section, air pollutant does not include an odorous substance unless it is adopted by rule by the department as hazardous or toxic.

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

(a) "Criminal negligence" has the same meaning as that term is defined in RCW 9A.08.010.

(b) "Imminent danger" means that there is a substantial likelihood that harm will be experienced should the danger not be eliminated.

(c) "Knowingly" has the same meaning as "knowledge" provided in RCW 9A.08.010.

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(d) "Substantial bodily harm" has the same meaning as that term is defined in RCW 9A.04.110.

(5) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(6) A violation of this chapter in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(7) Nothing in this section shall apply to activities permitted by the department of natural resources under RCW 70A.15.5120(1), or to conditions meeting the exemption under RCW 70A.15.4530(1), or to outdoor burning in compliance with permits issued by a state or local authority to reduce wildfire risk, to improve ecosystem health and resiliency, or to restore native plant communities, on prairie, grassland, or shrub-steppe landscapes.

(8) Conduct in compliance with a permit, including reporting or corrective actions taken pursuant to the permit, is not considered a violation of that permit for the purposes of this section.

NEW SECTION. **Sec. 10.** A new section is added to chapter 70A.15 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the third degree if the person, under circumstances not amounting to a violation of this chapter in the first or second degree:

(a) While acting with criminal negligence, violates any of the provisions of this chapter or chapter 70A.25, 70A.60, or 70A.535 RCW, or any ordinance, resolution, or regulation in force pursuant thereto; or

(b) Knowingly fails to disclose a potential conflict of interest under RCW 70A.15.2000.

(2) An entity is guilty of the offense described in subsection (1) of this section if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) For the purposes of this section:

(a) "Air pollutant" does not include an odorous substance unless it is adopted by rule by the department as hazardous or toxic.

(b) "Criminal negligence" has the same meaning as that term is defined in RCW 9A.08.010.

(c) "Knowingly" has the same meaning as "knowledge" provided in RCW 9A.08.010.

(5) A violation of this chapter in the third degree is a gross misdemeanor and upon conviction shall be punishable by a fine of not more than $10,000, by imprisonment in the county jail for up to 364 days, or by both such fine and imprisonment in the discretion of the court.

(6) Nothing in this section shall apply to activities permitted by the department of natural resources under RCW 70A.15.5120(1), or to conditions meeting the exemption under RCW 70A.15.4530(1), or to outdoor burning in compliance with permits issued by a state or local authority to reduce wildfire risk, to improve ecosystem health and resiliency, or to restore native plant communities, on prairie, grassland, or shrub-steppe landscapes.

(7) Conduct in compliance with a permit, including reporting or corrective actions taken pursuant to the permit, is not considered a violation of that permit for the purposes of this section.

NEW SECTION. **Sec. 11.** A new section is added to chapter 70A.15 RCW to read as follows:

It is contrary to public policy to terminate or discipline an employee for refusing to violate this chapter, or for providing information about a violation of this chapter to a supervisor or government agency.

NEW SECTION. **Sec. 12.** A new section is added to chapter 70A.15 RCW to read as follows:

(1) Within existing resources, the department shall prepare information about the criminal penalty provisions in this chapter, as well as the circumstances and conduct that could subject someone to those provisions, and make such information available on a website maintained by the department.

(2) Whenever the department issues a new permit or renews an existing permit under this chapter, the department shall provide the applicant with information about the criminal penalty provisions in this chapter and the circumstances and conduct that could subject someone to those provisions.

NEW SECTION. **Sec. 13.** A new section is added to chapter 70A.300 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the first degree if the person knowingly transports, treats, stores, handles, disposes of, or exports a hazardous substance in violation of this chapter and the person knows at the time that the conduct constituting the violation:

(a) Places another person in imminent danger of death or substantial bodily harm; or

(b) Places any property of another person, any natural resources owned by the state of Washington, or any of its local governments, in imminent danger of harm.

(2) An entity is guilty of the offense described in subsection (1) of this section if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

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

(a) "Imminent danger" means that there is a substantial likelihood that harm will be experienced should the danger not be eliminated.

(b) "Knows" or "knowingly" have the same meaning as "knowledge" provided in RCW 9A.08.010.

(c) "Substantial bodily harm" has the same meaning as that term is defined in RCW 9A.04.110.

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(4) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(5) A violation of this chapter in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(6) Conduct in compliance with a permit, including reporting or corrective actions taken pursuant to the permit, is not considered a violation of that permit for the purposes of this section.

NEW SECTION. **Sec. 14.** A new section is added to chapter 70A.300 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the second degree if the person, under circumstances not amounting to a violation of this chapter in the first degree, knowingly violates any provisions of this chapter, or the rules implementing this chapter.

(2) An entity is guilty of the offense described in subsection (1) of this section if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) A violation of this chapter in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(5) For the purposes of this section, "knowingly" has the same meaning as "knowledge" provided in RCW 9A.08.010.

(6) Conduct in compliance with a permit, including reporting or corrective actions taken pursuant to the permit, is not considered a violation of that permit for the purposes of this section.

NEW SECTION. **Sec. 15.** A new section is added to chapter 70A.300 RCW to read as follows:

(1) A person is guilty of a violation of this chapter in the third degree if the person, under circumstances not amounting to a violation of this chapter in the first or second degree, while acting with criminal negligence, violates any provisions of this chapter, or the rules implementing this chapter.

(2) An entity is guilty of the offense described in subsection (1) of this section if an agent of the entity commits the offense while acting within the scope of his or her duties and on behalf of the entity.

(3) Each day upon which a violation of this section occurs may be deemed a separate and additional violation.

(4) A violation of this chapter in the third degree is a gross misdemeanor and upon conviction shall be punishable by a fine of not more than $10,000, by imprisonment in the county jail for up to 364 days, or by both such fine and imprisonment in the discretion of the court.

(5) For the purposes of this section, "criminal negligence" has the same meaning as that term is defined in RCW 9A.08.010.

(6) Conduct in compliance with a permit, including reporting or corrective actions taken pursuant to the permit, is not considered a violation of that permit for the purposes of this section.

NEW SECTION. **Sec. 16.** A new section is added to chapter 70A.300 RCW to read as follows:

It is contrary to public policy to terminate or discipline an employee for refusing to violate this chapter, or for providing information about a violation of this chapter to a supervisor or government agency.

NEW SECTION. **Sec. 17.** A new section is added to chapter 70A.300 RCW to read as follows:

(1) Within existing resources, the department shall prepare information about the criminal penalty provisions in this chapter, as well as the circumstances and conduct that could subject someone to those provisions, and make such information available on a website maintained by the department.

(2) Whenever the department issues a new permit or renews an existing permit under this chapter, the department shall provide the applicant with information about the criminal penalty provisions in this chapter and the circumstances and conduct that could subject someone to those provisions.

Sec. 18. RCW 9.94A.515 and 2024 c 301 s 29 and 2024 c 55 s 1 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))
XIII	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)

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	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run—Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
VII	Arson 1 (RCW 9A.48.020)
I	
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Theft of Ammonia (RCW 69.55.010)
VII	Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
	Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
	Burglary 1 (RCW 9A.52.020)
	Child Molestation 2 (RCW 9A.44.086)
	Civil Disorder Training (RCW 9A.48.120)
	Custodial Sexual Misconduct 1 (RCW 9A.44.160)
	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Drive-by Shooting (RCW 9A.36.045)
	False Reporting 1 (RCW 9A.84.040(2)(a))
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
	Introducing Contraband 1 (RCW 9A.76.140)
	Malicious placement of an explosive 3 (RCW 70.74.270(3))
	Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))

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Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)

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)

Clean Air Act Violation 1 (section 8 of this act)

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)

Hazardous Waste Act Violation 1 (section 13 of this act)

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)

Draft

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)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)

Water Pollution Control Act Violation 1 (section 2 of this act)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)

Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Driving While Under the Influence (RCW 46.61.502(6))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hate Crime (RCW 9A.36.080)

Hit and Run—Injury (RCW 46.52.020(4)(b))

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)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Trafficking in Catalytic Converters 1 (RCW 9A.82.190)

Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))

Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))

Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))

Unlawful transaction of insurance business (RCW 48.15.023(3))

Unlicensed practice as an insurance professional (RCW 48.17.063(2))

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))

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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)

Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))

III Animal Cruelty 1 (RCW 16.52.205)

Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))

Assault of a Child 3 (RCW 9A.36.140)

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)

Clean Air Act Violation 2 (section 9 of this act)

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)

Hazardous Waste Act Violation 2 (section 14 of this act)

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 (RCW 9A.82.200)

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))

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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)

Water Pollution Control Act Violation 2 (section 3 of this act)

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)

Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))

Escape from Community Custody (RCW 72.09.310)

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)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Organized Retail Theft 2 (RCW 9A.56.350(3))

Possession of Stolen Property 1 (RCW 9A.56.150)

Possession of a Stolen Vehicle (RCW 9A.56.068)

Possession, sale, or offering for sale of seven or more unmarked catalytic converters (RCW 9A.82.180(5))

Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))

Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)

Theft 1 (RCW 9A.56.030)

Theft of a Motor Vehicle (RCW 9A.56.065)

Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at $5,000 or more) (RCW 9A.56.096(5)(a))

Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))

Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))

Unlawful Practice of Law (RCW 2.48.180)

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Voyeurism 1 (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

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Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

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))

Sec. 19. RCW 70A.15.2520 and 2020 c 20 s 1099 are each amended to read as follows:

At least thirty days prior to the commencement of any formal enforcement action under RCW ((~~70A.15.3150 or~~)) 70A.15.3160 a local air authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the board or the control officer may require that the alleged violator or violators appear before the board for a hearing. Every notice of violation shall offer to the alleged violator an opportunity to meet with the local air authority prior to the commencement of enforcement action.

Sec. 20. RCW 70A.15.3010 and 2020 c 20 s 1104 are each amended to read as follows:

At least thirty days prior to the commencement of any formal enforcement action under RCW ((~~70A.15.3150 and~~)) 70A.15.3160, the department of ecology shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the department may require that the alleged violator or violators appear before it for the purpose of providing the department information pertaining to the violation or the charges complained of. Every notice of violation shall offer to the alleged violator an opportunity to meet with the department prior to the commencement of enforcement action.

Sec. 21. RCW 70A.15.3130 and 2020 c 20 s 1110 are each amended to read as follows:

(1) The department of health shall have all the enforcement powers as provided in RCW 70A.15.3010, 70A.15.3140, ((~~70A.15.3150,~~)) 70A.15.3160 (1) through (7), and 70A.15.3170 with respect to emissions of radionuclides. This section does not preclude the department of ecology from exercising its authority under this chapter.

(2) Permits for energy facilities subject to chapter 80.50 RCW shall be issued by the energy facility site evaluation council. However, the permits become effective only

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if the governor approves an application for certification and executes a certification agreement under chapter 80.50 RCW. The council shall have all powers necessary to administer an operating permits program pertaining to such facilities, consistent with applicable air quality standards established by the department or local air pollution control authorities, or both, and to obtain the approval of the United States environmental protection agency. The council's powers include, but are not limited to, all of the enforcement powers provided in RCW 70A.15.3010, 70A.15.3140, 70A.15.3150, 70A.15.3160 (1) through (7), and 70A.15.3170 with respect to permit program sources required to obtain certification from the council under chapter 80.50 RCW. To the extent not covered under RCW 80.50.071, the council may collect fees as granted to delegated local air authorities under RCW 70A.15.2210, 70A.15.2260 (14) and (15), 70A.15.2270, and 70A.15.2230(7) with respect to permit program sources required to obtain certification from the council under chapter 80.50 RCW. The council and the department shall each establish procedures that provide maximum coordination and avoid duplication between the two agencies in carrying out the requirements of this chapter.

NEW SECTION. **Sec. 22.** The following acts or parts of acts are each repealed:

(1) RCW 90.48.140 (Penalty) and 2011 c 96 s 61, 2003 c 53 s 419, 1992 c 73 s 26, 1973 c 155 s 8, & 1945 c 216 s 20;

(2) RCW 70A.15.3150 (Penalties) and 2023 c 470 s 1017;

(3) RCW 70A.300.100 (Violations—Criminal penalties) and 2003 c 53 s 357 & 1989 c 2 s 15; and

(4) RCW 70A.300.110 (Violations—Gross misdemeanor) and 2020 c 20 s 1282, 2011 c 96 s 51, 1984 c 237 s 1, 1983 c 172 s 3, & 1975-'76 2nd ex.s. c 101 s 9.

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."

Correct the title.

Signed by Representatives Doglio, Chair; Hunt, Vice Chair; Berry; Duerr; Fey; Kloba; Mena; Ramel; Stearns; Street and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Member; Abbarno; Abell; Barnard; Ley; Mendoza; Stuebe; and Ybarra.

MINORITY recommendation: Without recommendation. Signed by Representative Fitzgibbon.

Referred to Committee on Appropriations

April 1, 2025

SSB 5365 Prime Sponsor, Local Government: Concerning alternate funding for libraries. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.69.010 and 1991 c 363 s 79 are each amended to read as follows:

Park and recreation districts are hereby authorized to be formed as municipal corporations for the purpose of providing leisure time activities and facilities and recreational facilities, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

The term "recreational facilities" means parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile racetracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, senior citizen centers, or community centers, including community centers which could include public libraries within less than 50 percent of the usable space, provided that any public library is operated in accordance with chapter 27.12 RCW, and other recreational facilities."

Correct the title.

Signed by Representatives Duerr, Chair; Parshley, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey; Hunt and Zahn.

Referred to Committee on Rules for second reading

April 1, 2025

SSB 5370 Prime Sponsor, Local Government: Lengthening port commissioner terms. Reported by Committee on Local Government

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 53.12 RCW to read as follows:

(1) A ballot proposition to lengthen the terms of office of port commissioners from four years to six years must be submitted to the voters of any port district upon either resolution of the port commissioners or petition of voters of the port district proposing the increase in terms of office, which petition has been signed by voters of the port district equal in number to at least 10 percent of the number of voters in the port district voting at the last general election.

(2) The petition must be submitted to the county auditor. If the petition was signed by sufficient valid signatures, the ballot proposition must be submitted at the next

general election that occurs 60 or more days after the adoption of the resolution or submission of the petition.

(3) If the ballot proposition lengthening the terms of office of port commissioners is approved by a simple majority vote of the voters voting on the proposition, the commissioner elected at that election is elected to a six-year term of office. The terms of office of the other commissioners are not lengthened.

(4) If two commissioners are elected in that election or the next subsequent general election, the commissioner thus elected receiving the highest number of votes is elected to a six-year term of office and the other commissioner is elected to a four-year term of office. Each successor commissioner is elected to six-year terms.

(5) This section does not apply to a port district that is required to maintain four-year terms under RCW 53.12.172 or to a port district that has five port commissioners."

Correct the title.

Signed by Representatives Duerr, Chair; Parshley, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey; Hunt and Zahn.

Referred to Committee on Rules for second reading

April 1, 2025

SSB 5374 Prime Sponsor, Transportation: Including tribal representation in certain transportation activities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.070 and 2024 c 135 s 1 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140. Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces and green spaces, urban and community forests within the urban growth area, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. The land use element must give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity and reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state. Where applicable, the land use element shall review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound. The land use element must reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools, which may include, but are not limited to, adoption of portions or all of the wildland urban interface code developed by the international code council or developing building and maintenance standards consistent with the firewise USA program or similar program designed to reduce wildfire risk, reducing wildfire risks to residential development in high risk areas and the wildland urban interface area, separating human development from wildfire prone landscapes, and protecting existing residential development and infrastructure through community wildfire preparedness and fire adaptation measures.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

(i) Units for moderate, low, very low, and extremely low-income households; and

(ii) Emergency housing, emergency shelters, and permanent supportive housing;

(b) Includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences, and within an urban growth area boundary, moderate density housing options including, but not limited to, duplexes, triplexes, and townhomes;

(c) Identifies sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes;

(d) Makes adequate provisions for existing and projected needs of all economic segments of the community, including:

(i) Incorporating consideration for low, very low, extremely low, and moderate-income households;

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(ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations;

(iii) Consideration of housing locations in relation to employment location; and

(iv) Consideration of the role of accessory dwelling units in meeting housing needs;

(e) Identifies local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:

(i) Zoning that may have a discriminatory effect;

(ii) Disinvestment; and

(iii) Infrastructure availability;

(f) Identifies and implements policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions;

(g) Identifies areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments; and

(h) Establishes antidisplacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.

In counties and cities subject to the review and evaluation requirements of RCW 36.70A.215, any revision to the housing element shall include consideration of prior review and evaluation reports and any reasonable measures identified. The housing element should link jurisdictional goals with overall county goals to ensure that the housing element goals are met.

The adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city that is required or chooses to plan under RCW 36.70A.040 that increase housing capacity, increase housing affordability, and mitigate displacement as required under this subsection (2) and that apply outside of critical areas are not subject to administrative or judicial appeal under chapter 43.21C RCW unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, including green infrastructure, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

The county or city shall identify all public entities that own capital facilities and endeavor in good faith to work with other public entities, such as special purpose districts, to gather and include within its capital facilities element the information required by this subsection. If, after a good faith effort, the county or city is unable to gather the information required by this subsection from the other public entities, the failure to include such information in its capital facilities element cannot be grounds for a finding of noncompliance or invalidity under chapter 228, Laws of 2023. A good faith effort must, at a minimum, include consulting the public entity's capital facility or system plans and emailing and calling the staff of the public entity.

(4)(a) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities including, but not limited to, electrical, telecommunications, and natural gas systems.

(b) The county or city shall identify all public entities that own utility systems and endeavor in good faith to work with other public entities, such as special purpose districts, to gather and include within its utilities element the information required in (a) of this subsection. However, if, after a good faith effort, the county or city is unable to gather the information required in (a) of this subsection from the other public entities, the failure to include such information in the utilities element shall not be grounds for a finding of noncompliance or invalidity under chapter 228, Laws of 2023. A good faith effort must, at a minimum, include consulting the public entity's capital facility or system plans, and emailing and calling the staff of the public entity.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for

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clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area are subject to the requirements of (d)(iv) of this subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity may be permitted subject to confirmation from all existing providers of public facilities and public services of sufficient capacity of existing public facilities and public services to serve any new or additional demand from the new development or redevelopment. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5) and is consistent with the local character. Any commercial development or redevelopment within a mixed-use area must be principally designed to serve the existing and projected rural population and must meet the following requirements:

(I) Any included retail or food service space must not exceed the footprint of previously occupied space or 5,000 square feet, whichever is greater, for the same or similar use, unless the retail space is for an essential rural retail service and the designated limited area is located at least 10 miles from an existing urban growth area, then the retail space must not exceed the footprint of the previously occupied space or 10,000 square feet, whichever is greater; and

(II) Any included retail or food service space must not exceed 2,500 square feet for a new use, unless the new retail space is for an essential rural retail service and the designated limited area is located at least 10 miles from an existing urban growth area, then the new retail space must not exceed 10,000 square feet;

For the purposes of this subsection (5)(d), "essential rural retail services" means services including grocery, pharmacy, hardware, automotive parts, and similar uses that sell or provide products necessary for health and safety, such as food, medication, sanitation supplies, and products to maintain habitability and mobility;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(35). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(35). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas shall not extend beyond the logical outer boundary of the existing area, thereby

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allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of this subsection (5)(d), an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated multimodal level of service impacts to state-owned transportation facilities resulting from land use assumptions to assist in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments, active transportation facilities, and general aviation airport facilities, to define existing capital facilities and travel levels to inform future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Multimodal level of service standards for all locally owned arterials, locally and regionally operated transit routes that serve urban growth areas, state-owned or operated transit routes that serve urban areas if the department of transportation has prepared such standards, and active transportation facilities to serve as a gauge to judge performance of the system and success in helping to achieve the goals of this chapter consistent with environmental justice. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, multimodal level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting multimodal level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, active transportation, or transit program and the office of financial management's ((~~ten-year~~))10-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance transportation facilities or services that are below an established multimodal level of service standard;

(E) Forecasts of multimodal transportation demand and needs within cities and urban growth areas, and forecasts of multimodal transportation demand and needs outside of cities and urban growth areas, for at least ((~~ten~~))10 years based on the adopted land use plan to inform the development of a transportation element that balances transportation system safety and convenience to accommodate all users of the transportation system to safely, reliably, and efficiently provide access and mobility to people and goods. Priority must be given to inclusion of transportation facilities and services providing the greatest multimodal safety benefit to each category of roadway users for the context and speed of the facility;

(F) Identification of state and local system needs to equitably meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW. Local system needs should reflect the regional transportation system and local goals, and strive to equitably implement the multimodal network;

(G) A transition plan for transportation as required in Title II of the Americans with disabilities act of 1990 (ADA). As a necessary step to a program access plan to provide accessibility under the ADA, state and local government, public entities, and public agencies are required to perform self-evaluations of their current facilities, relative to accessibility requirements of the ADA. The agencies are

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then required to develop a program access plan, which can be called a transition plan, to address any deficiencies. The plan is intended to achieve the following:

(I) Identify physical obstacles that limit the accessibility of facilities to individuals with disabilities;

(II) Describe the methods to be used to make the facilities accessible;

(III) Provide a schedule for making the access modifications; and

(IV) Identify the public officials responsible for implementation of the transition plan;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ((~~ten-year~~))10-year investment program developed by the office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting the identified needs of the transportation system, including state transportation facilities, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, to include affected tribal governments, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions, including affected tribal areas;

(vi) Demand-management strategies;

(vii) Active transportation component to include collaborative efforts to identify and designate planned improvements for active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6), "concurrent with the development" means that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after full payment of all impact fees is due to the county or city. A development proposal may not be denied for causing the level of service on a locally owned or locally or regionally operated transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan where such impacts could be adequately mitigated through active transportation facility improvements, increased or enhanced public transportation service, ride-sharing programs, demand management, or other transportation systems management strategies funded by the development.

(c) The transportation element described in this subsection (6), the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ((~~ten-year~~))10-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ((~~ten-year~~))10-year period; (b) an evaluation of facilities and service needs; (c) an evaluation of tree canopy coverage within the urban growth area; and (d) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9)(a) A climate change and resiliency element that is designed to result in reductions in overall greenhouse gas emissions and that must enhance resiliency to and avoid the adverse impacts of climate change, which must include efforts to reduce localized greenhouse gas emissions and avoid creating or worsening localized climate impacts to vulnerable populations and overburdened communities.

(b) The climate change and resiliency element shall include the following subelements:

(i) A greenhouse gas emissions reduction subelement;

(ii) A resiliency subelement.

(c) The greenhouse gas emissions reduction subelement of the climate change and resiliency element is mandatory for the jurisdictions specified in RCW 36.70A.095 and is encouraged for all other jurisdictions, including those planning under RCW 36.70A.040 and those planning under chapter 36.70 RCW. The resiliency subelement of the climate change and resiliency element is mandatory for all

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jurisdictions planning under RCW 36.70A.040 and is encouraged for those jurisdictions planning under chapter 36.70 RCW.

(d)(i) The greenhouse gas emissions reduction subelement of the comprehensive plan, and its related development regulations, must identify the actions the jurisdiction will take during the planning cycle consistent with the guidelines published by the department pursuant to RCW 70A.45.120 that will:

(A) Result in reductions in overall greenhouse gas emissions generated by transportation and land use within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state;

(B) Result in reductions in per capita vehicle miles traveled within the jurisdiction but without increasing greenhouse gas emissions elsewhere in the state; and

(C) Prioritize reductions that benefit overburdened communities in order to maximize the cobenefits of reduced air pollution and environmental justice.

(ii) Actions not specifically identified in the guidelines developed by the department pursuant to RCW 70A.45.120 may be considered consistent with these guidelines only if:

(A) They are projected to achieve greenhouse gas emissions reductions or per capita vehicle miles traveled reductions equivalent to what would be required of the jurisdiction under the guidelines adopted by the department; and

(B) They are supported by scientifically credible projections and scenarios that indicate their adoption is likely to result in reductions of greenhouse gas emissions or per capita vehicle miles traveled.

(iii) A jurisdiction may not restrict population growth or limit population allocation in order to achieve the requirements set forth in this subsection (9)(d).

(e)(i) The resiliency subelement must equitably enhance resiliency to, and avoid or substantially reduce the adverse impacts of, climate change in human communities and ecological systems through goals, policies, and programs consistent with the best available science and scientifically credible climate projections and impact scenarios that moderate or avoid harm, enhance the resiliency of natural and human systems, and enhance beneficial opportunities. The resiliency subelement must prioritize actions that benefit overburdened communities that will disproportionately suffer from compounding environmental impacts and will be most impacted by natural hazards due to climate change. Specific goals, policies, and programs of the resiliency subelement must include, but are not limited to, those designed to:

(A) Identify, protect, and enhance natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(B) Identify, protect, and enhance community resiliency to climate change impacts, including social, economic, and built environment factors, that support adaptation to climate impacts consistent with environmental justice; and

(C) Address natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfire, and other effects of changes to temperature and precipitation patterns.

(ii) A natural hazard mitigation plan or similar plan that is guided by RCW 36.70A.020(14), that prioritizes actions that benefit overburdened communities, and that complies with the applicable requirements of this chapter, including the requirements set forth in this subsection (9)(e), may be adopted by reference to satisfy these requirements, except that to the extent any of the substantive requirements of this subsection (9)(e) are not addressed, or are inadequately addressed, in the referenced natural hazard mitigation plan, a county or city must supplement the natural hazard mitigation plan accordingly so that the adopted resiliency subelement complies fully with the substantive requirements of this subsection (9)(e).

(A) If a county or city intends to adopt by reference a federal emergency management agency natural hazard mitigation plan in order to meet all or part of the substantive requirements set forth in this subsection (9)(e), and the most recently adopted federal emergency management agency natural hazard mitigation plan does not comply with the requirements of this subsection (9)(e), the department may grant the county or city an extension of time in which to submit a natural hazard mitigation plan.

(B) Eligibility for an extension under this subsection prior to July 1, 2027, is limited to a city or county required to review and, if needed, revise its comprehensive plan on or before June 30, 2025, as provided in RCW 36.70A.130, or for a city or county with an existing, unexpired federal emergency management agency natural hazard mitigation plan scheduled to expire before December 31, 2024.

(C) Extension requests after July 1, 2027, may be granted if requirements for the resiliency subelement are amended or added by the legislature or if the department finds other circumstances that may result in a potential finding of noncompliance with a jurisdiction's existing and approved federal emergency management agency natural hazard mitigation plan.

(D) A city or county that wishes to request an extension of time must submit a request in writing to the department no later than the date on which the city or county is required to review and, if needed, revise its comprehensive plan as provided in RCW 36.70A.130.

(E) Upon the submission of such a request to the department, the city or county may have an additional 48 months from the date provided in RCW 36.70A.130 in which to either adopt by reference an updated federal emergency management agency natural hazard mitigation plan or adopt its own natural hazard mitigation plan, and to then submit that plan to the department.

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(F) The adoption of ordinances, amendments to comprehensive plans, amendments to development regulations, and other nonproject actions taken by a county or city pursuant to (d) of this subsection in order to implement measures specified by the department pursuant to RCW 70A.45.120 are not subject to administrative or judicial appeal under chapter 43.21C RCW.

(10) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 2. RCW 36.81.121 and 2005 c 360 s 3 are each amended to read as follows:

(1) At any time before adoption of the budget, the legislative authority of each county, after one or more public hearings thereon, shall prepare and adopt a comprehensive transportation program for the ensuing six calendar years. If the county has adopted a comprehensive plan pursuant to chapter 35.63 or 36.70 RCW, the inherent authority of a charter county derived from its charter, or chapter 36.70A RCW, the program shall be consistent with this comprehensive plan.

The program shall include proposed road and bridge construction work and other transportation facilities and programs deemed appropriate, and for those counties operating ferries shall also include a separate section showing proposed capital expenditures for ferries, docks, and related facilities. The program shall include any new or enhanced bicycle or pedestrian facilities identified pursuant to RCW 36.70A.070(6) or other applicable changes that promote nonmotorized transit. Copies of the program shall be filed with the county road administration board and with the state secretary of transportation not more than ((~~thirty~~))30 days after its adoption by the legislative authority. The purpose of this section is to assure that each county shall perpetually have available advanced plans looking to the future for not less than six years as a guide in carrying out a coordinated transportation program. The program may at any time be revised by a majority of the legislative authority but only after a public hearing thereon.

(2) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county will expend its moneys, including funds made available pursuant to chapter 47.30 RCW, for nonmotorized transportation purposes.

(3) Each six-year transportation program forwarded to the secretary in compliance with subsection (1) of this section shall contain information as to how a county shall act to preserve railroad right-of-way in the event the railroad ceases to operate in the county's jurisdiction.

(4) The six-year plan for each county shall specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program within that region.

(5) The comprehensive transportation program under this section must be prepared in coordination with affected tribal governments to assess the impacts of the program on affected tribal areas and to incorporate transportation needs of affected tribal areas. Tribal governments and counties should follow the coordination process in RCW 36.70A.040(8) (a) through (c) and are eligible for technical assistance and facilitation services authorized by RCW 36.70A.190(6).

Sec. 3. RCW 43.59.156 and 2020 c 72 s 1 are each amended to read as follows:

(1) Within amounts appropriated to the traffic safety commission, the commission must convene the Cooper Jones active transportation safety council comprised of stakeholders who have a unique interest or expertise in the safety of pedestrians, bicyclists, and other nonmotorists.

(2) The purpose of the council is to review and analyze data and programs related to fatalities and serious injuries involving pedestrians, bicyclists, and other nonmotorists to identify points at which the transportation system can be improved including, whenever possible, privately owned areas of the system such as parking lots, and to identify patterns in pedestrian, bicyclist, and other nonmotorist fatalities and serious injuries. The council may also:

(a) Monitor progress on implementation of existing council recommendations; and

(b) Seek opportunities to expand consideration and implementation of the principles of systematic safety, including areas where data collection may need improvement.

(3)(a) The council may include, but is not limited to:

(i) A representative from the commission;

(ii) A coroner from the county in which pedestrian, bicyclist, or nonmotorist deaths have occurred;

(iii) Multiple members of law enforcement who have investigated pedestrian, bicyclist, or nonmotorist fatalities;

(iv) A traffic engineer;

(v) A representative from the department of transportation and a representative from the department of health;

(vi) A representative from the association of Washington cities;

(vii) A representative from the Washington state association of counties;

(viii) A representative from a pedestrian advocacy group; ((~~and~~))

(ix) A representative from a tribal government; and

(x) A representative from a bicyclist or other nonmotorist advocacy group.

(b) The commission may invite other representatives of stakeholder groups to participate in the council as deemed appropriate by the commission. Additionally, the commission may invite a victim or family

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member of a victim to participate in the council.

(4) The council must meet at least quarterly. By December 31st of each year, the council must issue an annual report detailing any findings and recommendations to the governor and the transportation committees of the legislature. The commission must provide the annual report electronically to all municipal governments and state agencies that participated in the council during that calendar year. Additionally, the council must report any budgetary or fiscal recommendations to the office of financial management and the legislature by August 1st on a biennial basis.

(5) As part of the review of pedestrian, bicyclist, or nonmotorist fatalities and serious injuries that occur in Washington, the council may review any available information, including crash information maintained in existing databases; statutes, rules, policies, or ordinances governing pedestrians and traffic related to the incidents; and any other relevant information. The council may make recommendations regarding changes in statutes, ordinances, rules, and policies that could improve pedestrian, bicyclist, or nonmotorist safety. Additionally, the council may make recommendations on how to improve traffic fatality and serious injury data quality, including crashes that occur in privately owned property such as parking lots. The council may consult with local cities and counties, as well as local police departments and other law enforcement agencies and associations representing those jurisdictions on how to improve data quality regarding crashes occurring on private property.

(6)(a) Documents prepared by or for the council are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a review by the council, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by the council. For confidential information, such as personally identifiable information and medical records, which are obtained by the council, neither the commission nor the council may publicly disclose such confidential information. No person who was in attendance at a meeting of the council or who participated in the creation, retention, collection, or maintenance of information or documents specifically for the commission or the council shall be permitted to testify in any civil action as to the content of such proceedings or of the documents and information prepared specifically as part of the activities of the council. However, recommendations from the council and the commission generally may be disclosed without personal identifiers.

(b) The council may review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary: Any law enforcement incident documentation, such as incident reports, dispatch records, and victim, witness, and suspect statements; any supplemental reports, probable cause statements, and 911 call taker's reports; and any other information determined to be relevant to the review. The commission and the council must maintain the confidentiality of such information to the extent required by any applicable law.

(7) If acting in good faith, without malice, and within the parameters of and protocols established under this chapter, representatives of the commission and the council are immune from civil liability for an activity related to reviews of particular fatalities and serious injuries.

(8) This section must not be construed to provide a private civil cause of action.

(9)(a) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend the gifts, grants, or endowments from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17A.560.

(b) Subject to the appropriation of funds for this specific purpose, the council may provide grants targeted at improving pedestrian, bicyclist, or nonmotorist safety in accordance with recommendations made by the council.

(10) For purposes of this section:

(a) "Bicyclist fatality" means any death of a bicyclist resulting from a collision, whether on a roadway, at an intersection, along an adjacent sidewalk, or on a path that is contiguous with a roadway.

(b) "Council" means the Cooper Jones active transportation safety council.

(c) "Nonmotorist" means anyone using the transportation system who is not in a vehicle.

(d) "Pedestrian fatality" means any death of a pedestrian resulting from a collision, whether on a roadway, at an intersection, along an adjacent sidewalk, or on a path that is contiguous with a roadway.

(e) "Serious injury" means any injury other than a fatal injury that prevents the injured person from walking, driving, or normally continuing the activities the person was capable of performing before the injury occurred.

Sec. 4. RCW 43.59.156 and 2024 c 164 s 523 are each amended to read as follows:

(1) Within amounts appropriated to the traffic safety commission, the commission must convene the Cooper Jones active transportation safety council comprised of stakeholders who have a unique interest or expertise in the safety of pedestrians, bicyclists, and other nonmotorists.

(2) The purpose of the council is to review and analyze data and programs related to fatalities and serious injuries involving pedestrians, bicyclists, and other nonmotorists to identify points at which the transportation system can be improved including, whenever possible, privately owned areas of the system such as parking lots, and to identify patterns in pedestrian, bicyclist, and other nonmotorist fatalities and serious injuries. The council may also:

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(a) Monitor progress on implementation of existing council recommendations; and

(b) Seek opportunities to expand consideration and implementation of the principles of systematic safety, including areas where data collection may need improvement.

(3)(a) The council may include, but is not limited to:

(i) A representative from the commission;

(ii) A coroner from the county in which pedestrian, bicyclist, or nonmotorist deaths have occurred;

(iii) Multiple members of law enforcement who have investigated pedestrian, bicyclist, or nonmotorist fatalities;

(iv) A traffic engineer;

(v) A representative from the department of transportation and a representative from the department of health;

(vi) A representative from the association of Washington cities;

(vii) A representative from the Washington state association of counties;

(viii) A representative from a pedestrian advocacy group; ((~~and~~))

(ix) A representative from a tribal government; and

(x) A representative from a bicyclist or other nonmotorist advocacy group.

(b) The commission may invite other representatives of stakeholder groups to participate in the council as deemed appropriate by the commission. Additionally, the commission may invite a victim or family member of a victim to participate in the council.

(4) The council must meet at least quarterly. By December 31st of each year, the council must issue an annual report detailing any findings and recommendations to the governor and the transportation committees of the legislature. The commission must provide the annual report electronically to all municipal governments and state agencies that participated in the council during that calendar year. Additionally, the council must report any budgetary or fiscal recommendations to the office of financial management and the legislature by August 1st on a biennial basis.

(5) As part of the review of pedestrian, bicyclist, or nonmotorist fatalities and serious injuries that occur in Washington, the council may review any available information, including crash information maintained in existing databases; statutes, rules, policies, or ordinances governing pedestrians and traffic related to the incidents; and any other relevant information. The council may make recommendations regarding changes in statutes, ordinances, rules, and policies that could improve pedestrian, bicyclist, or nonmotorist safety. Additionally, the council may make recommendations on how to improve traffic fatality and serious injury data quality, including crashes that occur in privately owned property such as parking lots. The council may consult with local cities and counties, as well as local police departments and other law enforcement agencies and associations representing those jurisdictions on how to improve data quality regarding crashes occurring on private property.

(6)(a) Documents prepared by or for the council are inadmissible and may not be used in a civil or administrative proceeding, except that any document that exists before its use or consideration in a review by the council, or that is created independently of such review, does not become inadmissible merely because it is reviewed or used by the council. For confidential information, such as personally identifiable information and medical records, which are obtained by the council, neither the commission nor the council may publicly disclose such confidential information. No person who was in attendance at a meeting of the council or who participated in the creation, retention, collection, or maintenance of information or documents specifically for the commission or the council shall be permitted to testify in any civil action as to the content of such proceedings or of the documents and information prepared specifically as part of the activities of the council. However, recommendations from the council and the commission generally may be disclosed without personal identifiers.

(b) The council may review, only to the extent otherwise permitted by law or court rule when determined to be relevant and necessary: Any law enforcement incident documentation, such as incident reports, dispatch records, and victim, witness, and suspect statements; any supplemental reports, probable cause statements, and 911 call taker's reports; and any other information determined to be relevant to the review. The commission and the council must maintain the confidentiality of such information to the extent required by any applicable law.

(7) If acting in good faith, without malice, and within the parameters of and protocols established under this chapter, representatives of the commission and the council are immune from civil liability for an activity related to reviews of particular fatalities and serious injuries.

(8) This section must not be construed to provide a private civil cause of action.

(9)(a) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend the gifts, grants, or endowments from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 29B.45.020.

(b) Subject to the appropriation of funds for this specific purpose, the council may provide grants targeted at improving pedestrian, bicyclist, or nonmotorist safety in accordance with recommendations made by the council.

(10) For purposes of this section:

(a) "Bicyclist fatality" means any death of a bicyclist resulting from a collision, whether on a roadway, at an intersection, along an adjacent sidewalk, or on a path that is contiguous with a roadway.

(b) "Council" means the Cooper Jones active transportation safety council.

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(c) "Nonmotorist" means anyone using the transportation system who is not in a vehicle.

(d) "Pedestrian fatality" means any death of a pedestrian resulting from a collision, whether on a roadway, at an intersection, along an adjacent sidewalk, or on a path that is contiguous with a roadway.

(e) "Serious injury" means any injury other than a fatal injury that prevents the injured person from walking, driving, or normally continuing the activities the person was capable of performing before the injury occurred.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.59 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission must establish a tribal traffic safety coordinator program to assist tribes in implementing traffic safety strategies.

(2) Under the program, the commission must award grant funds to tribes to implement the program, and provide program support to tribes for traffic safety activities described in subsection (3) of this section.

(3) Use of program funds by program grantees may include, but are not limited to, any of the following activities:

(a) Create and execute comprehensive traffic safety programs tailored to incorporate indigenous knowledge and address the community's unique needs;

(b) Establish structured processes for gathering, assessing, analyzing, and presenting traffic safety data to support informed decision making;

(c) Lead public outreach efforts, organize road safety audits, and identify gaps in existing data and safety practices;

(d) Develop dual language educational programs and conduct Americans with disabilities act, pedestrian, and other traffic safety surveys to enhance inclusivity and awareness;

(e) Oversee safety performance metrics, prepare detailed reports, and guide the program's transition to long-term sustainability; and

(f) Present project results and data-driven insights to the respective tribal council to secure approvals for traffic safety initiatives and ensure alignment with community priorities.

(4) Program funds may also be used to match or supplement federal funds received by the commission for such purposes.

NEW SECTION. **Sec. 6.** Section 3 of this act expires January 1, 2026.

NEW SECTION. **Sec. 7.** Section 4 of this act takes effect January 1, 2026."

Correct the title.

Signed by Representatives Duerr, Chair; Parshley, Vice Chair; Hunt and Zahn.

MINORITY recommendation: Without recommendation. Signed by Representatives Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; and Griffey.

Referred to Committee on Transportation

April 1, 2025

SB 5455 Prime Sponsor, Senator Harris: Concerning the administration of the Andy Hill cancer research endowment. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Bronoske, Chair; Lekanoff, Vice Chair; Rule, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Marshall, Assistant Ranking Minority Member; Davis; Engell; Low; Macri; Manjarrez; Obras; Parshley; Shavers; Simmons; Stonier; Stuebe; Thai and Tharinger.

Referred to Committee on Rules for second reading

April 1, 2025

SB 5467 Prime Sponsor, Senator Goehner: Concerning the sale of surplus property by water-sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Parshley, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey; Hunt and Zahn.

Referred to Committee on Rules for second reading

April 1, 2025

SSB 5493 Prime Sponsor, Health & Long-Term Care: Concerning hospital price transparency. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Bronoske, Chair; Lekanoff, Vice Chair; Rule, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Marshall, Assistant Ranking Minority Member; Davis; Engell; Low; Macri; Manjarrez; Obras; Parshley; Shavers; Simmons; Stonier; Stuebe; Thai and Tharinger.

Referred to Committee on Rules for second reading

April 1, 2025

SSB 5552 Prime Sponsor, Local Government: Concerning the creation of building codes for kit homes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the price of introductory housing has become unaffordable for homebuyers of modest means. As a result, the legislature intends to create the kit home category of building codes to provide for a small home that is affordable for more homebuyers.

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Sec. 2. RCW 19.27.015 and 2024 c 170 s 9 and 2024 c 19 s 2 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Agricultural structure" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure may not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor may it be a place used by the public.

(2) "Approval," "approved," or "adopted," unless otherwise defined or otherwise indicated by context, means an affirmative vote by a majority of voting members of the council, committee, or advisory group present at the time of the vote.

(3) "City" means a city or town.

(4) "Commercial building permit" means a building permit issued by a city or a county to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building not covered by a residential building permit.

(5) "Emergency statewide amendment" means any proposed statewide amendment meeting the criteria in RCW 34.05.350. A rule shall be considered an emergency rule if the council, for good cause, finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to public interest.

(6) "Kit homes" means any structures intended for residential use that are comprised of prefabricated walls, floors, and roofs which are assembled on-site and are 800 square feet or smaller in size. "Kit homes" does not mean pallet shelters or other prefabricated shelters designed to be used as temporary emergency shelters.

(7) "Model codes" means the codes developed by the model code organizations and adopted by reference in RCW 19.27.031.

((~~(7)~~)) (8) "Model code organizations" means the national code-adopting organizations that develop the model codes, as defined in this section, such as the international code council, international association of plumbing and mechanical officials, and national fire protection association.

((~~(8)~~)) (9) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than 5,000 square feet in area, and that have a one-hour fire-resistive occupancy separation between units.

((~~(9)~~)) (10) "Off-cycle amendments" means amendments to the state building code outside of the three-year state building code adoption cycle.

((~~(10)~~)) (11) "Residential building permit" means a building permit issued by a city or a county to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building containing only dwelling units used for independent living of one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation, and structures accessory to dwelling units, such as detached garages and storage buildings.

((~~(11)~~)) (12) "State building code" means the codes adopted and amended by the council as follows:

(a) The codes referenced in this chapter;

(b) The state energy code referenced in chapter 19.27A RCW; and

(c) Any other codes so designated by the Washington state legislature as adopted and amended by the council.

((~~(12)~~)) (13) "State building code adoption cycle" means that period during which the state building code is adopted, updated, and amended by the council.

((~~(13)~~)) (14) "Statewide amendment" means any amendment to the state building code initiated through council action or by petition to the council from any agency, city, county, or interested individual or organization, that would have the effect of amending the state building code for the entire state of Washington. A statewide amendment may have a regional effect.

((~~(14)~~)) (15) "Temporary growing structure" means a structure that has the roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

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

(1) The state building code council is instructed to perform rule making on the state building codes applicable to kit homes no later than November 1, 2026.

(2) The state building code council may update the state building codes applicable to kit homes."

Correct the title.

Signed by Representatives Duerr, Chair; Parshley, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey; Hunt and Zahn.

Referred to Committee on Rules for second reading

April 1, 2025

ESSB 5611 Prime Sponsor, Local Government: Streamlining and clarifying local governments' land use permitting workloads. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Parshley, Vice Chair; Klicker, Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey; Hunt and Zahn.

Referred to Committee on Rules for second reading

April 1, 2025

SB 5669 Prime Sponsor, Senator Torres: Concerning irrigation district elections. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Duerr, Chair; Parshley, Vice Chair; Klicker,

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Ranking Minority Member; Stuebe, Assistant Ranking Minority Member; Griffey; Hunt and Zahn.

Referred to Committee on Rules for second reading

April 1, 2025

SSB 5691 Prime Sponsor, Health & Long-Term Care: Adopting the department of social and health services report recommendations addressing a regulatory oversight plan for continuing care retirement communities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.390.080 and 2016 c 183 s 8 are each amended to read as follows:

((~~(1)~~)) The legislature finds that the ((~~violation of the title protection requirements of RCW 18.390.050, the failure of a continuing care retirement community to register with the department under RCW 18.390.020, the failure of a continuing care retirement community to comply with the disclosure statement delivery and content requirements under RCW 18.390.060, and the failure of a continuing care retirement community to comply with the resident expectations established under RCW 18.390.070 are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of the title protection requirements under RCW 18.390.050, registration requirement under RCW 18.390.020, the disclosure statement delivery and content requirements under RCW 18.390.060, and the resident expectations requirements under RCW 18.390.070 are not reasonable in relation to the development and preservation of business and are an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.~~

~~(2) The attorney general shall provide notice to the management of the continuing care retirement community of submitted complaints including the name of the complainant to allow the community to take corrective action. Except for violations of the title protection requirements of RCW 18.390.050 and the failure of a continuing care retirement community to register with the department under RCW 18.390.020, the attorney general shall limit its application of the consumer protection act in subsection (1) of this section to those cases in which a pattern of complaints, submitted by affected parties, or other activity that, when considered together, demonstrate a pattern of similar conduct that, without enforcement, likely establishes an unfair or deceptive act in trade or commerce and an unfair method of competition.~~))practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Sec. 2. RCW 18.390.030 and 2016 c 183 s 3 are each amended to read as follows:

(1) An applicant for a registration as a continuing care retirement community must submit the following materials to the department:

(a) A written application to the department providing all necessary information on a form provided by the department;

(b) Information about the licensed assisted living facility component of the continuing care retirement community and, if the continuing care retirement community operates a nursing home, information about that component;

(c) Copies of any residency agreements that the continuing care retirement community intends to use for the certification period;

(d) A written statement indicating whether the residency agreement includes an entrance fee in lieu of payment for future care and services and, if so, whether those services are covered completely or partially by the entrance fee;

(e) A copy of the disclosure statement that includes current information required by RCW 18.390.060;

((~~(e)~~))(f)(i) Except as provided in ((~~(e)~~))(f)(ii) of this subsection, copies of audited financial statements for the two most recent fiscal years. The audited financial statement for the most current period may not have been prepared more than eighteen months prior to the date that the continuing care retirement community applied for its current registration;

(ii) If the continuing care retirement community:

(A) Has obtained financing, but has been in operation less than two years, a copy of the audited financial statement for the most current period, if available, and an independent accountant's report opinion letter that has evaluated the financial feasibility of the continuing care retirement community; or

(B) Has not obtained financing, a summary of the actuarial analysis for the new continuing care retirement community stating that the continuing care retirement community is in satisfactory actuarial balance;

((~~(f)~~))(g) An attestation by a management representative of the continuing care retirement community that the continuing care retirement community is in compliance with the disclosure notification requirements of RCW 18.390.060; and

((~~(g)~~))(h) Payment of any registration fees associated with the department's cost of registering continuing care retirement communities.

(2) The department shall base its decision to issue a registration on the completeness of the application. If an application is incomplete, the department shall inform the applicant and give the applicant an opportunity to supplement its

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submission. An applicant may appeal a decision of the department to deny an application for registration.

(3) The department shall issue the registration within sixty days of the receipt of a complete application, payment of fees, submission of disclosures, residency agreements, and the attestation. The department's failure to timely issue a registration may not cause a delay in the change of ownership and ongoing operation of the continuing care retirement community.

(4) Registration is valid for two years.

(5) Registration is not transferable.

(6) Materials submitted pursuant to this section are not subject to disclosure under the public records act, chapter 42.56 RCW."

Correct the title.

Signed by Representatives Bronoske, Chair; Lekanoff, Vice Chair; Rule, Vice Chair; Caldier, Assistant Ranking Minority Member; Davis; Low; Macri; Obras; Parshley; Shavers; Simmons; Stonier; Stuebe; Thai and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Marshall, Assistant Ranking Minority Member; Engell; and Manjarrez.

Referred to Committee on Rules for second reading

FORMAT CHANGED TO ACCOMMODATE TEXT

SECOND SUPPLEMENTAL REPORT OF STANDING COMMITTEES

April 1, 2025

ESSB 5014 Prime Sponsor, State Government, Tribal Affairs & Elections: Concerning election security. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the electronic and physical security of election and voting infrastructure are of primary importance, and wishes to require new security requirements. The legislature further finds that:

(a) Requiring the use of the ".gov" top-level domain on all websites and email communication reduces opportunities for confusion and cyber threats. The ".gov" top-level domain is managed by the United States department of homeland security through the cybersecurity and infrastructure security agency, is limited to bona fide government agencies, and features fraud prevention controls. There is no fee charged to adopt a ".gov" top-level domain.

(b) Requiring the partitioning of internal government networks, servers, and other supporting electronic infrastructure separate from other electronic equipment housed in the same location provides a more secure environment. Partitioning can involve physically or logically separating the entire auditor's office, including all its information technology systems and assets, or focusing specifically on election and voting infrastructure from other county assets. The goal is to reduce the risk of compromises that may occur on other parts of the county network. Partitioning also enables tighter control and monitoring of access to critical systems, whether it applies to the entire auditor's office or just election-related systems and assets.

(c) Because the secretary of state and county election offices are electronically interconnected and speedy communication with the state when a county is under attack or has suffered a security breach is imperative, requiring all vendors supporting county or state cyber assets to communicate to the secretary of state and the attorney general immediately after detecting a breach or successful cyber attack against their assets is necessary to maintain security.

(2) The legislature intends to require adoption of these security measures in all county election offices as soon as practicable, but no later than July 1, 2027.

Sec. 2. RCW 29A.12.050 and 2003 c 111 s 305 are each amended to read as follows:

((~~If voting~~))(1) Prior to use in conducting any primary or election, the secretary of state must approve systems used in the conduct of elections, including:

(a) Voting systems ((~~or~~))**,** voting devices**,** or vote tallying systems ((~~are to be used for conducting a primary or election, only those that have the approval of the secretary of state or had been~~))**,** unless approved under this chapter or the former chapter 29.34 RCW before March 22, 1982((~~, may be used~~))**;** and

(b) Any mechanical, electromechanical, or electronic equipment or platform, including software, firmware, or hardware that is used:

(i) In issuing a ballot;

(ii) To facilitate voters' response to a required notice;

(iii) To provide an electronic means for submission of a ballot declaration signature under RCW 29A.60.165; or

(iv) To issue, authenticate, or validate voter identification. ((~~Any~~))

(2) The secretary of state may, after review, determine that a modification, change, or improvement to any voting system or component of a system ((~~that~~)) does not ((~~impair its~~

~~accuracy, efficiency, or capacity or extend its function, may be made without~~))require a full reexamination or reapproval by the secretary of state under RCW 29A.12.020.

Sec. 3. RCW 29A.12.180 and 2024 c 28 s 1 are each amended to read as follows:

(1) A manufacturer or distributor of a voting system or component of a voting system that is certified by the secretary of state under RCW 29A.12.020 shall disclose to the secretary of state and attorney general any breach of the security of its system immediately following discovery of the breach if:

(a) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election in any state; or

(b) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW ((~~19.255.010~~))19.255.005.

(2) Every county must install and maintain an intrusion detection system that passively monitors its network for malicious traffic 24 hours a day, seven days a week, and 365 days a year by a qualified and trained security team with access to cyberincident response personnel who can assist the county in the event of a malicious attack. The system must support the unique security requirements of state, local, tribal, and territorial governments and possess the ability to receive cyberintelligent threat updates to stay ahead of evolving attack patterns.

(3) A county auditor or county information technology director of any county, participating in the shared voter registration system operated by the secretary of state under RCW 29A.08.105 and 29A.08.125, or operating a voting system or component of a voting system that is certified by the secretary of state under RCW 29A.12.020 shall disclose to the secretary of state and attorney general any malicious activity or breach of the security of any of its information technology (IT) systems immediately following discovery if:

(a) Malicious activity was detected by an information technology intrusion detection system (IDS), malicious domain blocking and reporting system, or endpoint security software, used by the county, the county auditor, or the county election office;

(b) A breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of election systems, information technology systems used by the county staff to manage and support the administration of elections, or peripheral information technology systems that support the auditor's office in the office's day-to-day activities;

(c) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election within the state; or

(d) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW 19.255.005.

(4) A manufacturer of, distributor of, or organization contracted to provide support to, the voter registration database system required by RCW 29A.08.125, the official voter list required by RCW 29A.08.105, or systems or components of the voter registration system used by the secretary of state shall disclose to the secretary of state and attorney general any security breach of any of that organization's systems immediately following discovery of the breach if:

(a) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election in any state; or

(b) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW 19.255.005.

(5) For purposes of this section:

(a) "Malicious activity" means an external or internal threat that is designed to damage, disrupt, or compromise an information technology network, as well as the hardware and applications that reside on the network, thereby impacting performance, data integrity, and the confidentiality of data on the network. Threats include viruses, ransomware, trojan horses, worms, malware, data loss, or the disabling or removing of information technology security systems.

(b) "Security breach" means a breach of the election system, information technology systems used to administer and support the election process, or associated data where the system or associated data has been penetrated, accessed, or manipulated by an unauthorized person. The definition of breach includes all unauthorized access to systems by external or internal personnel or organizations, including personnel employed by a county or the state providing access to systems that have the potential to lead to a breach.

((~~(5)~~))(6) Notification under this section must be made in the most expedient time possible and without unreasonable delay.

NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.12 RCW to read as follows:

Each county auditor shall implement no later than July 1, 2027, cybersecurity measures including but not limited to:

(1) Implementation and adoption of the ".gov" top-level domain available through the United States department of homeland security through the cybersecurity and infrastructure security agency for all election and voting systems and infrastructure. This adoption is

required for election and voting systems and websites and may include all county cyber assets and email domains.

(2) Partitioning the entire auditor's office, including all of its information technology systems and assets, or specifically partitioning election and voting information technology infrastructure from other county assets. The secretary of state shall consult with county auditors on which systems and assets need to be partitioned or technologically isolated and protected. Eliminating threat actors from moving laterally within a network to target election-related capabilities is paramount. The secretary of state may extend the deadline for a county auditor to comply with this subsection if more time is necessary for implementation.

(3) Isolation of all ballot counting equipment and voting system components as defined in RCW 29A.12.005 from any other network including:

(a) Internal networks within a county election office;

(b) Printer sharing networks external to the ballot counting system;

(c) The internet, world wide web, or other similar networks;

(d) Wifi and radio connectivity;

(e) Wired connectivity; and

(f) Any telephonic or other connectivity.

(4) No configuration of voting systems to:

(a) Establish a connection to an external network; or

(b) Connect to any device external to the voting system.

(5) Purchase of voting systems that include documentation listing security configurations and network security best practices and operating those systems used for conducting primaries and elections in a manner consistent with that documentation.

(6) Restricting all data transfers from any voting system to using single use, previously erased devices that contain no information prior to connection with the system. This includes pen drives, flash memory drives, memory sticks, and any other removal media used to transfer data. Devices used in data transfer must either be provided by the secretary of state to the county auditor for single use, or the media must be overwritten by the county auditor by following guidelines for media sanitization defined in rules promulgated by the secretary of state."

Correct the title.

Signed by Representatives Mena, Chair; Stearns, Vice Chair; Waters, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Chase; Doglio and Farivar.

Referred to Committee on Appropriations

April 1, 2025

SSB 5017 Prime Sponsor, State Government, Tribal Affairs & Elections: Adopting national standards for uniformed and overseas civilian voting, including conforming amendments to existing statute. Reported by Committee on State Government & Tribal Relations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I
ADOPTION OF NATIONAL STANDARDS

NEW SECTION. **Sec. 101.** INTENT. The legislature finds voting rights for all eligible citizens a priority, this includes assisting Washington citizens serving in the military and those living overseas in securing their voting rights. These rights must be secured for the voters and against interference. This act conforms Washington voting law with federal law concerning voting rights for military and overseas voters by enacting the uniform military and overseas voters act.

NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Covered voter" means:

(a) A uniformed-service voter or an overseas voter who is registered to vote in Washington state;

(b) A uniformed-service voter defined in subsection (9)(a) of this section whose voting residence is in this state and who otherwise satisfies Washington state voter eligibility requirements;

(c) An overseas voter who, before leaving the United States, was last eligible to vote in Washington state and, except for a state residency requirement, otherwise satisfies Washington state voter eligibility requirements;

(d) An overseas voter who, before leaving the United States, would have been last eligible to vote in Washington state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or

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(e) An overseas voter who was born outside the United States, is not described in (c) or (d) of this subsection, and, except for a state residency requirement, otherwise satisfies Washington state voter eligibility requirements, if:

(i) The last place where a parent, legal guardian, or family member of the voter is, was, or under this chapter would have been, eligible to vote currently, or before leaving the United States is within Washington state; and

(ii) The voter has not previously registered to vote in any other state and is not registered to vote in another state.

(2) "Dependent" means an individual recognized as a dependent by a uniformed service, and, by reason of the active duty or service of the member, is absent from the place of residence where the dependent is otherwise qualified to vote.

(3) "Federal postcard application" means the application prescribed under section 101(b)(2) of the uniformed and overseas citizens absentee voting act, 52 U.S.C. Sec. 20301(b)(2).

(4) "Federal write-in absentee ballot" means the ballot described in section 103 of the uniformed and overseas citizens absentee voting act, 52 U.S.C. Sec. 20303.

(5) "Military-overseas ballot" means:

(a) A federal write-in absentee ballot;

(b) A ballot specifically prepared or distributed for use by a covered voter in accordance with Washington voting law; or

(c) A ballot cast by a covered voter in accordance with Washington voting law.

(6) "Overseas voter" means a United States citizen who is outside the United States.

(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(8) "Uniformed service" means:

(a) Active and reserve components of the army, navy, air force, marine corps, coast guard, or space force of the United States;

(b) The merchant marine, the commissioned corps of the public health service, or the commissioned corps of the national oceanic and atmospheric administration of the United States; or

(c) The national guard and state militia.

(9) "Uniformed-service voter" means an individual who is qualified to vote and is:

(a) A member of the active or reserve components of the army, navy, air force, marine corps, coast guard, or space force of the United States who is on active duty, including students or faculty members at a United States military academy;

(b) A member of the merchant marine, the commissioned corps of the public health service, or the commissioned corps of the national oceanic and atmospheric administration of the United States;

(c) A member on activated status of the national guard or state militia; or

(d) A spouse or dependent of a member referred to in this subsection, and, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(10) "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

NEW SECTION. **Sec. 103.** ELECTIONS COVERED. The voting procedures in this chapter apply to:

(1) A general, special, presidential primary, or election for federal office;

(2) A general, special, recall, or primary election for statewide or state legislative office or state ballot measure; and

(3) A general, special, recall, or primary election for local government office or local ballot measure conducted under this title.

NEW SECTION. **Sec. 104.** ROLE OF SECRETARY OF STATE. (1) The secretary of state, working cooperatively with county auditors, is the state official responsible for implementing this act and the state's responsibilities under the uniformed and overseas citizens absentee voting act, 52 U.S.C. Sec. 20301 et seq.

(2) The secretary of state shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots. The secretary of state may delegate the responsibility under this subsection for voter registration and ballot production and processing only to county auditor offices.

(3) The secretary of state shall establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under this chapter.

(4) The secretary of state shall:

(a) Develop standardized absentee-voting materials, including privacy and transmission envelopes and their electronic equivalents, authentication materials, and voting instructions, for use with a military-overseas ballot of a voter authorized to vote in any jurisdiction in this state; and

(b) To the extent reasonably possible, coordinate with county auditors and other states to carry out this subsection.

(5) The secretary of state shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of

an overseas-military ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter. The secretary of state shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

NEW SECTION. **Sec. 105.** OVERSEAS VOTER'S REGISTRATION ADDRESS. In registering to vote, a covered voter who is eligible to vote in this state shall use and must be assigned to the voting precinct associated with the address of the last place of residence of the voter in this state, or, in the case of a voter described by section 102(1)(e) of this act, the address of the last place of residence in this state of the parent, legal guardian, or family member of the voter.

NEW SECTION. **Sec. 106.** METHODS OF REGISTERING TO VOTE. (1) To apply to register to vote, in addition to any other approved method, a covered voter may use a federal postcard application, or the application's electronic equivalent.

(2) A covered voter may use the declaration accompanying a federal write-in absentee ballot or Washington state ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by 8:00 p.m. election day. If the declaration is received after that date and time, it must be treated as an application to register to vote for subsequent elections.

(3) The secretary of state shall ensure that the electronic transmission system described in section 104(3) of this act is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official. A covered voter may use the electronic transmission system or any other approved method to register to vote.

NEW SECTION. **Sec. 107.** METHODS OF APPLYING FOR MILITARY-OVERSEAS BALLOT. (1) To receive the benefits of this chapter, a covered voter must inform the appropriate election official that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered voter include, but are not limited to:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas mailing address on an approved voter registration application;

(c) The use of a check box or other indication on an approved voter registration application indicating that the voter is an overseas voter or uniformed-service voter; and

(d) The inclusion on an approved voter registration application or communication with a county auditor of other information sufficient to identify the voter as a covered voter.

(2) This chapter does not preclude a covered voter from voting under standard vote by mail law as defined in this title.

NEW SECTION. **Sec. 108.** TIMELINESS AND SCOPE OF APPLICATION FOR MILITARY-OVERSEAS BALLOT. An application for a UOCAVA ballot is timely if received by election day. An application for a UOCAVA ballot for a primary election, whether or not timely, is effective as an application for a UOCAVA ballot for the general election. The auditor shall send the mail ballot as soon as practicable after the application arrives. If a voter registration application is received within 20 days prior to an election and the covered voter has provided an email address, a notification should be immediately provided on how to obtain a ballot by email or online in the event that the voter does not receive it by election day.

NEW SECTION. **Sec. 109.** TRANSMISSION OF UNVOTED BALLOTS. (1) The county auditor must mail UOCAVA ballots to each service and overseas voter at least 30 days before each special election, and at least 45 days before each primary or general election, presidential primary, or any special election that involves a federal office. A request for a ballot made by an overseas or service voter after that day must be processed immediately.

(2) Covered voters may request that their ballots and balloting materials for each election be sent to them by electronic transmission instead of by mail. A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose facsimile transmission or email delivery, or, if offered by the voter's jurisdiction, internet delivery. The auditor shall transmit the ballot to the voter using the means of transmission chosen by the voter.

(3) If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots to voters, the auditor shall transmit a ballot as soon as practicable.

(4) Failure to mail ballots as prescribed in this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election.

NEW SECTION. **Sec. 110.** TIMELY CASTING OF BALLOT. To be valid, a voted UOCAVA ballot must be received by the appropriate county auditor not later than the day prior to the county certification of election results for that election, and the voter must have submitted the ballot for mailing, or other authorized means of delivery not later than 8:00 p.m. the date of the election.

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NEW SECTION. **Sec. 111.** FEDERAL WRITE-IN ABSENTEE BALLOT. A covered voter may use a federal write-in absentee ballot to vote for all offices and ballot measures in an election described in RCW 29A.04.210.

NEW SECTION. **Sec. 112.** RECEIPT OF VOTED BALLOT. (1) A valid UOCAVA ballot cast in accordance with section 110 of this act must be counted if it is delivered by the end of business on the day before the deadline for certification of the election under RCW 29A.60.190 to the county auditor.

(2) If, at the time of completing a UOCAVA ballot, the voter has signed and dated the ballot declaration under penalty of perjury that the ballot was timely submitted, the ballot may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

NEW SECTION. **Sec. 113.** CONFIRMATION OF RECEIPT OF APPLICATION AND VOTED BALLOT. The secretary of state, in coordination with county auditors, shall implement an electronic free-access system by which a covered voter may determine by telephone, email, or internet whether:

(1) The voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted; and

(2) The voter's military-overseas ballot has been received and the current status of the ballot.

NEW SECTION. **Sec. 114.** USE OF VOTER'S ELECTRONIC-MAIL ADDRESS. (1) The county auditor shall request an email address from each covered voter who registers to vote. An email address provided by a covered voter may not be made available to the public or any individual or organization other than an authorized agent of the county auditor and is exempt from inspection and copying under chapter 42.56 RCW. The address may be used only for official communication with the voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location. The request for an email address must describe the purposes for which the email address may be used and include a statement that any other use or disclosure of the email address is prohibited.

(2) A covered voter who provides an email address may make a standing request for electronic delivery of a ballot for all elections held in which the voter is eligible to vote while the voter is registered as an overseas or uniformed-service voter. A county auditor shall provide a military-overseas ballot by electronic delivery to a voter who makes a standing request for each election to which the request is applicable.

NEW SECTION. **Sec. 115.** RETURN OF VOTED BALLOTS. (1) UOCAVA voters may return voted ballots using fax or email.

(2) UOCAVA voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. Return envelopes for UOCAVA ballots must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. Sec. 3406.

(3) A voted UOCAVA ballot and signed declaration returned by fax or email must be received by 8:00 p.m. Pacific Time on the day of the primary or election.

(4) The county auditor must establish procedures to maintain the secrecy of the ballot for any UOCAVA ballot returned using fax or email.

(5) The use of fax, email, or electronic portal is limited to only UOCAVA voters that meet the requirements of section 102 of this act.

NEW SECTION. **Sec. 116.** CREATION OF A LIST OF KNOWN CANDIDATES AND ISSUES REFERRED TO THE BALLOT. (1) At least 90 days before a regularly scheduled election and as soon as practicable before a special election, the county auditor shall prepare a list of known candidates and issues referred to the ballot for that jurisdiction, to be used in conjunction with a federal write-in absentee ballot. The list must contain all the ballot measures and federal, state, and local offices that as of that date the official expects to be on the ballot on the date of the election. This list must be accompanied by specific instructions for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.

(2) A covered voter may request a copy of this list and instructions. The official charged with preparing the list shall send it to the voter by facsimile, email, or regular mail, as the voter requests.

(3) As soon as candidates are certified for the ballot, and not later than the date ballots are required to be transmitted to voters under RCW 29A.40.070, the official charged with preparing the list under subsection (1) of this section shall update it with the certified candidates for each office and ballot measure questions and make the updated list publicly available.

(4) The county auditor shall make the list prepared under subsection (1) of this section and updated versions of the list regularly available on the auditor's website.

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NEW SECTION. **Sec. 117.** PROHIBITION OF NONSUBSTANTIVE REQUIREMENTS. (1) If a voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this chapter. In a write-in ballot authorized by this chapter, if the intention of the voter is discernible under the statewide standard uniform definition of what constitutes a vote published by the secretary of state, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.

(2) The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

(3) Notarization is not required for the execution of a document under this chapter.

NEW SECTION. **Sec. 118.** EQUITABLE RELIEF. A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this chapter on application by:

(1) A covered voter alleging a grievance under this chapter; or

(2) An election official in this state.

NEW SECTION. **Sec. 119.** UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. **Sec. 120.** RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

NEW SECTION. **Sec. 121.** Sections 101 through 120 of this act constitute a new chapter in Title 29A RCW.

PART II
CONFORMING AMENDMENTS

NEW SECTION. **Sec. 201.** A new section is added to chapter 29A.04 RCW to read as follows:

"Special absentee ballot" means a ballot, which may be a write-in ballot, available 90 days prior to an election for voters unable to vote and return a regular ballot by normal delivery within the period provided for regular ballots. The ballot must conform with the list of known candidates and issues referred to the ballot created as required in section 116 of this act.

NEW SECTION. **Sec. 202.** A new section is added to chapter 29A.04 RCW to read as follows:

"UOCAVA ballot" means the ballot sent to an overseas or service voter in compliance with the federal uniformed and overseas citizens absentee voting act and chapter 29A.--- RCW (the new chapter created in section 121 of this act).

Sec. 203. RCW 29A.04.109 and 2009 c 369 s 2 are each amended to read as follows:

"Overseas voter" means any elector of the state of Washington outside the territorial limits of the United States or as defined in section 102 of this act.

Sec. 204. RCW 29A.04.151 and 2003 c 111 s 126 are each amended to read as follows:

"Residence" for the purpose of registering and voting means a person's permanent address where he or she physically resides and maintains his or her abode. However((~~, no~~)):

(1) No person ((~~gains residence by reason of his or her presence or~~)) loses ((~~his or her~~)) residence by reason of ((~~his or her~~)) absence:

((~~(1)~~))(a) While employed in the civil or military service of the state or of the United States;

((~~(2)~~))(b) While engaged in the navigation of the waters of this state or the United States or the high seas; or

((~~(3)~~))(c) While a student at any institution of learning((~~;~~
~~(4) While confined~~)).

(2) No person gains residence while serving a sentence in total confinement in any public prison.

Absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed or exercised elsewhere.

Sec. 205. RCW 29A.04.163 and 2009 c 369 s 3 are each amended to read as follows:

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"Service voter" means ((~~any~~)):

(1) Any elector of the state of Washington who is a member of the armed forces under 42 U.S.C. Sec. 1973 ff-6 while in active service, is a member of a reserve component of the armed forces, is a student or member of the faculty at a United States military academy, is a member of the merchant marine of the United States, or is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States; or

(2) A uniformed-service voter as defined in section 102 of this act.

Sec. 206. RCW 29A.04.210 and 2009 c 369 s 4 are each amended to read as follows:

((~~Except for service and overseas voters, only persons~~))Persons registered to vote shall be permitted to vote:

(1) At any election held for the purpose of electing persons to public office;

(2) At any recall election of a public officer;

(3) At any election held for the submission of a measure to any voting constituency;

(4) At any primary election.

This section does not apply to elections where being registered to vote is not a prerequisite to voting.

Sec. 207. RCW 29A.08.107 and 2009 c 369 s 9 are each amended to read as follows:

(1) If the driver's license number, state identification card number, or last four digits of the social security number provided by the applicant match the information maintained by the Washington department of licensing or the social security administration, and the applicant provided all information required by RCW 29A.08.010, the applicant must be registered to vote.

(2) If the driver's license number, state identification card number, or last four digits of the social security number provided by the applicant do not match the information maintained by the Washington department of licensing or the social security administration, or if the applicant does not provide a Washington driver's license, a Washington state identification card, or a social security number, the applicant must be provisionally registered to vote. An identification notice must be sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the social security number, or one of the following forms of alternate identification:

(a) Valid photo identification;

(b) A valid enrollment card of a federally recognized Indian tribe in Washington state;

(c) A copy of a current utility bill;

(d) A current bank statement;

(e) A copy of a current government check;

(f) A copy of a current paycheck; ((~~or~~))

(g) A government document, other than a voter registration card, that shows both the name and address of the voter; or

(h) Proof of eligibility under the federal uniformed and overseas citizens absentee voting act.

(3) The ballot of a provisionally registered voter may not be counted until the voter provides a driver's license number, a state identification card number, or the last four digits of a social security number that matches the information maintained by the Washington department of licensing or the social security administration, or until the voter provides alternate identification. The identification must be provided no later than the day before certification of the primary or election. If the voter provides one of the forms of identification in subsection (2) of this section, the voter's registration status must be changed from provisionally registered to active registered voter status.

(4) A provisional registration must remain on the official list of registered voters through at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified his or her identity, the provisional registration may be canceled.

(5) The requirements of this section do not apply to ((~~an overseas or service voter who registers to vote by signing the return envelope of an absentee ballot, or to~~)) a registered voter ((~~transferring his or her~~))updating information on their voter registration record.

Sec. 208. RCW 29A.40.050 and 2011 c 10 s 37 are each amended to read as follows:

(1)(a) County auditors shall provide special absentee ballots to be used for state primary or state general elections. An auditor shall provide a special absentee ballot only to a registered voter who completes an application stating that she or he will be unable to vote and return a regular ballot by normal mail delivery within the period provided for regular ballots.

(b) A special absentee ballot may not be requested more than ((~~ninety~~))90 days before the applicable state primary or general election. The special absentee ballot will list the offices and measures, if known, scheduled to appear on the state primary or general election ballot. The voter may use the special absentee ballot to write in the name of any eligible candidate for each office and vote on any measure.

(2) The county auditor shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that primary or election and a list of any issues that have been referred to the ballot before the time of the application.

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(3) Write-in votes on special absentee ballots must be counted in the same manner provided by law for the counting of other write-in votes. The county auditor shall process and canvass the special absentee ballots provided under this section in the same manner as other ballots under this chapter and chapter 29A.60 RCW.

(4) A voter who requests a special absentee ballot under this section may also request a regular ballot. If the regular absentee ballot is properly voted and returned, the special absentee ballot is void, and the county auditor shall reject it in whole when special absentee ballots are canvassed.

Sec. 209. RCW 29A.40.070 and 2013 c 11 s 48 are each amended to read as follows:

(1) Except where a recount or litigation is pending, the county auditor must mail ballots to each voter at least eighteen days before each primary or election, and as soon as possible for all subsequent registration changes.

(2) ((~~Except where a recount or litigation is pending, the county auditor must mail ballots to each service and overseas voter at least thirty days before each special election, and at least forty-five days before each primary or general election, or any special election that involves federal office. A request for a ballot made by an overseas or service voter after that day must be processed immediately.~~

~~(3)~~)) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each request for a replacement ballot.

((~~(4)~~))(3) Each county auditor shall certify to the office of the secretary of state the dates the ballots were mailed, or the reason and date the ballots will be mailed if the ballots were not mailed timely.

((~~(5)~~))(4) Failure to mail ballots as prescribed in this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election.

Sec. 210. RCW 29A.40.091 and 2024 c 269 s 7 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection.

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated for a federal or out-of-state felony conviction; it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter; and that the signature on the declaration will be compared to the signature in the voter's registration file. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(3) ((~~For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.~~

~~(4)~~)) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. ((~~Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.~~

~~(5)~~))(4) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

((~~(6)~~))(5) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

Sec. 211. RCW 29A.40.110 and 2024 c 269 s 8 and 2024 c 138 s 2 are each reenacted and amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all ((~~of~~)) the ballots in secure storage

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until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election.

(4) All personnel assigned to verify signatures must receive training on statewide standards for signature verification. The county auditor shall publish on its website the names of all canvassing board members who received training on statewide standards for signature verification and the dates on which the training was completed.

(5) Personnel shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. A variation between the signature of the voter on the ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(6) A county that is participating in the alternative verification options pilot project under RCW 29A.40.111 may also verify a voter's ballot using an alternative verification method approved by the office of the secretary of state.

((~~(4)~~))(7) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. ((~~Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.~~))

Sec. 212. RCW 29A.40.110 and 2024 c 269 s 8 are each amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all ((~~of~~)) the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election.

(4) All personnel assigned to verify signatures must receive training on statewide standards for signature verification. The county auditor shall publish on its website the names of all canvassing board members who received training on statewide standards for signature verification and the dates on which the training was completed.

(5) Personnel shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. A variation between the signature of the voter on the ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

((~~(4)~~))(6) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. ((~~Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.~~))

NEW SECTION. **Sec. 213.** Section 211 of this act expires January 1, 2029.

NEW SECTION. **Sec. 214.** Section 212 of this act takes effect January 1, 2029."

Correct the title.

Signed by Representatives Mena, Chair; Stearns, Vice Chair; Doglio and Farivar.

MINORITY recommendation: Do not pass. Signed by Representatives Waters, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; and Chase.

Referred to Committee on Rules for second reading

April 2, 2025

SSB 5262 Prime Sponsor, Business, Financial Services & Trade: Correcting obsolete or erroneous references in statutes administered by the insurance commissioner. Reported by Committee on Consumer Protection & Business

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MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Berry; Donaghy; Fosse; Kloba; Morgan; Reeves; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives McClintock, Ranking Minority Member; Abbarno; Corry; Steele; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representative Dufault, Assistant Ranking Minority Member.

Referred to Committee on Appropriations

April 1, 2025

E2SSB 5278 Prime Sponsor, Ways & Means: Concerning the management of individuals who are placed in juvenile rehabilitation institutions. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the youth of Washington state are among its most valuable resources and that the principles enumerated in RCW 13.40.010 are reaffirmed. Overcrowding is preventing institutions from carrying out the rehabilitation of youthful offenders.

Furthermore, the legislature recognizes the need for the department to safely manage the populations of its institutions and protect both youth in its care and state employees.

Sec. 2. RCW 13.40.020 and 2024 c 117 s 4 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include community restitution not to exceed 150 hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(e) Residential treatment, where substance abuse, mental health, and/or co-occurring disorders have been identified in an assessment by a qualified mental health professional, psychologist, psychiatrist, co-occurring disorder specialist, or substance use disorder professional and a funded bed is available. If a child agrees to voluntary placement in a state-funded long-term evaluation and treatment facility, the case must follow the existing placement procedure including consideration of less restrictive treatment options and medical necessity.

(i) A court may order residential treatment after consideration and findings regarding whether:

(A) The referral is necessary to rehabilitate the child;

(B) The referral is necessary to protect the public or the child;

(C) The referral is in the child's best interest;

(D) The child has been given the opportunity to engage in less restrictive treatment and has been unable or unwilling to comply; and

(E) Inpatient treatment is the least restrictive action consistent with the child's needs and circumstances.

(ii) In any case where a court orders a child to inpatient treatment under this section, the court must hold a review hearing no later than 60 days after the youth begins inpatient treatment, and every 30 days thereafter, as long as the youth is in inpatient treatment;

(6) "Community transition services" means a therapeutic and supportive community-based custody option in which:

(a) A person serves a portion of their term of confinement residing in the community, outside of department institutions and community facilities;

(b) The department supervises the person in part through the use of technology that is capable of determining or identifying the monitored person's presence or absence at a particular location;

(c) The department provides access to developmentally appropriate, trauma-informed, racial equity-based, and culturally relevant programs to promote successful reentry; and

(d) The department prioritizes the delivery of available programming from individuals who share characteristics with the individual being served related to: Race, ethnicity, sexual identity, and gender identity;

(7) "Confinement" means physical custody by the department of children, youth, and families in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than 31 days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(8) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(9) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(10) "Custodial interrogation" means express questioning or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody;

(11) "Department" means the department of children, youth, and families;

(12) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(13) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(14) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(15) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(16) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(17) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of 18 years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

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(18) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person 18 years of age or older over whom the juvenile court has jurisdiction under RCW 13.40.300;

(19) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(20) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; or (c) 0-150 hours of community restitution;

(21) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(22) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(23) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(24) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(25) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(26) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(27) "Rated bed capacity" means the number of in-residence individuals at a juvenile rehabilitation institution pursuant to RCW 13.40.460(9) that should not be exceeded in order to provide treatment aligned with juvenile justice standards;

(28) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

((~~(28)~~))(29) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

((~~(29)~~))(30) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

((~~(30)~~))(31) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

((~~(31)~~))(32) "Risk assessment tool" means the statistically valid tool used by the department to inform release or placement decisions related to security level, release within the sentencing range, community facility eligibility, community transition services eligibility, and parole. The "risk assessment tool" is used by the department to predict the likelihood of successful reentry and future criminal behavior;

((~~(32)~~))(33) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

((~~(33)~~))(34) "Secretary" means the secretary of the department;

((~~(34)~~))(35) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

((~~(35)~~))(36) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

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((~~(36)~~))(37) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of the respondent's sexual gratification;

((~~(37)~~))(38) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

((~~(38)~~))(39) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

((~~(39)~~))(40) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

((~~(40)~~))(41) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

((~~(41)~~))(42) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.460 and 2017 3rd sp.s. c 6 s 616 are each amended to read as follows:

The secretary or the secretary's designee shall manage and administer the department's juvenile rehabilitation responsibilities, including but not limited to the operation of all state institutions or facilities used for juvenile rehabilitation.

The secretary or the secretary's designee shall:

(1) Prepare a biennial budget request sufficient to meet the confinement and rehabilitative needs of the juvenile rehabilitation program, as forecast by the office of financial management;

(2) Create by rule a formal system for inmate classification. This classification system shall consider:

(a) Public safety;

(b) Internal security and staff safety;

(c) Rehabilitative resources both within and outside the department;

(d) An assessment of each offender's risk of sexually aggressive behavior as provided in RCW 13.40.470; and

(e) An assessment of each offender's vulnerability to sexually aggressive behavior as provided in RCW 13.40.470;

(3) Develop agreements with local jurisdictions to develop regional facilities with a variety of custody levels;

(4) Adopt rules establishing effective disciplinary policies to maintain order within institutions;

(5) Develop a comprehensive diagnostic evaluation process to be used at intake, including but not limited to evaluation for substance addiction or abuse, literacy, learning disabilities, fetal alcohol syndrome or effect, attention deficit disorder, and mental health;

(6) Develop placement criteria:

(a) To avoid assigning youth who present a moderate or high risk of sexually aggressive behavior to the same sleeping quarters as youth assessed as vulnerable to sexual victimization under RCW 13.40.470(1)(c); and

(b) To avoid placing a juvenile offender on parole status who has been assessed as a moderate to high risk for sexually aggressive behavior in a department community residential program with another child who is: (i) Dependent under chapter 13.34 RCW, or an at-risk youth or child in need of services under chapter 13.32A RCW; and (ii) not also a juvenile offender on parole status;

(7) Develop a plan to implement, by July 1, 1995:

(a) Substance abuse treatment programs for all state juvenile rehabilitation facilities and institutions;

(b) Vocational education and instruction programs at all state juvenile rehabilitation facilities and institutions; and

(c) An educational program to establish self-worth and responsibility in juvenile offenders. This educational program shall emphasize instruction in character-building principles such as: Respect for self, others, and authority; victim awareness; accountability; work ethics; good citizenship; and life skills; ((~~and~~))

(8)(a) The department shall develop uniform policies related to custodial assaults consistent with RCW 72.01.045 and 9A.36.100 that are to be followed in all juvenile rehabilitation facilities; and

(b) The department will report assaults in accordance with the policies developed in (a) of this subsection;

(9)(a) Promulgate rules related to the rated bed capacity of juvenile rehabilitation institutions under its control, and revise those rules as necessary.

(b) The rated bed capacity number established by the department for each juvenile rehabilitation institution must include the following conditions:

(i) Single occupancy rooms;

(ii) 10 percent of facility beds reserved for intensive management unit beds and for flexibility of movement;

(iii) Appropriate bathroom and shower ratio to youth;

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(iv) Adequate education space to ensure that all youth can maintain a full class schedule; and

(v) Adequate indoor and outdoor recreation space to safely manage population groups;

(10) Before a transfer to the department of corrections occurs under RCW 72.01.410(2)(c), take discretionary action to reduce the in-residence population of any juvenile rehabilitation institution when the secretary concludes that the in-residence population exceeds 105 percent of rated bed capacity under this chapter or chapter 72.01 RCW, on a case-by-case basis, in the following descending order with highest priority for the secretary to:

(a) Transfer a sufficient number of persons from a community facility to placement in community transition services; and

(b) Transfer a sufficient number of persons from the juvenile rehabilitation institution to community facilities or community transition services to reduce the in-residence population;

(11) Monitor the number of persons residing in each institution, and when that number reaches 90 percent of rated bed capacity, begin planning and identifying methods to avoid exceeding rated bed capacity at each juvenile rehabilitation institution including, but not limited to:

(a) Notifying individuals who may be released or transferred to community transition services or community facilities;

(b) Discussing with the department of corrections any early release options under section 10 of this act for individuals convicted in adult court of offenses that occurred before turning 18; and

(c) Notifying county juvenile court administrators, the legislature, and the governor of current rated bed capacity and any measures or plans to reduce the population of a juvenile institution to maintain a population that is at or below the rated bed capacity. The department shall submit an annual report to the legislature and the governor, in compliance with RCW 43.01.036, on the number of transfers that occurred in the prior 12 months, the reason for each transfer, the age of the person transferred, information about which department of corrections facilities people were transferred to, and the outcome of each transfer hearing under RCW 13.40.280; and

(12) Engage in transfer or transition planning for any individual leaving a juvenile institution, including but not limited to situations where an individual transfers to a department of corrections facility, transfers to a different juvenile institution, is placed on community transition services, placed in a community facility, or releases to the community. The transition planning required under this section must include, but is not limited to:

(a) Planning for medical and behavioral health needs;

(b) Planning for vocational training; and

(c) Family notification.

Sec. 4. RCW 72.65.200 and 1981 c 137 s 35 are each amended to read as follows:

(1) The secretary may permit a prisoner to participate in any work release plan or program but only if the participation is authorized pursuant to the prisoner's sentence or pursuant to RCW 9.94A.728. This section shall become effective July 1, 1984.

(2) The secretary, with the consent of the secretary of the department of children, youth, and families, may directly transfer a person who is in the custody of the department pursuant to RCW 72.01.410 from the custody of the department of children, youth, and families and place the person in the custody of the department in a work release program if, under section 5 of this act, the secretary of the department of children, youth, and families concludes that the in-residence population of any secure juvenile rehabilitation institution exceeds 105 percent of the rated bed capacity as described in RCW 13.40.460(9). The person shall meet eligibility criteria for direct transfer to a work release program under section 5 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40 RCW to read as follows:

(1) In accordance with RCW 13.40.460(10), the secretary may take any of the actions outlined in this section when the secretary concludes that the in-residence population of any secure juvenile rehabilitation institution exceeds 105 percent of the rated bed capacity as described in RCW 13.40.460(9), on a case-by-case basis.

(2)(a) When the secretary concludes that the in-residence population of any secure juvenile rehabilitation institution exceeds 105 percent of the rated bed capacity as described in RCW 13.40.460(9), the secretary may transfer a sufficient number of persons from community facilities to community transition services under RCW 13.40.205 and 72.01.412.

(b) After taking steps outlined in (a) of this subsection to transfer individuals to community transition services, if the secretary concludes that the in-residence population of any secure juvenile rehabilitation institution exceeds 105 percent of the rated bed capacity as described in RCW 13.40.460(9), the secretary may transfer a sufficient number of persons from the secure juvenile rehabilitation institution to community facilities or community transition services to reduce the in-residence population at the secure juvenile rehabilitation institution to 95 percent of rated bed capacity.

(c) The following persons shall not be transferred from a secure juvenile rehabilitation institution to a community facility under this subsection:

(i) A person that is deemed a high risk to reoffend;

(ii) A person that would be better served by the services provided at an institution; or

(iii) A person who would be unable to comply with residential disciplinary standards established by the department.

(d) When placing a person at a community facility under this section, the requirements of RCW 72.05.420 (1)(b) do not apply, and the notice requirements in RCW 13.40.215(1) (a) and (b) may be less than 30 days.

(3)(a) Pursuant to RCW 72.65.200, and with the consent of the secretary of the department of corrections, when the secretary of the department concludes that the in-residence population of any secure juvenile rehabilitation institution exceeds 105 percent of the rated bed capacity as described in RCW 13.40.460(9), the secretary may transfer a sufficient number of persons, who are in the custody of the department pursuant to RCW 72.01.410, from the secure juvenile rehabilitation institution to a work release facility operated by the department of corrections to reduce the in-residence population at the secure juvenile rehabilitation institution to 95 percent of rated bed capacity.

(b) To be eligible for direct transfer to a work release facility operated by the department of corrections under this subsection, the person must be:

(i) Above the age of 21;

(ii) Be within 18 months of their earned release date; and

(iii) Be determined by the department of corrections that direct transfer to a work release facility would be an appropriate placement for the person.

(4) The hearing requirements of RCW 13.40.280 do not apply to persons transferred under this section.

Sec. 6. RCW 72.05.420 and 1998 c 269 s 10 are each amended to read as follows:

(1) The department shall not initially place an offender in a community facility unless:

(a) The department has conducted a risk assessment, including a determination of drug and alcohol abuse, and the results indicate the juvenile will pose not more than a minimum risk to public safety; and

(b) ((~~The~~))Except for offenders transferring to a community facility under section 5 of this act, the offender has spent at least ((~~ten~~))10 percent of his or her sentence, but in no event less than ((~~thirty~~))30 days, in a secure institution operated by, or under contract with, the department.

The risk assessment must include consideration of all prior convictions and all available nonconviction data released upon request under RCW 10.97.050, and any serious infractions or serious violations while under the jurisdiction of the secretary or the courts.

(2) No juvenile offender may be placed in a community facility until the juvenile's student records and information have been received and the department has reviewed them in conjunction with all other information used for risk assessment, security classification, and placement of the juvenile.

(3) A juvenile offender shall not be placed in a community facility until the department's risk assessment and security classification is complete and local law enforcement has been properly notified.

Sec. 7. RCW 13.40.215 and 2021 c 206 s 5 are each amended to read as follows:

(1)(a) Except as provided in (d) of this subsection and subsection (2) of this section, at the earliest practicable date, and in no event later than ((~~thirty~~))30 days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility or community transition services program, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

(i) The chief of police of the city, if any, in which the juvenile will reside; and

(ii) The sheriff of the county in which the juvenile will reside.

(b)(i) Except as provided in (d) of this subsection and subsection (2) of this section, at the earliest practicable date, and in no event later than ((~~thirty~~))30 days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility or community transition services program, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of an individual who is found to have committed a violent offense or a sex offense, is ((~~twenty-one~~))21 years of age or younger, and has not received a high school diploma or its equivalent, to the designated recipient of the school where the juvenile either: (A) Was enrolled prior to incarceration or detention; or (B) has expressed an intention to enroll following his or her release. This notice must also include the restrictions described in subsection (5) of this section.

(ii) The community residential facility shall provide written notice of the offender's criminal history to the designated recipient of any school that the offender attends while residing at the community residential facility and to any employer that employs the offender while residing at the community residential facility.

(iii) As used in this subsection, "designated recipient" means: (A) The superintendent of the school district, or his or her designee, of a common school as defined in RCW 28A.150.020 or a school that is the subject of a state-tribal education compact under chapter 28A.715 RCW; (B) the administrator of a charter public school governed by chapter 28A.710 RCW; or (C) the administrator of a private school approved under chapter 28A.195 RCW.

(c) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific juvenile:

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(i) The victim of the offense for which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the juvenile in any court proceedings involving the offense; and

(iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the juvenile. The notice to the chief of police or the sheriff shall include the identity of the juvenile, the residence where the juvenile will reside, the identity of the person, if any, responsible for supervising the juvenile, and the time period of any authorized leave.

(d) The ((~~thirty-day~~))30-day notice requirements contained in this subsection shall not apply to emergency medical furloughs. The notice requirements contained in this subsection may be less than 30 days for persons transferred under section 5 of this act.

(e) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2)(a) If a juvenile found to have committed a violent offense, a sex offense, or stalking escapes from a facility of the department, the secretary shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the juvenile resided immediately before the juvenile's arrest. If previously requested, the secretary shall also notify the witnesses and the victim of the offense which the juvenile was found to have committed or the victim's next of kin if the crime was a homicide. If the juvenile is recaptured, the secretary shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(b) The secretary may authorize a leave, for a juvenile found to have committed a violent offense, a sex offense, or stalking, which shall not exceed ((~~forty-eight~~))48 hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. Prior to the commencement of an emergency or medical leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will be during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave. If previously requested, the department shall also notify the witnesses and victim of the offense which the juvenile was found to have committed or the victim's next of kin if the offense was a homicide.

In case of an emergency or medical leave the secretary may waive all or any portion of the requirements for leaves pursuant to RCW 13.40.205 (2)(a), (3), (4), and (5).

(3) If the victim, the victim's next of kin, or any witness is under the age of ((~~sixteen~~))16, the notice required by this section shall be sent to the parents or legal guardian of the child.

(4) The secretary shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) Upon discharge, parole, transfer to a community residential facility, or other authorized leave or release, a convicted juvenile sex offender shall not attend a public or approved private elementary, middle, or high school that is attended by a victim or a sibling of a victim of the sex offender. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for transportation or other costs associated with or required by the sex offender's change in school that otherwise would be paid by a school district.

(6) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Stalking" means the crime of stalking as defined in RCW 9A.46.110;

(d) "Next of kin" means a person's spouse, parents, siblings, and children.

Sec. 8. RCW 72.01.410 and 2019 c 322 s 2 are each amended to read as follows:

(1) Whenever any person is convicted as an adult in the courts of this state of a felony offense committed under the age of ((~~eighteen~~))18, and is committed for a term of confinement, that person shall be initially placed in a facility operated by the department of children, youth, and families, unless the facility in which the person is to be placed is at or above 105 percent of rated bed capacity as described in RCW 13.40.460(9) and the person is over the age of 21 at the time of placement with an earned release date after the age of 26. These individuals who are not placed in a department of children, youth, and families facility must be notified upon placement in a department of corrections facility of the ability to request transfer according to this subsection and notified when the population of the department of children, youth, and families facility where they would have been placed is below 95 percent of the rated bed capacity as described in RCW 13.40.460(9) and there is more than one year remaining on the person's sentence that would be served in the department of children, youth, and families facility and given the option to request a transfer to a department of children, youth, and families facility. A person who is eligible for transfer to a department of children, youth, and families facility under this subsection has the right to counsel and the review board established under RCW 13.40.280 will determine whether a

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person's transfer request under this subsection will occur. The department of corrections shall determine the person's earned release date.

(a) While in the custody of the department of children, youth, and families, the person must have the same treatment, housing options, transfer, and access to program resources as any other person committed to that juvenile correctional facility or institution pursuant to chapter 13.40 RCW. Except as provided under ((~~(d) of this~~)) subsection (3) of this section, treatment, placement, and program decisions shall be at the sole discretion of the department of children, youth, and families. ((~~The person shall not be transferred to the custody of the department of corrections without the approval of the department of children, youth, and families until the person reaches the age of twenty-five.~~))

(b) If the person's sentence includes a term of community custody, the department of children, youth, and families shall not release the person to community custody until the department of corrections has approved the person's release plan pursuant to RCW 9.94A.729(5)(b). If a person is held past his or her earned release date pending release plan approval, the department of children, youth, and families shall retain custody until a plan is approved or the person completes the ordered term of confinement prior to age ((~~twenty-five~~))25.

((~~(c)~~))(2)(a) The department of children, youth, and families may not transfer a person placed in a facility operated by the department of children, youth, and families under this section to the custody of the department of corrections until the person reaches the age of 25, unless one of the following exceptions in this subsection (2) applies.

(b) If the department of children, youth, and families ((~~determines~~))establishes at a hearing before a review board under RCW 13.40.280 that ((~~retaining custody of~~)) the person in a facility of the department of children, youth, and families presents a ((~~significant safety risk~~))continuing and serious threat to the safety of others in the institution, the department of children, youth, and families may transfer the person to the custody of the department of corrections.

(c)(i) Until January 1, 2031, except as provided in subsection (iv) of this subsection (c), after taking actions outlined in RCW 13.40.460(10) and section 5 of this act and exhausting any remaining transfer authority provided to the secretary of the department of children, youth, and families that apply to individuals convicted in adult court of an offense that occurred before turning age 18, if the population of the juvenile rehabilitation institution exceeds 105 percent of rated bed capacity as described in RCW 13.40.460(9) and the rehabilitative goals of the institution cannot be met as defined in this section, the secretary of the department of children, youth, and families may, with the consent of the secretary of the department of corrections, only transfer a sufficient number of persons who meet the requirements provided in (c)(ii) of this subsection (2) to the custody of the department of corrections to reduce the in-residence population of the facility to 95 percent of rated bed capacity in a manner consistent with the requirements of this subsection (2)(c).

(ii) If the circumstances listed in (c)(i) of this subsection (2) exist, the secretary of the department of children, youth, and families, may only transfer a person who is age 21 or older, or if the person is under 21 but is age 19 or older and has served at least three years in the custody of the department of children, youth, and families, and who consistently refuses to participate in available rehabilitative programming, or engage in planning for such programming, provided the person receives a transfer hearing under RCW 13.40.280 prior to transfer.

(iii) Transfer hearings under this subsection (2)(c) shall take into account whether the department of children, youth, and families has offered the person culturally and age appropriate services based on the person's diagnostic evaluation process used at intake as described under RCW 13.40.460 or any other assessment conducted during the person's intake to the department of children, youth, and families institution, and the person's engagement in programming, treatment needs, goals, future plans, length of confinement, classification, current behavior, mental and emotional health, and any disabilities or special needs impacting the safety or suitability of transferring the person to the department of corrections, be minimally disruptive, and ensure a person has at least seven calendar days' notice to prepare for the hearing.

(iv) The department of children, youth, and families may no longer use the authority provided in subsection (2)(c) of this section when there is an increase in the overall rated bed capacity of all available juvenile rehabilitation institutions that would allow equal to or greater than 144 individuals above the rated bed capacity of all available juvenile rehabilitation institutions as it existed on the effective date of this section. If the overall rated bed capacity of all available juvenile rehabilitation institutions increases by 144 or greater, the department of children, youth, and families must, in compliance with RCW 43.01.036, submit a report as soon as possible to the legislature and the governor indicating that the rated bed capacity has increased by that amount.

((~~(d)~~))(3) The department of corrections must retain authority over custody decisions relating to a person whose earned release date is on or after the person's ((~~twenty-fifth~~))25th birthday and who is placed in a facility operated by the department of children, youth, and families under this section, unless the person qualifies for partial confinement under RCW 72.01.412, and must approve any leave from the facility. When the person turns age ((~~twenty-five~~))25, ((~~he or she~~))the person must be transferred to the department of corrections, except as described under RCW 72.01.412. The department of children, youth, and families has all routine and day-to-day operations authority for the person while the person is in its custody.

((~~(2)~~))(4)(a) Except as provided in (b) and (c) of this subsection, a person under the age of ((~~eighteen~~))18 who is transferred to the custody of the department of corrections must be placed in a housing unit, or a portion of a housing unit, that is separated from other

persons in custody who are ((~~eighteen~~))18 years of age or older, until the person reaches the age of ((~~eighteen~~))18.

(b) A person who is transferred to the custody of the department of corrections and reaches ((~~eighteen~~))18 years of age may remain in a housing unit for persons under the age of ((~~eighteen~~))18 if the secretary of corrections determines that: (i) The person's needs and the rehabilitation goals for the person could continue to be better met by the programs and housing environment that is separate from other persons in custody who are ((~~eighteen~~))18 years of age and older; and (ii) the programs or housing environment for persons under the age of ((~~eighteen~~))18 will not be substantially affected by the continued placement of the person in that environment. The person may remain placed in a housing unit for persons under the age of ((~~eighteen~~))18 until such time as the secretary of corrections determines that the person's needs and goals are no longer better met in that environment but in no case past the person's ((~~twenty-fifth~~))25th birthday.

(c) A person transferred to the custody of the department of corrections who is under the age of ((~~eighteen~~))18 may be housed in an intensive management unit or administrative segregation unit containing offenders ((~~eighteen~~))18 years of age or older if it is necessary for the safety or security of the offender or staff. In these cases, the offender must be kept physically separate from other offenders at all times.

((~~(3)~~))(5) The department of children, youth, and families must review the placement of a person over age ((~~twenty-one~~))18 in the custody of the department of children, youth, and families under this section to ((~~determine whether the person should be transferred to the custody of the department of corrections~~))provide information to the person regarding voluntary transfer to the custody of the department of corrections.

(a) The department of children, youth, and families may determine the frequency of the review required under this subsection, but the review must occur at least once before the person reaches age ((~~twenty-three~~))23 if the person's commitment period in a juvenile institution extends beyond the person's ((~~twenty-third~~))25th birthday.

(b) At the review required under this subsection, the department of children, youth, and families and the department of corrections shall provide information in writing to the person on all available placement options and availability of those options at the department of corrections, and the person's specific eligibility for those placement options based on their classification and custody level determination made by the department of corrections in writing prior to any voluntary transfer decision. The person shall be provided an opportunity to consult with counsel during the review to confirm that the person is making a knowing, voluntary, and fully informed request.

(c) A person who, after the review, requests to be transferred to the department of corrections shall have seven days to reconsider the transfer request. Following the seven-day waiting period, if the person confirms their continued request to transfer to the custody of the department of corrections, the person shall be transferred directly into the placement agreed upon by the secretary of the department of children, youth, and families and the secretary of the department of corrections. A person who has been transferred to the department of corrections under this section may request to be transferred and returned to the custody of the department of children, youth, and families one time within 12 months after transferring, provided the in-residence population of the juvenile rehabilitation institution is below 95 percent rated bed capacity at the time the department of children, youth, and families receives the request. If the in-residence population of the juvenile rehabilitation institution exceeds 95 percent rated bed capacity at the time the department of children, youth, and families receives the person's request, the request shall be placed on hold until the in-residence population returns below 95 percent rated bed capacity, at which time the department of children, youth, and families shall process the transfer request with the coordination of the department of corrections.

(d) The hearing requirements of RCW 13.40.280 do not apply to persons transferred under this subsection.

(6) For the purposes of this section, "rehabilitative goals of the institution" include, but are not limited to:

(a) Appropriate bathroom and shower ratio to youth;

(b) Adequate education space to ensure that all youth can maintain a full class schedule; and

(c) Adequate indoor and outdoor recreation space to safely manage population groups.

Sec. 9. RCW 13.40.280 and 2017 3rd sp.s. c 6 s 611 are each amended to read as follows:

(1) The secretary of the department of children, youth, and families, with the consent of the secretary of the department of corrections, has the authority to transfer a juvenile presently or hereafter committed to the department of children, youth, and families to the department of corrections for appropriate institutional placement in accordance with this section.

(2) The secretary of the department of children, youth, and families may, with the consent of the secretary of the department of corrections, transfer a juvenile offender to the department of corrections if it is established at a hearing before a review board that continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution. The department of children, youth, and families shall establish rules for the conduct of the hearing, including provision of counsel for the juvenile offender.

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(3) ((~~Assaults made against any staff member at a juvenile corrections institution that are reported to a local law enforcement agency shall require a hearing held by the department of children, youth, and families review board within ten judicial working days.~~))The secretary of the department shall establish rules for defining and developing an internal behavioral management infraction system and procedures to respond to a continuing and serious threat to the safety of others in the institution under this section. The rules shall provide guidance on when the following circumstances present a continuing and serious threat and warrant imposing a disciplinary infraction by the department: Any assault involving serious bodily harm and possession of any contraband that puts the safety of others or the security of the institution at risk. The department shall also establish a rule setting the amount of time for when the board must hold a hearing. The board shall determine whether the accused juvenile offender represents a continuing and serious threat to the safety of others in the institution.

(4) ((~~Upon conviction in a court of law for custodial assault as defined in RCW 9A.36.100, the~~))The department of children, youth, and families review board shall ((~~conduct a second hearing, within five judicial working days, to~~)) recommend to the secretary of the department of children, youth, and families that the ((~~convicted~~)) juvenile be transferred to an adult correctional facility if the review board has determined the juvenile offender represents a continuing and serious threat to the safety of others in the institution.

((~~The juvenile has the burden to show cause why the transfer to an adult correctional facility should not occur.~~))

(5) The secretary may, with the consent of the secretary of the department of corrections, transfer an individual committed to the department under RCW 72.01.410. The review board established under this section shall determine whether the conditions for transfer, as set forth in RCW 72.01.410, have been met. The hearing requirements of this section do not apply to persons transferred under section 5 of this act or RCW 72.01.410(5).

(6) A juvenile offender transferred to an institution operated by the department of corrections shall not remain in such an institution beyond the maximum term of confinement imposed by the juvenile court.

((~~(6)~~))(7) A juvenile offender who has been transferred to the department of corrections under this section may, in the discretion of the secretary of the department of children, youth, and families and with the consent of the secretary of the department of corrections, be transferred from an institution operated by the department of corrections to a facility for juvenile offenders deemed appropriate by the secretary.

NEW SECTION. **Sec. 10.** A new section is added to chapter 72.01 RCW to read as follows:

(1) A person in the custody of the department of children, youth, and families under RCW 72.01.410 is eligible to be released on or after the person's earned release date by the department of corrections if:

(a) The person's earned release date is within six months of the person's 25th birthday;

(b) The person has not been deemed a high risk to reoffend; and

(c) The person has not committed any serious infractions as defined by the department of children, youth, and families' internal behavioral management infraction system.

(2) As part of the department of children, youth, and families monitoring of rated bed capacity under RCW 13.40.460(11), when the in-residence population of any juvenile rehabilitation institution reaches 90 percent of rated bed capacity, the department shall begin to plan and identify persons who may be released by the department of corrections under this section.

NEW SECTION. **Sec. 11.** This act may be known and cited as the juvenile rehabilitation overcrowding relief act or "J-RORA."

NEW SECTION. **Sec. 12.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Bergquist, Chair; Cortes, Vice Chair; Eslick, Ranking Minority Member; Burnett, Assistant Ranking Minority Member; Bernbaum; Dent; Goodman and Penner.

MINORITY recommendation: Do not pass. Signed by Representatives Hill; and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Ortiz-Self.

Referred to Committee on Appropriations

April 2, 2025

SB 5280 Prime Sponsor, Senator Kauffman: Protecting consumers of virtual currency kiosks. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Walen, Chair; Berry; Donaghy; Fosse; Kloba; Morgan; Reeves; Ryu and Santos.

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MINORITY recommendation: Do not pass. Signed by Representatives McClintock, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Steele; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno; and Corry.

Referred to Committee on Rules for second reading

April 1, 2025

E2SSB 5296 Prime Sponsor, Ways & Means: Improving outcomes for individuals adjudicated of juvenile offenses by increasing opportunities for community placement options and refining procedural requirements. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.160 and 2023 c 295 s 9 are each amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357 and this section.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2)((~~, (3), (4),~~))through (5)((~~, or (6)~~)) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding ((~~thirty~~))30 days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2)((~~, (3), (4),~~))through (5)((~~, or (6)~~)) of this section for offenses described in (h) of this subsection.

(c) Except for offenses described in (h) of this subsection, before the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding 30 days, the court shall make an independent finding, supported by a preponderance of the evidence, that commitment to the department is needed because a community-based placement would not adequately protect the community. A stipulation by the parties alone is not sufficient to support an independent finding that commitment to the department is needed under this subsection. Commitment of a juvenile to confinement over 30 days must be to the department for the standard range of confinement, except as provided in this subsection and subsections (2) through (5) of this section.

(d) In making a finding under (c) of this subsection, the court shall consider the following factors:

(i) The severity of the offense or offenses for which the juvenile has most recently been adjudicated, including the juvenile's role in the offense, the juvenile's behavior, and harm done to victims;

(ii) The juvenile's criminal history, including the adequacy and success of previous attempts by the juvenile court to rehabilitate the juvenile;

(iii) Whether the programming, treatment, and education offered and provided in a juvenile rehabilitation facility is appropriate to meet the treatment and security needs of the juvenile;

(iv) Whether the goals of rehabilitation and community safety can be met by assigning the juvenile to a less restrictive disposition that is available to the court; and

(v) The juvenile's age, developmental maturity, mental and emotional health, sexual orientation, gender identity and expression, and any disabilities or special needs impacting the safety or suitability of committing the juvenile to a term of confinement in juvenile court.

(e) If the court does not make a finding under (c) of this subsection that commitment to the department is needed, the court may impose one or more local sanctions, in addition to a determinate sentence of electronic monitoring for up to the minimum of the juvenile's standard range while on community supervision.

(f) If the court does make a finding under (c) of this subsection, the court must maintain concurrent jurisdiction with the department over the juvenile, except the court's concurrent jurisdiction may be only for the purposes of conducting the review hearings described under RCW 13.40.185(3), and any community supervision that is ordered if a juvenile is released at the review hearing.

(g) If a juvenile is sentenced to a determinate sentence of electronic monitoring for up to the minimum of the juvenile's standard range under (e) of this subsection, and is found by the court to have violated any terms of an electronic monitoring agreement, the court may impose a sanction pursuant to RCW 13.40.200, or if the court makes a finding under RCW 13.40.160(1)(c), revoke the electronic monitoring and order confinement for up to the remainder of the determinate electronic monitoring sentence previously imposed. Upon completion of a sanction, the juvenile may resume electronic monitoring. Any time served in detention due to a violation of the terms of an electronic monitoring agreement shall be applied as credit for time served for the remaining time on electronic monitoring, or if revoked, confinement.

(h) The court finding described in (c) of this subsection is not required for the following:

(i) A serious violent offense as defined in RCW 9.94A.030;

(ii) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: One or more prior serious violent offenses; two or more prior violent offenses; or three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's 13th birthday and prosecuted separately;

(iii) Rape of a child in the first or second degree under RCW 9A.44.073 and 9A.44.076;

(iv) Rape in the second degree under RCW 9A.44.050;

(v) Hit and run resulting in death under RCW 46.52.020(4)(a); and

(vi) Child molestation in the first degree under RCW 9A.44.083.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate, subject to RCW 13.40.185(3), and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding ((~~thirty~~))30 days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition ((~~within the standard range~~))with a term of confinement that is 30 days or more is ((~~not~~)) appealable under RCW 13.40.230. A disposition within the standard range for the offenses in subsection (1)(h) of this section is not appealable under RCW 13.40.230.

(3) If a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court may impose the special sex offender disposition alternative under RCW 13.40.162.

(4) ((~~If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the~~))The court may impose the disposition alternative under RCW 13.40.165 unless a juvenile has been adjudicated of an offense described in subsection (1)(h) of this section.

(5) ((~~If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under RCW 13.40.167.~~

~~(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under RCW 13.40.169 may impose the disposition alternative under RCW 13.40.169.~~

~~(7)~~)) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(2)(a)(v) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

((~~(8)~~))(6) RCW 13.40.308 shall govern the disposition of any juvenile adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, possession of a stolen motor vehicle as defined under RCW 9A.56.068, taking a motor vehicle without permission in the first degree under RCW 9A.56.070, and taking a motor vehicle without permission in the second degree under RCW 9A.56.075.

((~~(9)~~))(7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

((~~(10)~~))(8) Except as provided under subsections (3)((~~, (4),~~))through (5)((~~, or (6)~~)) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

((~~(11)~~))(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

Sec. 2. RCW 13.40.165 and 2023 c 449 s 18 are each amended to read as follows:

(1) The purpose of this disposition alternative is to ensure that successful treatment options to reduce recidivism are available to eligible youth, pursuant to RCW 71.24.615. It is also the purpose of the disposition alternative to assure that minors in need of substance use disorder, mental health, and/or co-occurring disorder treatment receive an appropriate continuum of culturally relevant care and treatment, including prevention and early intervention, self-directed care, parent-directed care, and residential treatment. To facilitate the continuum of care and treatment to minors in out-of-home placements, all divisions of the department that provide these services to minors shall jointly plan and deliver these services. It is also the purpose of the disposition alternative to protect the rights of minors against needless hospitalization and deprivations of liberty and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment. The mental health, substance abuse, and co-occurring disorder treatment providers shall, to the extent possible, offer services that involve minors' parents, guardians, and family.

(2) The court must consider eligibility for the substance use disorder or mental health disposition alternative when a juvenile offender is subject to a standard range disposition ((~~of local sanctions or 15 to 36 weeks of confinement~~)) and has not committed an ((~~A- or B+ offense, other than a first time B+ offense under chapter 69.50 RCW~~))offense under RCW 13.40.160(1)(h). The court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent, substance abusing, or has significant mental health or co-occurring disorders may order an examination by a substance use disorder counselor from a substance use disorder treatment facility approved under chapter 70.96A RCW or a mental health professional as defined in chapter 71.34 RCW to determine if the youth is chemically dependent, substance abusing, or suffers from significant mental health or co-occurring disorders. The state shall pay the cost of any examination ordered under this subsection unless third-party insurance coverage is available.

(3) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems, mental health diagnoses, previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(4) The examiner shall assess and report regarding the respondent's relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(a) Whether inpatient and/or outpatient treatment is recommended;

(b) Availability of appropriate treatment;

(c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(d) Anticipated length of treatment; and

(e) Recommended crime-related prohibitions.

(5) The court on its own motion may order, or on a motion by the state or the respondent shall order, a second examination. The evaluator shall be selected by the party making the motion. The requesting party shall pay the cost of any examination ordered under this subsection unless the requesting party is the offender, in which case the state shall pay the cost if no third-party insurance coverage is available.

(6)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option D of RCW 13.40.0357 if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of 52 weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol, mental health, or co-occurring disorder treatment and/or inpatient mental health or drug/alcohol treatment. The court shall only order inpatient treatment under this section if a funded bed is available. If the inpatient treatment is longer than 90 days, the court shall hold a review hearing every 30 days beyond the initial 90 days. The respondent may appear telephonically at these review hearings if in compliance with treatment. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to 30 days of confinement, 150 hours of community restitution, and payment of restitution.

(7) The mental health/co-occurring disorder/drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or, if the court makes a finding under RCW 13.40.160(1)(c), revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(8) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged. "Victim" may also include a known parent or guardian of a victim who is a minor child or is not a minor child but is incapacitated, incompetent, disabled, or deceased.

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(10) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(11) A disposition under this section is not appealable under RCW 13.40.230.

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(12) Subject to funds appropriated for this specific purpose, the costs incurred by the juvenile courts for the mental health, substance use disorder, and/or co-occurring disorder evaluations, treatment, and costs of supervision required under this section shall be paid by the health care authority.

(13) A juvenile, or the parent, guardian, or other person having custody of the juvenile shall not be required to pay the cost of any evaluation or treatment ordered under this section.

Sec. 3. RCW 13.40.185 and 2017 3rd sp.s. c 6 s 608 are each amended to read as follows:

(1) ((~~Any~~))Except as provided under RCW 13.40.160(1)(e), any term of confinement imposed for an offense which exceeds ((~~thirty~~))30 days shall be served under the supervision of the department, although the juvenile court maintains concurrent jurisdiction with the department over the juvenile, only for the purposes of conducting review hearings described under this section and any community supervision that is ordered if a juvenile is released at the review hearing. If the period of confinement imposed for more than one offense exceeds ((~~thirty~~))30 days but the term imposed for each offense is less than ((~~thirty~~))30 days or if the court orders electronic monitoring up to the minimum of the standard range under RCW 13.40.160(1)(e), the confinement may, in the discretion of the court, be served in a juvenile facility operated by or pursuant to a contract with the state or a county.

(a) The juvenile court administrator and the secretary of the department, or the secretary's designee, in alignment with the definition of confinement in RCW 13.40.020(7), shall prioritize capacity-related concerns related to the physical custody of the juvenile when establishing contractual agreements in efforts to provide a humane, safe, and rehabilitative environment.

(b) Subject to the availability of funds appropriated for this specific purpose, the department shall establish contractual agreements with at least four juvenile court administrators, including at least one that is located east of the Cascade mountains, for the confinement of youth in a juvenile facility with terms of confinement that are less than 90 days, as determined by RCW 13.40.210(1), and shall include costs associated with physical custody, treatment or relevant programming, medical costs, and any other costs associated with the confinement of the juvenile. Any existing contractual agreements as of January 1, 2025, created by the department and a juvenile court administrator to confine a juvenile locally pending transport of the youth to a juvenile rehabilitation facility after sentencing do not apply to this subsection (1)(b). The department must negotiate the contractual agreements required under this subsection with each county interested in providing for physical custody of young people as described under this subsection. Counties are not required to provide for the physical custody of young people as described under this subsection under existing contracts.

(2) Whenever a juvenile is confined in a detention facility or is committed to the department, the court may not directly order a juvenile into a particular county or state facility. The juvenile court administrator and the secretary or the secretary's designee, as appropriate, has the sole discretion to determine in which facility a juvenile should be confined or committed. The counties may operate a variety of detention facilities as determined by the county legislative authority subject to available funds.

(3) Excluding the offenses listed in RCW 13.40.160(1)(h), the juvenile court maintains concurrent jurisdiction with the department over a juvenile who is committed to the department, except the court's concurrent jurisdiction may be only for the purposes of scheduling and conducting a review hearing at the mid-point of the minimum range, provided the review does not occur until after the juvenile has served at least four months in the custody of the department, and imposing any community supervision that is ordered if a juvenile is released at the review hearing. The court may schedule additional review hearings at its discretion.

(a) The department shall provide a report to the juvenile court at least 14 days before each review hearing detailing:

(i) The services received by the juvenile;

(ii) Any infractions committed by the juvenile;

(iii) How often the juvenile and the juvenile's family have had in-person visitation and video visits since the disposition hearing or the last review hearing, whichever is later; and

(iv) How often the juvenile has been under room confinement due to staffing issues or overpopulation and whether there have been any major disruptions to programming in the three months preceding the review hearing.

(b) During each review hearing the court shall consider the juvenile's progress and, unless the court makes a finding under RCW 13.40.160(1)(c), shall release the juvenile from the custody of the department and place the juvenile on up to a year of community supervision administered by the county, unless the juvenile will be placed on mandatory parole, in which case the juvenile shall be released to parole rather than community supervision.

(c) The prosecutor shall provide notice to the victim at least two weeks before each review hearing described under subsection (3) of this section, if the victim requests such notice be provided.

(d) The respondent shall appear remotely for the hearing described under subsection (3) of this section, unless ordered by the court to appear in person.

Sec. 4. RCW 13.40.0357 and 2023 c 295 s 8 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	Arson and Malicious Mischief	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief (9A.48.070)	C
C	Malicious Mischief (9A.48.080)	D
D	Malicious Mischief (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E
A	Possession of Incendiary Device (9.40.120)	B+
	Assault and Other Crimes Involving Physical Harm	
A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045) committed at age 15 or under	C+
A++	Drive-By Shooting (9A.36.045) committed at age 16 or 17	A
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+
	Burglary and Trespass	
B+	Burglary 1 (9A.52.020) committed at age 15 or under	C+
A-	Burglary 1 (9A.52.020) committed at age 16 or 17	B+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Mineral Trespass (78.44.330)	C
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E

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Drugs

E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D+
E	Possession of Legend Drug (69.41.030(2)(b))	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C
E	Possession of Cannabis <40 grams (69.50.4014)	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
E	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	E
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C

Firearms and Weapons

B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(v))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

Homicide

A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+

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C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+
	Kidnapping	
A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+
	Obstructing Governmental Operation	
D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+
	Public Disturbance	
C+	Criminal Mischief with Weapon (9A.84.010(2)(b))	D+
D+	Criminal Mischief Without Weapon (9A.84.010(2)(a))	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E
	Sex Crimes	
A	Rape 1 (9A.44.040)	B+
B++	Rape 2 (9A.44.050) committed at age 14 or under	B+
A-	Rape 2 (9A.44.050) committed at age 15 through age 17	B+
C+	Rape 3 (9A.44.060)	D+
B++	Rape of a Child 1 (9A.44.073) committed at age 14 or under	B+
A-	Rape of a Child 1 (9A.44.073) committed at age 15	B+
B+	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim <14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+

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B++	Child Molestation (9A.44.083) committed at age 14 or under	1B+
A-	Child Molestation (9A.44.083) committed at age 15 through age 17	1B+
B	Child Molestation (9A.44.086)	2C+
C	Failure to Register as a Sex Offender (9A.44.132)	D
	Theft, Robbery, Extortion, and Forgery	
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200) committed at age 15 or under	B+
A++	Robbery 1 (9A.56.200) committed at age 16 or 17	A
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
C	Identity Theft (9.35.020(2))	1D
D	Identity Theft (9.35.020(3))	2E
D	Improperly Obtaining Financial Information (9.35.010)	E
B	Possession of a Stolen Vehicle (9A.56.068)	C
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
B	Taking Motor Vehicle Without Permission 1 (9A.56.070)	C
C	Taking Motor Vehicle Without Permission 2 (9A.56.075)	D
B	Theft of a Motor Vehicle (9A.56.065)	C
	Motor Vehicle Related Crimes	
E	Driving Without a License (46.20.005)	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D

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E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B+	Felony Driving While Under the Influence (46.61.502(6))	B
B+	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
	Other	
B	Animal Cruelty 1 (16.52.205)	C
B	Bomb Threat (9.61.160)	C
C	Escape 1[1] (9A.76.110)	C
C	Escape 2[1] (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)[2]	V

[1]Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 28 days confinement
2nd escape or attempted escape during 12-month period - 8 weeks confinement
3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

[2]If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, or D based on a court's finding under RCW 13.40.160(1)(c).

OPTION A

JUVENILE OFFENDER SENTENCING GRID

STANDARD RANGE

CURRENT					
A++	129 to 260 weeks for all category A++ offenses				
A+	180 weeks to age 21 for all category A+ offenses				
A	103-129 weeks for all category A offenses				
A-	30-40 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
B++	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks	103-129 weeks
B+	15-36 weeks	15-36 weeks	52-65 weeks	80-100 weeks	103-129 weeks

OFFENSE	B	LS	LS	15-36 weeks	15-36 weeks	52-65 weeks
CATEGORY	C+	LS	LS	LS	15-36 weeks	15-36 weeks
	C	LS	LS	LS	LS	15-36 weeks
	D+	LS	LS	LS	LS	LS
	D	LS	LS	LS	LS	LS
	E	LS	LS	LS	LS	LS
PRIOR ADJUDICATIONS		0	1	2	3	4 or more

NOTE: References in the grid to days or weeks mean periods of confinement. "LS" means "local sanctions" as defined in RCW 13.40.020.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B
SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be either research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee, or for chemical dependency treatment programs or services, they must be evidence-based or research-based best practice programs. For the purposes of this subsection:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population; and

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender:

(a) ((~~Is adjudicated of an A+ or A++ offense~~))Is adjudicated of murder in the first degree (RCW 9A.32.030), or murder in the second degree (RCW 9A.32.050);

(b) Is fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense, except for robbery in the first degree (RCW 9A.56.200);

(ii) Manslaughter in the first degree (RCW 9A.32.060);

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), or manslaughter 2 (RCW 9A.32.070); or

(iv) Violation of the uniform controlled substances act (RCW 69.50.401(2) (a) and (b)), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Is ordered to serve a disposition for a firearm violation under RCW 13.40.193;

(d) Is adjudicated of ((~~a~~))an offense under RCW 13.40.160(1)(h) or a sex offense as defined in RCW 9.94A.030; or

(e) Has a prior option B disposition.

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(4) The court may revoke a suspended disposition only if the court makes a finding under RCW 13.40.160(1)(c).

OR

OPTION C
CHEMICAL DEPENDENCY/MENTAL HEALTH DISPOSITION ALTERNATIVE

((~~If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed a B++ or B+ offense~~))Unless a juvenile has been adjudicated of an offense under RCW 13.40.160(1)(h), the court may impose a disposition under RCW 13.40.160(4) and 13.40.165. The court may revoke this disposition alternative only if the court makes a finding under RCW 13.40.160(1)(c).

OR

OPTION D
MANIFEST INJUSTICE

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 5. RCW 13.40.210 and 2024 c 297 s 16 are each amended to read as follows:

(1) The secretary shall set a release date for each juvenile committed to its custody in accordance with the behavior of the juvenile pursuant to any rules for an internal behavioral management infraction system that have been developed by the department. The department shall prioritize setting the release date for juveniles who would serve less than 90 days under the supervision of the department and shall consider any infractions that the juvenile received while in the custody of the department. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for a sex offense as defined under RCW 9.94A.030 the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section and for offenders who receive a juvenile residential commitment sentence for theft of a motor vehicle, possession of a stolen motor vehicle, or taking a motor vehicle without permission 1. A juvenile adjudicated for unlawful possession of a firearm, possession of a stolen firearm, theft of a firearm, or drive-by shooting may participate in aggression replacement training, functional family therapy, or functional family parole aftercare if the juvenile meets eligibility requirements for these services. The decision to place an offender in an evidence-based parole program shall be based on an assessment by the department of the offender's risk for reoffending upon release and an assessment of the ongoing treatment needs of the juvenile. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon, and refrain from committing new offenses or violating any orders issued by the juvenile court pursuant to chapter 7.105

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RCW, and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) The secretary may modify parole and order any of the conditions or may return the offender to confinement for up to twenty-four weeks if the offender was sentenced for a sex offense as defined under RCW 9A.44.128 and is known to have violated the terms of parole. Confinement beyond thirty days is intended to only be used for a small and limited number of sex offenders. It shall only be used when other graduated sanctions or interventions have not been effective or the behavior is so egregious it warrants the use of the higher level intervention and the violation: (i) Is a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk for reoffending sexually; (ii) consists of sexual behavior that is determined to be predatory as defined in RCW 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to a recent overt act. The total number of days of confinement for violations of parole conditions during the parole period shall not exceed the number of days provided by the maximum sentence imposed by the disposition for the underlying offense pursuant to RCW 13.40.0357. The department shall not aggregate multiple parole violations that occur prior to the parole revocation hearing and impose consecutive twenty-four week periods of confinement for each parole violation. The department is authorized to engage in rule making pursuant to chapter 34.05 RCW, to implement this subsection, including narrowly defining the behaviors that could lead to this higher level intervention.

(c) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of children, youth, and families shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

Sec. 6. RCW 13.40.230 and 1997 c 338 s 35 are each amended to read as follows:

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(1) Dispositions reviewed pursuant to RCW 13.40.160 shall be reviewed in the appropriate division of the court of appeals.

An appeal under this section shall be heard solely upon the record that was before the disposition court. No written briefs may be required, and the appeal shall be heard within thirty days following the date of sentencing and a decision rendered within fifteen days following the argument. The supreme court shall promulgate any necessary rules to effectuate the purposes of this section.

(2) To uphold a disposition outside the standard range, the court of appeals must find: (a) ((~~that~~))That the reasons supplied by the disposition judge are supported by the record which was before the judge and that those reasons clearly and convincingly support the conclusion that a disposition within the range would constitute a manifest injustice((~~.~~)); and (b) that the sentence imposed was neither clearly excessive nor clearly too lenient.

(3) If the court does not find subsection (2)(a) of this section it shall remand the case for disposition within the standard range.

(4) If the court finds subsection (2)(a) of this section but not subsection (2)(b) of this section it shall remand the case with instructions for further proceedings consistent with the provisions of this chapter.

(5) To uphold a finding under RCW 13.40.160(1)(c), the court of appeals must find: (a) That the reasons supplied by the disposition judge are supported by the record which was before the judge; and (b) that those reasons support the conclusion, by the preponderance of the evidence, that commitment to the department is needed because a community-based placement would not adequately protect the community.

(6) The disposition court may impose conditions on release pending appeal as provided in RCW 13.40.040((~~(4)~~))(5) and 13.40.050(6).

((~~(6)~~))(7) Appeal of a disposition under this section does not affect the finality or appeal of the underlying adjudication of guilt.

Sec. 7. RCW 72.01.412 and 2023 c 470 s 3018 are each amended to read as follows:

(1) A person in the custody of the department of children, youth, and families under RCW 72.01.410 is eligible for community transition services under the authority and supervision of the department of children, youth, and families:

(a) After the person's 25th birthday:

(i) If the person's earned release date is after the person's 25th birthday but on or before the person's 26th birthday; and

(ii) The department of children, youth, and families determines that placement in community transition services is in the best interests of the person and the community; or

(b) After 60 percent of their term of confinement has been served, and no less than 15 weeks of total confinement served including time spent in detention prior to sentencing or the entry of a dispositional order if:

(i) The person has an earned release date that is before their 26th birthday; and

(ii) The department of children, youth, and families determines that such placement and retention by the department of children, youth, and families is in the best interests of the person and the community.

(2) "Term of confinement" as used in subsection (1)(b) of this section means the term of confinement ordered, reduced by the total amount of earned time eligible for the offense.

(3) The department's determination under subsection (1)(a)(ii) and (b)(ii) of this section must include consideration of the person's behavior while in confinement and any disciplinary considerations.

(4) The department of children, youth, and families retains the authority to transfer the person to the custody of the department of corrections under RCW 72.01.410.

(5) A person may only be placed in community transition services under this section for the remaining 18 months of their term of confinement.

(6) A person placed in community transition services under this section must have access to appropriate treatment and programming as determined by the department of children, youth, and families, including but not limited to:

(a) Behavioral health treatment;

(b) Independent living;

(c) Employment;

(d) Education;

(e) Connections to family and natural supports; and

(f) Community connections.

(7) If the person has a sentence that includes a term of community custody, this term of community custody must begin after the current term of confinement has ended.

(8) If a person placed on community transition services under this section commits a violation requiring the return of the person to total confinement after the person's 25th birthday, the person must be transferred to the custody and supervision of the department of corrections for the remainder of the sentence.

(9) The following persons are not eligible for community transition services under this section:

(a) Persons with pending charges or warrants, except those who are charged with an offense that allegedly occurred at a juvenile rehabilitation institution;

(b) Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

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(c) Persons who were adjudicated or convicted of the crime of murder in the first or second degree;

(d) Persons who meet the definition of a "persistent offender" as defined under RCW 9.94A.030;

(e) Level III sex offenders; and

(f) Persons requiring out-of-state placement.

(10) As used in this section, "community transition services" means a therapeutic and supportive community-based custody option in which:

(a) A person serves a portion of his or her term of confinement residing in the community, outside of the department of children, youth, and families institutions and community facilities;

(b) The department of children, youth, and families supervises the person in part through the use of technology that is capable of determining or identifying the monitored person's presence or absence at a particular location;

(c) The department of children, youth, and families provides access to developmentally appropriate, trauma-informed, racial equity-based, and culturally relevant programs to promote successful reentry; and

(d) The department of children, youth, and families prioritizes the delivery of available programming from individuals who share characteristics with the individual being served related to: Race; ethnicity; sexual identity; and gender identity.

Sec. 8. RCW 13.40.205 and 2021 c 206 s 4 are each amended to read as follows:

(1) A juvenile sentenced to a term of confinement to be served under the supervision of the department shall not be released from the physical custody of the department prior to the release date established under RCW 13.40.210 except as otherwise provided in this section.

(2) A juvenile serving a term of confinement under the supervision of the department may be released on authorized leave from the physical custody of the department only if consistent with public safety and if:

(a) Sixty percent of the minimum term of confinement has been served; and

(b) The purpose of the leave is to enable the juvenile:

(i) To visit the juvenile's family for the purpose of strengthening or preserving family relationships;

(ii) To make plans for parole or release which require the juvenile's personal appearance in the community and which will facilitate the juvenile's reintegration into the community; or

(iii) To make plans for a residential placement out of the juvenile's home which requires the juvenile's personal appearance in the community.

(3) No authorized leave may exceed seven consecutive days. The total of all preminimum term authorized leaves granted to a juvenile prior to final discharge from confinement shall not exceed thirty days.

(4) Prior to authorizing a leave, the secretary shall require a written leave plan, which shall detail the purpose of the leave and how it is to be achieved, the address at which the juvenile shall reside, the identity of the person responsible for supervising the juvenile during the leave, and a statement by such person acknowledging familiarity with the leave plan and agreeing to supervise the juvenile and to notify the secretary immediately if the juvenile violates any terms or conditions of the leave. The leave plan shall include such terms and conditions as the secretary deems appropriate and shall be signed by the juvenile.

(5) Upon authorizing a leave, the secretary shall issue to the juvenile an authorized leave order which shall contain the name of the juvenile, the fact that the juvenile is on leave from a designated facility, the time period of the leave, and the identity of an appropriate official of the department to contact when necessary. The authorized leave order shall be carried by the juvenile at all times while on leave.

(6) Prior to the commencement of any authorized leave, the secretary shall give notice of the leave to the appropriate law enforcement agency in the jurisdiction in which the juvenile will reside during the leave period. The notice shall include the identity of the juvenile, the time period of the leave, the residence of the juvenile during the leave, and the identity of the person responsible for supervising the juvenile during the leave.

(7) The secretary may authorize a leave, which shall not exceed forty-eight hours plus travel time, to meet an emergency situation such as a death or critical illness of a member of the juvenile's family. The secretary may authorize a leave, which shall not exceed the period of time medically necessary, to obtain medical care not available in a juvenile facility maintained by the department. In cases of emergency or medical leave the secretary may waive all or any portions of subsections (2)(a), (3), (4), (5), and (6) of this section.

(8) If requested by the juvenile's victim or the victim's immediate family, the secretary shall give notice of any leave or community transition services under subsection (13) of this section to the victim or the victim's immediate family.

(9) A juvenile who violates any condition of an authorized leave plan or community transition services under subsection (13) of this section may be taken into custody and returned to the department in the same manner as an adult in identical circumstances.

(10) Community transition services is an electronic monitoring program as that term is used in RCW 9A.76.130.

(11) Notwithstanding the provisions of this section, a juvenile placed in minimum security status or in community transition services under subsection (13) of this section may participate in work, educational, community restitution, or treatment programs in the community up to twelve hours a day if approved by the secretary. Such a release shall not be

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deemed a leave of absence. This authorization may be increased to more than twelve hours a day up to sixteen hours a day if approved by the secretary and operated within the department's appropriations.

(12) Subsections (6), (7), and (8) of this section do not apply to juveniles covered by RCW 13.40.215.

(13)(a) The department may require a person in its custody to serve the remainder of the person's sentence in community transition services if the department determines that such placement is in the best interest of the person and the community using the risk assessment tool and considering the availability of appropriate placements, treatment, and programming. The department's determination described under this subsection must include consideration of the person's behavior while in confinement and any disciplinary considerations. The department shall establish appropriate conditions the person must comply with to remain in community transition services. A person must have served 60 percent of their minimum term of confinement and no less than 15 weeks of total confinement including time spent in detention prior to sentencing or the entry of a dispositional order before becoming eligible for community transition services under the authority and supervision of the department.

(b) A person placed in community transition services under this section must have access to appropriate treatment and programming as determined by the department, including but not limited to:

(i) Behavioral health treatment;

(ii) Independent living;

(iii) Employment;

(iv) Education;

(v) Connections to family and natural supports; and

(vi) Community connections.

(c) Community transition services under this section is in lieu of confinement in an institution or community facility operated by the department, and will not fulfill any period of parole required under RCW 13.40.210.

(d) If a person placed in community transition services under this section violates a condition of participation in the community transition services program, or if the department determines that placement in the program is no longer in the best interests of the person or community, the person may be returned to an institution operated by the department at the department's discretion.

(e) The following persons are not eligible for community transition services under this section:

(i) Persons with pending charges or warrants, except those that are charged with an offense that allegedly occurred at a juvenile rehabilitation institution;

(ii) Persons who will be transferred to the department of corrections, who are in the custody of the department of corrections, or who are under the supervision of the department of corrections;

(iii) Persons who were adjudicated or convicted of the crime of murder in the first or second degree;

(iv) Persons who meet the definition of a "persistent offender" as defined under RCW 9.94A.030;

(v) Level III sex offenders; and

(vi) Persons requiring out-of-state placement.

(14) The department shall design, or contract for the design, and implement a risk assessment tool. The tool must be designed to limit bias related to race, ethnicity, gender, and age. The risk assessment tool must be certified at least every three years based on current academic standards for assessment validation, and can be certified by the office of innovation, alignment, and accountability or an outside researcher."

Correct the title.

Signed by Representatives Bergquist, Chair; Cortes, Vice Chair; Bernbaum; Goodman; Hill and Ortiz-Self.

MINORITY recommendation: Without recommendation. Signed by Representatives Eslick, Ranking Minority Member; Burnett, Assistant Ranking Minority Member; Dent; Penner; and Taylor.

Referred to Committee on Appropriations

April 2, 2025

SB 5334 Prime Sponsor, Senator Short: Adding the department of natural resources' civil enforcement decisions under RCW 76.04.205 to appeals that may be heard by the pollution control hearings board. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum; Nance; Orcutt; Richards; Schmick and Springer.

Referred to Committee on Rules for second reading

April 1, 2025

E2SSB 5337 Prime Sponsor, Ways & Means: Creating a certification for memory care services. Reported by Committee on Health Care & Wellness

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MAJORITY recommendation: Do pass. Signed by Representatives Bronoske, Chair; Lekanoff, Vice Chair; Rule, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Marshall, Assistant Ranking Minority Member; Davis; Engell; Low; Macri; Manjarrez; Obras; Parshley; Shavers; Simmons; Stonier; Stuebe; Thai and Tharinger.

Referred to Committee on Appropriations

April 1, 2025

ESSB 5403 Prime Sponsor, Labor & Commerce: Supporting a sustainable cannabis industry. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.50.325 and 2022 c 16 s 54 are each amended to read as follows:

(1) There shall be a cannabis producer's license regulated by the board and subject to annual renewal. The licensee is authorized to produce: (a) Cannabis for sale at wholesale to cannabis processors and other cannabis producers; (b) immature plants or clones and seeds for sale to cooperatives as described under RCW 69.51A.250; and (c) immature plants or clones and seeds for sale to qualifying patients and designated providers as provided under RCW 69.51A.310. The production, possession, delivery, distribution, and sale of cannabis in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed cannabis producer, shall not be a criminal or civil offense under Washington state law. Every cannabis producer's license shall be issued in the name of the applicant, shall specify the location at which the cannabis producer intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a cannabis producer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a cannabis producer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a cannabis producer intends to produce cannabis.

(2) There shall be a cannabis processor's license to process, package, and label cannabis concentrates, useable cannabis, and cannabis-infused products for sale at wholesale to cannabis processors and cannabis retailers, regulated by the board and subject to annual renewal. The processing, packaging, possession, delivery, distribution, and sale of cannabis, useable cannabis, cannabis-infused products, and cannabis concentrates in accordance with the provisions of this chapter and chapter 69.51A RCW and the rules adopted to implement and enforce these chapters, by a validly licensed cannabis processor, shall not be a criminal or civil offense under Washington state law. Every cannabis processor's license shall be issued in the name of the applicant, shall specify the location at which the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a cannabis processor's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a cannabis processor's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a cannabis processor intends to process cannabis.

(3)(a) There shall be a cannabis retailer's license to sell cannabis concentrates, useable cannabis, and cannabis-infused products at retail in retail outlets, regulated by the board and subject to annual renewal. The possession, delivery, distribution, and sale of cannabis concentrates, useable cannabis, and cannabis-infused products in accordance with the provisions of this chapter and the rules adopted to implement and enforce it, by a validly licensed cannabis retailer, shall not be a criminal or civil offense under Washington state law. Every cannabis retailer's license shall be issued in the name of the applicant, shall specify the location of the retail outlet the licensee intends to operate, which must be within the state of Washington, and the holder thereof shall not allow any other person to use the license. The application fee for a cannabis retailer's license shall be two hundred fifty dollars. The annual fee for issuance and renewal of a cannabis retailer's license shall be one thousand three hundred eighty-one dollars. A separate license shall be required for each location at which a cannabis retailer intends to sell cannabis concentrates, useable cannabis, and cannabis-infused products.

(b)(i) An individual retail licensee and all other persons or entities with a financial or other ownership interest in the business operating under the license are limited, in the aggregate, to holding a collective total of not more than five retail cannabis licenses.

(ii) A retail licensee and all other persons or entities with a financial or other ownership interest may not enter into any agreement as referenced in RCW 69.50.395, whether or not in exchange for payment, that confers a financial interest across more than five retail cannabis licenses. For the purposes of this subsection, "financial interest" includes, but is not limited to:

(A) Any sharing of profits or revenue;

(B) Any assistance, coordination, or recommendation for the purchase of cannabis products whereupon pricing is coordinated or discounted;

(C) The common use of intellectual property assets such as branding, trade names, logos, social media accounts, or websites;

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(D) Any operational control over the business or operational support for typical day-to-day business operations, including core business or executive functions of the retail cannabis license;

(E) Any sharing or coordination of marketing and advertising efforts or expenses; and

(F) Any coordinated sharing of employment or hiring decisions, including the shared employment of individuals.

(c)(i) A cannabis retailer's license is subject to forfeiture in accordance with rules adopted by the board pursuant to this section.

(ii) The board shall adopt rules to establish a license forfeiture process for a licensed cannabis retailer that is not fully operational and open to the public within a specified period from the date of license issuance, as established by the board, subject to the following restrictions:

(A) No cannabis retailer's license may be subject to forfeiture within the first nine months of license issuance; and

(B) The board must require license forfeiture on or before twenty-four calendar months of license issuance if a cannabis retailer is not fully operational and open to the public, unless the board determines that circumstances out of the licensee's control are preventing the licensee from becoming fully operational and that, in the board's discretion, the circumstances warrant extending the forfeiture period beyond twenty-four calendar months.

(iii) The board has discretion in adopting rules under this subsection (3)(c).

(iv) This subsection (3)(c) applies to cannabis retailer's licenses issued before and after July 23, 2017. However, no license of a cannabis retailer that otherwise meets the conditions for license forfeiture established pursuant to this subsection (3)(c) may be subject to forfeiture within the first nine calendar months of July 23, 2017.

(v) The board may not require license forfeiture if the licensee has been incapable of opening a fully operational retail cannabis business due to actions by the city, town, or county with jurisdiction over the licensee that include any of the following:

(A) The adoption of a ban or moratorium that prohibits the opening of a retail cannabis business; or

(B) The adoption of an ordinance or regulation related to zoning, business licensing, land use, or other regulatory measure that has the effect of preventing a licensee from receiving an occupancy permit from the jurisdiction or which otherwise prevents a licensed cannabis retailer from becoming operational.

(d) The board may issue cannabis retailer licenses pursuant to this chapter and RCW 69.50.335.

NEW SECTION. **Sec. 2.** This act takes effect January 1, 2026."

Correct the title.

Signed by Representatives Walen, Chair; Berry; Donaghy; Fosse; Kloba; Morgan; Reeves; Ryu; Santos; Steele and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives McClintock, Ranking Minority Member; Abbarno; and Corry.

Referred to Committee on Rules for second reading

April 1, 2025

SSB 5419 Prime Sponsor, Business, Financial Services & Trade: Modifying reports of fire losses. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.56.400 and 2023 c 149 s 12 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and

investment advisers under RCW 21.20.100, information that could reasonably be expected to reveal the identity of a whistleblower under RCW 21.40.090, and information received under RCW 43.320.190, all of which are confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained or provided by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, 48.31B.035, and 48.31B.036, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5);

(24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW;

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, 48.74.028, 48.74.100(6), 48.74.110(2) (b) and (c), and 48.74.120 to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065;

(26) Nonpublic personal health information obtained by, disclosed to, or in the custody of the insurance commissioner, as provided in RCW 48.02.068;

(27) Data, information, and documents obtained by the insurance commissioner under RCW 48.02.230;

(28) Documents, materials, or other information, including the corporate annual disclosure obtained by the insurance commissioner under RCW 48.195.020;

(29) Findings and orders disapproving acquisition of a trust institution under RCW 30B.53.100(3);

(30) All claims data, including health care and financial related data received under RCW 41.05.890, received and held by the health care authority; ((~~and~~))

(31) Contracts not subject to public disclosure under RCW 48.200.040 and 48.43.731; and

(32) Data, information, and documents obtained from an insurer, or by or from the insurance commissioner, under RCW 48.05.320.

Sec. 2. RCW 48.05.320 and 1995 c 369 s 24 are each amended to read as follows:

(1) ((~~Each~~))Within 90 days of closing a claim related to a fire loss or damage, or any subsequent non-de minimis adjustment or further investigation related to a fire loss or damage, an authorized insurer shall ((~~promptly~~)) report to the ((~~chief of the Washington state patrol, through the director of fire protection, upon forms as prescribed and furnished by him or her~~))insurance commissioner, in the manner prescribed by the insurance commissioner

to include reporting via a third-party vendor, each fire loss of property in this state reported to ((~~it and~~))the insurer. At a minimum, the reported information must include:

(a) The property address;

(b) The date of loss;

(c) The amount that the insurer paid on each coverage;

(d) The known origin and cause of the loss or damage if determined, including whether the loss is due to criminal activity or to undetermined causes((~~.~~

~~(2) Each such insurer shall likewise report to the chief of the Washington state patrol, through the director of fire protection, upon claims paid by it for loss or damage by fire in this state. Copies of all reports required by this section shall be promptly transmitted to the state insurance commissioner~~)); and

(e) NAIC company number.

(2)(a) In addition to the report of information required under subsection (1) of this section, whenever an insurer knows or suspects that a fire loss or damage may be due to criminal activity, the insurer shall immediately report to the local or tribal law enforcement agency of jurisdiction, and the insurance commissioner, the details of the loss or damage and the basis for the insurer's knowledge or suspicion that it may be due to criminal activity, and upon request, provide a complete copy of any full or partial investigation of the claim or loss conducted by the insurer.

(b) Upon receipt of a report from an insurer made pursuant to (a) of this subsection, the local or tribal law enforcement agency shall timely share all information received from the insurer with the individual responsible for fire investigation under RCW 43.44.050(1), and shall coordinate with that individual consistent with RCW 43.44.050.

(c) Unless actual malice is shown, an insurer is immune from liability in any civil action or suit arising from its (i) report of information to law enforcement and the insurance commissioner pursuant to this subsection (2), or (ii) cooperation with a duly issued subpoena for a criminal investigation or prosecution.

(3) Except as provided in this subsection (3), documents, materials, reports, data, investigations, and other information described in subsections (1) and (2) of this section are confidential by law and privileged, are not subject to public disclosure under chapter 42.56 RCW, and are not subject to a civil matter subpoena directed to the insurance commissioner or any person who processes information received pursuant to this section. Neither the insurance commissioner, staff of the office of the insurance commissioner, nor anyone receiving or processing information pursuant to this section is permitted or required to testify in any private civil action concerning any information that is confidential and privileged under this subsection (3). Nothing in this subsection prohibits cooperation with subpoenas for documents or testimony in criminal matters.

(a) The commissioner may share documents, materials, reports, data, investigations, and other information, including the confidential and privileged information received pursuant to this section, with: (i) The national association of insurance commissioners and its affiliates and subsidiaries; (ii) regulatory, law enforcement, and prosecutorial officials of other states and nations, the federal government, tribal governments, and international authorities; (iii) agencies of this state; (iv) rating bureaus; (v) the state fire marshal's office; and (vi) local or tribal law enforcement officials, prosecutors, or fire chiefs and fire marshals in this state. Except as provided in (b) through (e) of this subsection, the commissioner must require a recipient of information shared pursuant to this subsection (3)(a) to maintain the confidentiality and privileged status of the information.

(b) The state fire marshal's office may use information shared under (a) of this subsection for wildfire and resiliency planning purposes, so long as it does not publicly disclose information that contains personally identifiable information about properties, property owners, policyholders, losses, claimants, or claims.

(c) Rating bureaus may use the information shared under (a) of this subsection to analyze and inform rating classifications, so long as they do not publicly disclose, other than to rating subscribers, information that contains personally identifiable information about property owners, policyholders, losses, claimants, claims, or properties, other than aggregated by zip code or fire district boundary.

(d) Local or tribal law enforcement officials, prosecutors, and fire chiefs and fire marshals in this state may use information shared under (a) of this subsection for public safety planning purposes, so long as they do not publicly disclose information that contains personally identifiable information about properties, property owners, policyholders, losses, claimants, or claims, other than aggregated by zip code.

(e) Local, tribal, state, or federal law enforcement officials, prosecutors, and fire chiefs and fire marshals in this state, and limited authority peace officers employed by the insurance commissioner may use information referenced under this section to investigate and prosecute crime, and in so doing, may release information received under this section as is necessary for investigative and prosecutorial purposes, to comply with all due process rights of criminally accused individuals, and to comply with public records obligations applicable to criminal investigations or prosecutions. Nothing in this section is intended to modify criminal investigative procedures or prosecutions or any authority, process, right, or obligation related to them.

(4) The insurance commissioner may adopt rules as necessary to implement this section. The reporting requirements in subsections (1) and (2) of this section may not be enforced against an insurer until one year after rules implementing this section are adopted by the insurance commissioner.

Sec. 3. RCW 48.50.040 and 2000 c 254 s 2 are each amended to read as follows:

(1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the ((~~chief of the Washington state patrol, through the director of fire protection~~))insurance commissioner, in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the ((~~chief of the Washington state patrol, through the director of fire protection,~~))insurance commissioner under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency and does not bar an insurer from other reporting under RCW 48.50.030(2)."

Correct the title.

Signed by Representatives Walen, Chair; McClintock, Ranking Minority Member; Berry; Donaghy; Fosse; Kloba; Morgan; Reeves; Ryu; Santos; Steele and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Abbarno; and Corry.

Referred to Committee on Rules for second reading

April 1, 2025

SSB 5579 Prime Sponsor, Health & Long-Term Care: Prohibiting health carriers, facilities, and providers from making any public statements of any potential or planned contract terminations unless it satisfies a legal obligation. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that public communications and notices to health plan members by carriers, health care providers, or health care facilities during contract negotiations have created concerns for enrollees, patients, and affected communities. Therefore, the legislature intends to provide consistent policies for communication with enrollees and affected communities regarding potential contract terminations.

NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43 RCW to read as follows:

(1) In the case of a provider contract that is expiring by its own terms or for which one party has given notice to the other party of an intended termination without cause in accordance with the terms of the provider contract, neither the health care provider, the health care facility, any health care provider employed by, contracted with, or otherwise affiliated with the facility, nor the carrier may make or cause to be made public statements, including by directly communicating with impacted health plan enrollees and patients, regarding such expiration or termination until 45 days prior to the termination date, unless: (a) The disclosure is required to satisfy a specific legal obligation; or (b) the expiration or termination has already been disclosed publicly because of a legal obligation. Communications exclusively with the governor, legislators, or state agency staff regarding a potential or intended contract termination do not constitute a public statement.

(2) Nothing in this section requires a carrier, health care facility, or health care provider to provide notice of a potential termination to enrollees, unless required to do so as a regulatory or legal requirement.

(3) Public statements or communication with health plan enrollees or patients by a carrier, health care facility, or health care provider may not occur prior to the date the carrier, health care facility, or health care provider has given written notice of the termination to the other party, unless agreed upon by both parties.

(4)(a) By December 1, 2025, the commissioner, in consultation with health carriers, health care providers, health care facilities, and consumers, must develop standard template language for notices sent to health plan enrollees and patients by health carriers, health care providers, or health care facilities pursuant to this section. The standard template language must be posted on the commissioner's website.

(b) Notices developed pursuant to this section must include, at a minimum:

(i) A reference to the specific facility or facilities by name that would be affected by the potential contract termination or expiration and an indication of whether the potential termination or expiration would apply to hospital-based providers;

(ii) Direction to enrollees related to appointments that are scheduled past the date of the potential contract termination or expiration date; and

(iii) Information concerning the enrollee's continuity of care rights pursuant to the federal no surprises act, 42 U.S.C. Sec. 300gg-111.

(c) Notices sent to enrollees or patients that solely utilize the template language developed pursuant to this section are not subject to review or approval. Notices to enrollees or patients that do not utilize the template language in full, or add to or revise the language of the template developed pursuant to this section, must be reviewed and approved by the commissioner before being used in any manner.

(5) By January 1, 2026, the requirements of this section must be included in all provider contracts. The commissioner must develop template language for inclusion in provider contracts by rule.

(6)(a) The commissioner is authorized to enforce the provisions of this act related to carriers on or after January 1, 2026. In addition to the enforcement actions authorized under RCW 48.02.080, the commissioner may impose a civil monetary penalty in an amount not to exceed $100 for each day that a notice has been sent to enrollees in advance of the 45-day period established in subsection (1) of this section for each enrollee to whom the notice has been sent.

(b) If the commissioner has cause to believe that any health care provider or health care facility has violated this section, the commissioner may submit information to the department of health, another appropriate health care facility licensing entity, or the appropriate health profession disciplining authority for action. The commissioner may provide the health care provider or health care facility with an opportunity to explain why the actions in question did not violate this section.

(c) If any health care provider or health care facility violates this section, the department of health, other appropriate health care facility licensing entity, or the appropriate health profession disciplining authority may levy a fine or cost recovery upon the health care provider or health care facility in an amount not to exceed the applicable statutory amount per violation and take other action as permitted under the authority of the department of health or disciplining authority. Upon completion of its review of any potential violation submitted by the commissioner, the department of health or the disciplining authority shall notify the commissioner of the results of the review, including whether the violation was substantiated and any enforcement action taken as a result of a finding of a substantiated violation.

(7) For the purposes of this section, "provider contract" means a written contract between a carrier and a health care provider or health care facility, as they are defined in RCW 48.43.005, for any health care services rendered to an enrollee.

(8) This section does not apply to a provider contract that is expiring or being terminated by an individual provider that is not employed by a hospital, health system, or group practice, whether due to the provider's retirement or some other reason.

Sec. 3. RCW 41.05.017 and 2024 c 251 s 5 and 2024 c 242 s 10 are each reenacted and amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545, 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128, 48.43.780, 48.43.435, 48.43.815, 48.200.020 through 48.200.280, 48.200.300 through 48.200.320, 48.43.440, section 2 of this act, and chapter 48.49 RCW.

Sec. 4. RCW 18.130.180 and 2024 c 220 s 2 are each 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:

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(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) Violation of section 2 of this act; or

(30) Implanting the license holder's own gametes or reproductive material into a patient.

Sec. 5. RCW 70.41.510 and 2019 c 427 s 18 are each amended to read as follows:

If the insurance commissioner reports to the department that he or she has cause to believe that a hospital has engaged in a pattern of violations of RCW 48.49.020 or 48.49.030 or has violated section 2 of this act, and the report is substantiated after investigation, the department may levy a fine upon the hospital in an amount not to exceed one thousand dollars per violation and take other formal or informal disciplinary action as permitted under the authority of the department.

Sec. 6. RCW 70.42.162 and 2019 c 427 s 20 are each amended to read as follows:

If the insurance commissioner reports to the department that he or she has cause to believe that a medical ((~~testing [test]~~))test site has engaged in a pattern of violations of RCW 48.49.020 or 48.49.030 or has violated section 2 of this act, and the report is substantiated after investigation, the department may levy a fine upon the medical ((~~testing [test]~~))test site in an amount not to exceed one thousand dollars per violation and take other formal or informal disciplinary action as permitted under the authority of the department.

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Sec. 7. RCW 70.230.210 and 2019 c 427 s 19 are each amended to read as follows:

If the insurance commissioner reports to the department that he or she has cause to believe that an ambulatory surgical facility has engaged in a pattern of violations of RCW 48.49.020 or 48.49.030 or has violated section 2 of this act, and the report is substantiated after investigation, the department may levy a fine upon the ambulatory surgical facility in an amount not to exceed one thousand dollars per violation and take other formal or informal disciplinary action as permitted under the authority of the department.

Sec. 8. RCW 18.46.050 and 2024 c 121 s 2 are each amended to read as follows:

(1) In any case in which the department finds that a birthing center has failed or refused to comply with the requirements of this chapter, the standards or rules adopted under this chapter, section 2 of this act, or other applicable state or federal statutes or rules regulating birthing centers, the department may take one or more of the actions identified in this section, except as otherwise limited in this section.

(a) When the department determines the birthing center has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the birthing center failed to correct noncompliance with a statute or rule by a date established or agreed to by the department, the department may impose reasonable conditions on a license. Conditions may include correction within a specified amount of time, training, or hiring a department-approved consultant if the birthing center cannot demonstrate to the department that it has access to sufficient internal expertise. If the department determines that the violations constitute immediate jeopardy, the conditions may be imposed immediately in accordance with subsection (2) of this section.

(b) In accordance with the authority the department has under RCW 43.70.095, the department may assess a civil fine of up to $3,000 per violation on a birthing center licensed under this chapter when the department determines the birthing center has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the birthing center failed to correct noncompliance with a statute or rule by a date established or agreed to by the department.

(i) Proceeds from these fines may only be used by the department to offset costs associated with licensing and enforcement of birthing centers.

(ii) The department shall adopt in rules under this chapter specific fine amounts in relation to the severity of the noncompliance and at an adequate level to be a deterrent to future noncompliance.

(iii) If a birthing center is aggrieved by the department's action of assessing civil fines, the licensee has the right to appeal under RCW 43.70.095.

(c) The department may suspend a specific category or categories of services or care or birthing rooms within the birthing center as related to the violation by imposing a limited stop service. This may only be done if the department finds that noncompliance results in immediate jeopardy.

(i) Prior to imposing a limited stop service, the department shall provide a birthing center written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy. The birthing center shall have 24 hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practices or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same 24-hour period, the department may issue the limited stop service.

(ii) When the department imposes a limited stop service, the birthing center may not provide the services in the category or categories subject to the limited stop service to any new or existing patients, unless otherwise allowed by the department, until the limited stop service is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the birthing center if more than five business days is needed to verify the violation necessitating the limited stop service has been corrected.

(iv) The limited stop service shall be terminated when:

(A) The department verifies the violation necessitating the limited stop service has been corrected or the department determines that the birthing center has taken intermediate action to address the immediate jeopardy; and

(B) The birthing center establishes the ability to maintain correction of the violation previously found deficient.

(d) The department may suspend new admissions to the birthing center by imposing a stop placement. This may only be done if the department finds that noncompliance results in immediate jeopardy and is not confined to a specific category or categories of patients or a specific area of the birthing center.

(i) Prior to imposing a stop placement, the department shall provide a birthing center written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy. The birthing center shall have 24 hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practices or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same 24-hour period, the department may issue the stop placement.

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(ii) When the department imposes a stop placement, the birthing center may not admit any new patients until the stop placement is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the birthing center if more than five business days is needed to verify the violation necessitating the stop placement has been corrected.

(iv) The stop placement shall be terminated when:

(A) The department verifies the violation necessitating the stop placement has been corrected or the department determines that the birthing center has taken intermediate action to address the immediate jeopardy; and

(B) The birthing center establishes the ability to maintain correction of the violation previously found deficient.

(e) The department may deny an application for a license or suspend, revoke, or refuse to renew a license.

(2) Except as otherwise provided, RCW 43.70.115 governs notice of actions taken by the department under subsection (1) of this section and provides the right to an adjudicative proceeding. Adjudicative proceedings and hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW. The application for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, include a copy of the department's notice, be served on and received by the department within 28 days of the birthing center's receipt of the adverse notice, and be served in a manner that shows proof of receipt.

(3) When the department determines a licensee's noncompliance results in immediate jeopardy, the department may make the imposition of conditions on a licensee, a limited stop service, stop placement, or the suspension of a license effective immediately upon receipt of the notice by the licensee, pending any adjudicative proceeding.

(a) When the department makes the suspension of a license or imposition of conditions on a license effective immediately, a licensee is entitled to a show cause hearing before a presiding officer within 14 days of making the request. The licensee must request the show cause hearing within 28 days of receipt of the notice of immediate suspension or immediate imposition of conditions. At the show cause hearing the department has the burden of demonstrating that more probably than not there is an immediate jeopardy.

(b) At the show cause hearing, the presiding officer may consider the notice and documents supporting the immediate suspension or immediate imposition of conditions and the licensee's response and shall provide the parties with an opportunity to provide documentary evidence and written testimony, and to be represented by counsel. Prior to the show cause hearing, the department shall provide the licensee with all documentation that supports the department's immediate suspension or imposition of conditions.

(c) If the presiding officer determines there is no immediate jeopardy, the presiding officer may overturn the immediate suspension or immediate imposition of conditions.

(d) If the presiding officer determines there is immediate jeopardy, the immediate suspension or immediate imposition of conditions shall remain in effect pending a full hearing.

(e) If the presiding officer sustains the immediate suspension or immediate imposition of conditions, the licensee may request an expedited full hearing on the merits of the department's action. A full hearing must be provided within 90 days of the licensee's request.

(4) When the department determines an alleged violation, if true, would constitute an immediate jeopardy, and the licensee fails to cooperate with the department's investigation of such an alleged violation, the department may impose an immediate stop placement, immediate limited stop service, immediate imposition of conditions, or immediate suspension.

(a) When the department imposes an immediate stop placement, immediate limited stop service, immediate imposition of conditions, or immediate suspension for failure to cooperate, a licensee is entitled to a show cause hearing before a presiding officer within 14 days of making the request. The licensee must request the show cause hearing within 28 days of receipt of the notice of an immediate stop placement, immediate limited stop service, immediate imposition of conditions, or immediate suspension for failure to cooperate. At the show cause hearing the department has the burden of demonstrating that more probably than not the alleged violation, if true, would constitute an immediate jeopardy and the licensee failed to cooperate with the department's investigation.

(b) At the show cause hearing, the presiding officer may consider the notice and documents supporting the immediate stop placement, immediate limited stop service, immediate imposition of conditions, or immediate suspension for failure to cooperate, and the licensee's response and shall provide the parties with an opportunity to provide documentary evidence and written testimony, and to be represented by counsel. Prior to the show cause hearing, the department shall provide the licensee with all documentation that supports the department's immediate action for failure to cooperate.

(c) If the presiding officer determines the alleged violation, if true, does not constitute an immediate jeopardy or determines that the licensee cooperated with the department's investigation, the presiding officer may overturn the immediate action for failure to cooperate.

(d) If the presiding officer determines the allegation, if true, would constitute an immediate jeopardy and the licensee failed to cooperate with the department's investigation, the immediate action for failure to cooperate shall remain in effect pending a full hearing.

(e) If the presiding officer sustains the immediate action for failure to cooperate, the licensee may request an expedited full hearing on the merits of the department's action. A full hearing must be provided within 90 days of the licensee's request.

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Sec. 9. RCW 70.127.170 and 2024 c 121 s 11 are each amended to read as follows:

The department is authorized to take any of the actions identified in RCW 70.127.165 against an in-home services agency's license in any case in which it finds that the licensee:

(1) Failed or refused to comply with the requirements of this chapter, standards or rules adopted under this chapter, section 2 of this act, or other applicable state or federal statutes or rules regulating the facility or agency;

(2) Was the holder of a license issued pursuant to this chapter that was revoked for cause and never reissued by the department, or that was suspended for cause and the terms of the suspension have not been fulfilled and the licensee has continued to operate;

(3) Has knowingly or with reason to know made a misrepresentation of, false statement of, or failed to disclose, a material fact to the department in an application for the license or any data attached thereto or in any record required by this chapter or matter under investigation by the department, or during a survey, or concerning information requested by the department;

(4) Refused to allow representatives of the department to inspect any book, record, or file required by this chapter to be maintained or any portion of the licensee's premises;

(5) Willfully prevented, interfered with, or attempted to impede in any way the work of any representative of the department and the lawful enforcement of any provision of this chapter. This includes but is not limited to: Willful misrepresentation of facts during a survey, investigation, or administrative proceeding or any other legal action; or use of threats or harassment against any patient, client, or witness, or use of financial inducements to any patient, client, or witness to prevent or attempt to prevent him or her from providing evidence during a survey or investigation, in an administrative proceeding, or any other legal action involving the department;

(6) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of this chapter or the rules adopted under this chapter;

(7) Failed to pay any civil monetary penalty assessed by the department pursuant to this chapter within 10 days after the assessment becomes final;

(8) Used advertising that is false, fraudulent, or misleading;

(9) Has repeated incidents of personnel performing services beyond their authorized scope of practice;

(10) Misrepresented or was fraudulent in any aspect of the conduct of the licensee's business;

(11) Within the last five years, has been found in a civil or criminal proceeding to have committed any act that reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another;

(12) Was the holder of a license to provide care or treatment to ill individuals, vulnerable individuals, or individuals with disabilities that was denied, restricted, not renewed, surrendered, suspended, or revoked by a competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the denial, restriction, nonrenewal, surrender, suspension, or revocation;

(13) Failed to comply with an order issued by the secretary or designee;

(14) Aided or abetted the unlicensed operation of an in-home services agency;

(15) Operated beyond the scope of the in-home services agency license;

(16) Failed to adequately supervise staff to the extent that the health or safety of a patient or client was at risk;

(17) Compromised the health or safety of a patient or client, including, but not limited to, the individual performing services beyond their authorized scope of practice;

(18) Continued to operate after license revocation, suspension, or expiration, or operating outside the parameters of a modified, conditioned, or restricted license;

(19) Failed or refused to comply with chapter 70.02 RCW;

(20) Abused, neglected, abandoned, or financially exploited a patient or client as these terms are defined in RCW 74.34.020;

(21) Misappropriated the property of an individual;

(22) Is unqualified or unable to operate or direct the operation of the agency according to this chapter and the rules adopted under this chapter;

(23) Obtained or attempted to obtain a license by fraudulent means or misrepresentation; or

(24) Failed to report abuse or neglect of a patient or client in violation of chapter 74.34 RCW.

Sec. 10. RCW 71.24.910 and 2022 c 263 s 22 are each amended to read as follows:

If the insurance commissioner reports to the department that he or she has cause to believe that a provider licensed under this chapter has engaged in a pattern of violations of RCW 48.49.020 or 48.49.030 or has violated section 2 of this act, and the report is substantiated after investigation, the department may levy a fine upon the provider in an amount not to exceed $1,000 per violation and take other formal or informal disciplinary action as permitted under the authority of the department.

Sec. 11. RCW 71.12.710 and 2024 c 121 s 18 are each amended to read as follows:

(1) In any case in which the department finds that a private establishment has failed or refused to comply with the requirements of this chapter, the standards or rules adopted under this chapter, section 2 of this act, or other applicable state or federal statutes or rules,

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the department may take one or more of the actions identified in this section, except as otherwise limited in this section.

(a) When the department determines the private establishment has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the private establishment failed to correct noncompliance with a statute or rule by a date established or agreed to by the department, the department may impose reasonable conditions on a license. Conditions may include correction within a specified amount of time, training, or hiring a department-approved consultant if the private establishment cannot demonstrate to the department that it has access to sufficient internal expertise.

(b)(i) In accordance with the authority the department has under RCW 43.70.095, the department may assess a civil fine of up to $10,000 per violation, not to exceed a total fine of $1,000,000, on a private establishment licensed under this chapter when the department determines the private establishment has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule, or has been given any previous statement of deficiency that included the same or similar type of violation of the same or similar statute or rule, or when the private establishment failed to correct noncompliance with a statute or rule by a date established or agreed to by the department.

(ii) Proceeds from these fines may only be used by the department to provide training or technical assistance to private establishments or to offset costs associated with licensing private establishments.

(iii) The department shall adopt in rules under this chapter specific fine amounts in relation to the severity of the noncompliance.

(iv) If a licensee is aggrieved by the department's action of assessing civil fines, the licensee has the right to appeal under RCW 43.70.095.

(c) The department may suspend new admissions of a specific category or categories of patients as related to the violation by imposing a limited stop placement. This may only be done if the department finds that noncompliance results in immediate jeopardy.

(i) Prior to imposing a limited stop placement, the department shall provide a private establishment written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and the private establishment shall have 24 hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practices or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same 24-hour period, the department may issue the limited stop placement.

(ii) When the department imposes a limited stop placement, the private establishment may not accept any new admissions in the category or categories subject to the limited stop placement until the limited stop placement order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the private establishment if more than five business days is needed to verify the violation necessitating the limited stop placement has been corrected.

(iv) The limited stop placement shall be terminated when:

(A) The department verifies the violation necessitating the limited stop placement has been corrected or the department determines that the private establishment has taken intermediate action to address the immediate jeopardy; and

(B) The private establishment establishes the ability to maintain correction of the violation previously found deficient.

(d) The department may suspend all new admissions to the private establishment by imposing a stop placement. This may only be done if the department finds that noncompliance results in immediate jeopardy and is not confined to a specific category or categories of patients or a specific area of the private establishment.

(i) Prior to imposing a stop placement, the department shall provide a private establishment written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy, and the private establishment shall have 24 hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practices or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same 24-hour period, the department may issue the stop placement.

(ii) When the department imposes a stop placement, the private establishment may not accept any new admissions until the stop placement order is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the private establishment if more than five business days is needed to verify the violation necessitating the stop placement has been corrected.

(iv) The stop placement order shall be terminated when:

(A) The department verifies the violation necessitating the stop placement has been corrected or the department determines that the private establishment has taken intermediate action to address the immediate jeopardy; and

(B) The private establishment establishes the ability to maintain correction of the violation previously found deficient.

(e) The department may suspend a specific category or categories of services within the private establishment as related to the violation by imposing a limited stop service. This may only be done if the department finds that noncompliance results in immediate jeopardy.

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(i) Prior to imposing a limited stop service, the department shall provide a private establishment written notification upon identifying deficient practices or conditions that constitute an immediate jeopardy. The private establishment shall have 24 hours from notification to develop and implement a department-approved plan to correct the deficient practices or conditions that constitute an immediate jeopardy. If the deficient practices or conditions that constitute immediate jeopardy are not verified by the department as having been corrected within the same 24-hour period, the department may issue the limited stop service.

(ii) When the department imposes a limited stop service, the private establishment may not provide the services in the category or categories subject to the limited stop service to any new or existing individuals, unless otherwise allowed by the department, until the limited stop service is terminated.

(iii) The department shall conduct a follow-up inspection within five business days or within the time period requested by the private establishment if more than five business days is needed to verify the violation necessitating the limited stop service has been corrected.

(iv) The limited stop service shall be terminated when:

(A) The department verifies the violation necessitating the limited stop service has been corrected or the department determines that the private establishment has taken intermediate action to address the immediate jeopardy; and

(B) The private establishment establishes the ability to maintain correction of the violation previously found deficient.

(f) The department may suspend, revoke, or refuse to renew a license.

(2)(a) Except as otherwise provided, RCW 43.70.115 governs notice of the imposition of conditions on a license, a limited stop placement, stop placement, limited stop service, or the suspension, revocation, or refusal to renew a license and provides the right to an adjudicative proceeding. Adjudicative proceedings and hearings under this section are governed by the administrative procedure act, chapter 34.05 RCW. The application for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, including a copy of the department's notice, be served on and received by the department within 28 days of the licensee's receipt of the adverse notice, and be served in a manner that shows proof of receipt.

(b) When the department determines a licensee's noncompliance results in immediate jeopardy, the department may make the imposition of conditions on a licensee, a limited stop placement, stop placement, limited stop service, or the suspension of a license effective immediately upon receipt of the notice by the licensee, pending any adjudicative proceeding.

(i) When the department makes the suspension of a license or imposition of conditions on a license effective immediately, a licensee is entitled to a show cause hearing before a presiding officer within 14 days of making the request. The licensee must request the show cause hearing within 28 days of receipt of the notice of immediate suspension or immediate imposition of conditions. At the show cause hearing the department has the burden of demonstrating that more probably than not there is an immediate jeopardy.

(ii) At the show cause hearing, the presiding officer may consider the notice and documents supporting the immediate suspension or immediate imposition of conditions and the licensee's response and must provide the parties with an opportunity to provide documentary evidence and written testimony, and to be represented by counsel. Prior to the show cause hearing, the department must provide the licensee with all documentation that supports the department's immediate suspension or immediate imposition of conditions.

(iii) If the presiding officer determines there is no immediate jeopardy, the presiding officer may overturn the immediate suspension or immediate imposition of conditions.

(iv) If the presiding officer determines there is immediate jeopardy, the immediate suspension or immediate imposition of conditions shall remain in effect pending a full hearing.

(v) If the secretary sustains the immediate suspension or immediate imposition of conditions, the licensee may request an expedited full hearing on the merits of the department's action. A full hearing must be provided within 90 days of the licensee's request.

(3) When the department determines an alleged violation, if true, would constitute an immediate jeopardy, and the licensee fails to cooperate with the department's investigation of such an alleged violation, the department may impose an immediate stop placement, immediate limited stop placement, immediate limited stop service, immediate imposition of conditions, or immediate suspension.

(a) When the department imposes an immediate stop placement, immediate limited stop placement, immediate limited stop service, immediate imposition of conditions, or immediate suspension for failure to cooperate, a licensee is entitled to a show cause hearing before a presiding officer within 14 days of making the request. The licensee must request the show cause hearing within 28 days of receipt of the notice of an immediate stop placement, immediate limited stop placement, immediate limited stop service, immediate imposition of conditions, or immediate suspension for failure to cooperate. At the show cause hearing the department has the burden of demonstrating that more probably than not the alleged violation, if true, would constitute an immediate jeopardy and the licensee failed to cooperate with the department's investigation.

(b) At the show cause hearing, the presiding officer may consider the notice and documents supporting the immediate stop placement, immediate limited stop placement, immediate limited stop service, immediate imposition of conditions, or immediate suspension for failure to cooperate, and the licensee's response and shall provide the parties with an opportunity to provide documentary evidence and written testimony, and to be represented by

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counsel. Prior to the show cause hearing, the department shall provide the licensee with all documentation that supports the department's immediate action for failure to cooperate.

(c) If the presiding officer determines the alleged violation, if true, does not constitute an immediate jeopardy or determines that the licensee cooperated with the department's investigation, the presiding officer may overturn the immediate action for failure to cooperate.

(d) If the presiding officer determines the allegation, if true, would constitute an immediate jeopardy and the licensee failed to cooperate with the department's investigation, the immediate action for failure to cooperate shall remain in effect pending a full hearing.

(e) If the presiding officer sustains the immediate action for failure to cooperate, the licensee may request an expedited full hearing on the merits of the department's action. A full hearing must be provided within 90 days of the licensee's request."

Correct the title.

Signed by Representatives Bronoske, Chair; Lekanoff, Vice Chair; Rule, Vice Chair; Schmick, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Marshall, Assistant Ranking Minority Member; Davis; Engell; Low; Macri; Manjarrez; Obras; Parshley; Shavers; Simmons; Stonier; Stuebe; Thai and Tharinger.

Referred to Committee on Rules for second reading

April 2, 2025

SB 5656 Prime Sponsor, Senator Krishnadasan: Modifying the definition of inflation rate for aquatic leases. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum; Nance; Orcutt; Richards; Schmick and Springer.

Referred to Committee on Rules for second reading

April 2, 2025

SB 5680 Prime Sponsor, Senator Hansen: Establishing a right to repair for mobility equipment for persons with physical disabilities. Reported by Committee on Consumer Protection & Business

MAJORITY recommendation: Do pass. Signed by Representatives Berry; Donaghy; Fosse; Kloba; Morgan; Reeves; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Walen, Chair; Steele; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives McClintock, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Abbarno; and Corry.

Referred to Committee on Rules for second reading

April 2, 2025

ESB 5721 Prime Sponsor, Senator Stanford: Enhancing consumer protections for automobile insurance coverage. Reported by Committee on Consumer Protection & Business

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 48.18 RCW to read as follows:

(1) Every automobile insurance policy that includes first-party coverage for physical damage issued or renewed effective on or after January 1, 2026, must include a provision for the right to an appraisal to resolve disputes between the insurer and the insured regarding the actual cash value and amount of loss on the damaged automobile. The appraisal clause must include the following language, or corresponding language that the insurer certifies is at least as favorable to the insured:

"If . . . (the insurance company) . . . and . . . (the policyholder) . . . are unable to agree as to the amount of loss, either party may make a written demand for an appraisal, and within 10 days each party shall select a competent and disinterested appraiser and notify the other party of its selection.

The appraisers shall then each appraise the actual cash value and the amount of loss, make separate findings regarding the amount of loss for each element of loss, and exchange their completed appraisals. If the appraisers are unable to agree on the losses, the selected appraisers shall appoint a competent and disinterested umpire and submit their differences to the umpire. If the appraisers do not appoint a competent and disinterested umpire within 15 days, either appraiser may notify the commissioner, and the commissioner shall identify a registered competent and disinterested umpire that will be used according to the process that the commissioner specifies by rule.

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The appraisers must make their appraisals within 30 calendar days of selection. If an appraiser needs more than 30 days, the appraiser shall provide a reasonable basis to the other appraiser before 25 days has passed. The appraiser must document the reason or reasons for the extension in their file.

The amount of loss must be determined either by agreement of the appraisers or by agreement of one appraiser and the umpire. An agreement of any two is binding.

Each party is responsible for their appraisal expenses, and each party is equally responsible for the cost of the umpire."

(2) For purposes of this section, the following definitions apply:

(a) "Appraiser" means a person selected by the insurer or the insured to place a value on or estimate the amount of loss under an appraisal clause in an insurance contract;

(b) "Competent" means the person has subject matter expertise, relevant training, and experience to make decisions and valuations relating to the amount of loss;

(c) "Disinterested" means the person does not have a direct financial interest in the outcome of the appraisal process; and

(d) "Umpire" means a person selected by the appraisers representing the insurer and the insured, or, if the appraisers cannot agree, by the commissioner, who is charged with resolving issues that the appraisers are unable to agree upon during the course of an appraisal.

(3) The commissioner may adopt rules as necessary to implement this section."

Correct the title.

Signed by Representatives Walen, Chair; McClintock, Ranking Minority Member; Abbarno; Berry; Donaghy; Fosse; Kloba; Morgan; Reeves; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Steele; and Volz.

MINORITY recommendation: Without recommendation. Signed by Representatives Dufault, Assistant Ranking Minority Member; and Corry.

Referred to Committee on Rules for second reading

There being no objection, the bills listed on the day's first and second supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House adjourned until 9:55 a.m., Thursday, April 3, 2025, the 81st Day of the 2025 Regular Session.

LAURIE JINKINS, Speaker

BERNARD DEAN, Chief Clerk

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